

AN ACT

To amend the Law relating to Education.

[17th December 1872.]

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:—

1. This Act shall be called and may be cited as "*The Education Act 1872*," and shall come into operation on the first day of January One thousand eight hundred and seventy-three.

Title of Act.

2. The Act No. CXLIX. shall be repealed from the thirty-first day of December One thousand eight hundred and seventy-two, and all regulations thereunder shall thenceforth cease to have any effect.

Repeal of Act No. 149.

3. In the construction and for the purposes of this Act the following terms shall if not inconsistent with the context or subject-matter have the respective meanings hereby assigned to them, that is to say :—

Interpretation clause.

"Board of Education" shall mean the Board which existed under the repealed Act No. CXLIX.

"Denominational body" shall mean any church religious body sect or congregation, or the members of any church formed into or acting as a body of persons for religious purposes of what kind of faith or form of belief soever.

"Minister" or "Minister of Public Instruction" shall mean the responsible Minister of the Crown administering this Act.

"State School" shall mean a school conducted in a building vested in the Minister of Public Instruction and his successors in fee or for any lesser estate and shall include training school rural school night school and any other special school for which regulations may be made.

"Standard

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“Standard of Education” shall mean and include competency in reading writing and arithmetic to the satisfaction of an Inspector of Schools.

The term “Parent” includes guardian and every person who is liable to maintain or has the actual custody of any child.

The term “Teacher” includes assistant teacher pupil teacher sewing mistress and every person who forms part of the educational staff of a school.

4. No money voted for the purposes of this Act shall be paid in or towards the support of any school except for the purposes hereinafter expressly provided. And no Crown lands shall be reserved or granted for the site of a school or college after the passing of this Act except the same be vested in the Minister, and so much of section six of No. CCCLX. as relates to the reservation of sites for schools or colleges shall be and the same is hereby repealed.

Money voted how expended.

Lands to vest in Minister.

Repeal of sec. 6 No. 360.

5. For the better carrying out of the provisions of this Act an Education department shall be formed, to consist of a Minister of Public Instruction, who shall be a responsible Minister of the Crown, a Secretary, an Inspector-General, inspectors, teachers, and such other officers as may be deemed necessary, and such Secretary, Inspector-General, inspectors, teachers, and other officers shall be appointed and removed by the Governor in Council.

Education department.

Appointment and removal of officers.

6. All property which may be acquired for the purposes of this Act shall be conveyed to the Minister and his successors, and all property vested in or belonging to the Board of Education at the commencement of this Act shall from and after the appointment of the first Minister of Public Instruction vest in such Minister and his successors for the time being administering this Act, and every such Minister for the time being may sell or otherwise dispose of any such property and may do and execute all necessary acts deeds and assurances for that purpose, and the proceeds of every such sale or disposition shall be paid into the consolidated revenue.

Minister of Public Instruction to hold property.

7. No action or suit shall be brought or maintained against any person who shall be or shall have been a Minister of Public Instruction for any nonfeasance or misfeasance in connection with the duties imposed upon him by this Act.

No action or suit shall be maintained against the Minister of Public Instruction.

8. State schools may from time to time be established extended and maintained in such places as may be deemed desirable, and for that purpose any existing school building which at the time of the commencement of this Act was receiving aid from the Board of Education but was not vested in the said Board, may be purchased or leased from year to year, and any State school may be discontinued and the property connected therewith sold or leased.

Power to establish and discontinue State schools and to sell property.

9. Trustees holding lands in trust for school purposes, or a majority of such trustees, may and are hereby authorized to sell or let from year to year to the Minister of Public Instruction such lands and any buildings erected thereon upon such terms as may be agreed upon,

Trustees of school lands empowered to sell or let from year to year.

any

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any condition or restriction against alienation notwithstanding, and the purchase money or rent paid for any such lands or buildings shall be applied for the purposes of the denominational body if any beneficially interested therein in such manner as the denominational body may deem most beneficial.

10. The trustees, committee of management, or correspondent as the case may be of every non-vested school receiving aid from the Board of Education at the commencement of this Act shall be entitled to receive for the free education of children attending such school in the subjects specified in the First Schedule hereto a sum equivalent to what such school would receive if it were a State school until the first of January One thousand eight hundred and seventy-four, and no longer : After that period in localities where there may be no State schools or an insufficient number, and then only until State schools can be established, an arrangement may be made with any non-vested school for the free education of children in the subjects specified in the First Schedule hereto for a sum to be agreed upon at a capitation rate, not exceeding the average cost of such education in the nearest State school ; but no arrangement shall be entered into or continue after a period of five years from the commencement of this Act.

Aid to non-vested schools until first January 1874.

First Schedule.

An arrangement for a capitation payment in certain cases.

11. All lands which at the commencement of this Act had been granted by the Crown without receiving any purchase money, or reserved by the Crown permanently or temporarily for school purposes, may subject to the provisions for the disposal of lands in the Act No. CCCXCI. be disposed of by the denominational body to or for the benefit of which such lands may have been granted or reserved, and the proceeds of disposition applied for the purposes of such denominational body in such manner as the denominational body may deem most beneficial.

How the land upon which non-vested schools are erected may be disposed of.

12. In every State school secular instruction only shall be given and no teacher shall give any other than secular instruction in any State school building and in every school used under this Act not being a training school night school rural school or other special school four hours at least shall be set apart during each school day for secular instruction alone, and of such four hours two shall be before noon, two after noon, which shall in each case be consecutive ; but nothing herein contained shall prevent the State school buildings from being used for any purpose on days and at hours other than those used for secular instruction.

Four hours' secular instruction to be given. No. 149, sec. 11.

13. The parents of children of not less than six years nor more than fifteen years shall cause such children (unless there is some reasonable excuse) to attend school for a period of sixty days in each half year. Any of the following reasons shall be a reasonable excuse:—

Children of school age to be instructed.

What will be deemed a reasonable excuse.

(I.) That a child is under efficient instruction in some other manner:

(II.) That the child has been prevented from attending school by sickness, fear of infection, temporary or permanent infirmity, or any unavoidable cause:

(III.) That

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(III.) That there is no State school which the child can attend within a distance of two miles, measured according to the nearest road from the residence of such child :

(IV.) That the child has been educated up to the standard.

In the event of any child on the roll of a school being unable to attend for any reason the parent shall inform the master of the school of the same.

14. The parent of any child who neglects to send such child to school as provided in the last section may be summoned by any person authorized by the Minister or the local Boards of Advice before a justice, and on conviction of such offence shall forfeit and pay a sum not exceeding Five shillings for a first offence and Twenty shillings for every succeeding offence, or in default may be imprisoned for a term not exceeding seven days.

Parent neglecting to send a child to school to be liable to a penalty.

15. The Governor in Council may constitute and define school districts containing one or more State schools, and in any such district a Board of Advice shall be elected in the manner hereinafter provided : Each such board of advice shall consist of not less than five nor more than seven persons one of whom shall be the correspondent, and the members of every such board shall hold office for a period of three years, but any member may be at any time removed by the Governor in Council. Vacancies in boards of advice shall be filled up in the same manner as is herein provided for the first election. The duties of such boards shall be:—

School districts constituted.

Boards of advice appointed.

Duties defined.

(I.) To direct with the approval of the Minister what use shall be made of school buildings after the children are dismissed from school or on days when no school is held therein; to suspend any school teacher for misconduct and report the cause of such suspension to the Minister :

(II.) To report on the condition of the schools, as to the premises and their condition, whether new schools are required, and as to books, furniture, gymnastic appliances, or other requirements :

(III.) To visit the schools from time to time, and to record the number of children present, and their opinion as to the general condition and management of the schools :

(IV.) To use every endeavour to induce parents to send their children regularly to school, to compare the attendance of children at school with the roll for the school district, and to report the names of parents who fail or refuse to educate their children or to send them to school :

(V.) To recommend the payment by the Education Department of school fees or the grant of a scholarship or exhibition in the case of any child displaying unusual ability.

16. Every such Board of Advice shall be elected by the ratepayers residing in the school district in manner to be provided by regulations of the Governor in Council, and where from any cause a Board of Advice is not elected in any district the Governor in Council may appoint a Board of Advice for such district.

Boards of advice elected by ratepayers.

17. For

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17. For the free instruction of all children attending school in the subjects specified in the First Schedule hereto, teachers of State schools shall be paid such salary and remuneration by way of results as shall be fixed by regulations : For instruction in other branches fees shall be charged to the parents in accordance with a scale to be fixed, and the teacher shall be entitled to such fees subject to a percentage to be deducted, which shall be applied as a fund for the payment of the teachers by way of results.

Teacher to be paid by salary and fees and payment by way of results. First Schedule.

18. The Governor in Council may from time to time make and rescind regulations for all or any of the following purposes : For regulating the terms upon which school buildings may be used as aforesaid, the conditions under which exemptions from payment of fees scholarships or exhibitions may be granted the secular instruction to be given in all schools under this Act, the system upon which the standard of education shall be determined, the drilling of children and gymnastic exercises, the inspection of schools, the examination and classification of teachers, the salaries to be paid to teachers, the payments by way of results, the scale of fees to be paid by parents, the distribution of such fees amongst the teachers, and the deduction and appropriation of a percentage thereof for payments by way of results, the capitation fees to be paid to non-vested schools for the education of children under the provisions hereinbefore contained, and generally for carrying this Act into effect : all such regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be then sitting, and if Parliament be not sitting, then within fourteen days after the commencement of the next sitting of Parliament.

Regulations may be made or rescinded.

Regulations to be laid before Parliament.

19. An annual report of the condition of the schools under this Act shall be laid before both Houses of Parliament in the month of March in each year, if Parliament be then sitting, and if Parliament be not then sitting, then within one month after the commencement of the next ensuing session thereof.

Annual report to be laid before Parliament.

20. When any child is educated up to the standard of education required by this Act such child shall receive a certificate in the form in the Second Schedule hereto.

Certificate that child is educated.

Second Schedule.

21. Notwithstanding anything to the contrary contained in this Act all teachers who have been classified under the Act CXLIX. shall on being employed under this Act be entitled without examination to a classification equal to that enjoyed by them under such Act.

Classification of teachers to hold good in certain cases.

22. Any officer who shall be employed in the Education Department or teacher who shall be employed in any State school upon having served fifteen years under this Act or partly under this Act and partly under any law previously in force, shall be entitled to a retiring allowance on the same basis as may hereafter be provided for members of the public service.

Retiring allowance to teachers.

23. Any person may collect raise or give a sum of money towards founding a scholarship or exhibition in connection with any State school,

Scholarships or exhibitions may be founded in connection with any State school.

and

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and money or land or both may be bequeathed for that purpose. In every the money shall be invested in Victorian Government stock. Every such arship or exhibition shall be open to any child on the roll of such school. In vent of any school for which a scholarship or exhibition is founded being ntinued the Minister may direct that the scholarship or exhibition shall attach me other State school.

SCHEDULES.

FIRST SCHEDULE.

Reading,
Writing,
Arithmetic,
Grammar,
Geography,

Drill and, where practicable, Gymnastics;
and
Sewing and Needlework in addition for
Girls.

Sections 10 and
17.

SECOND SCHEDULE.

CERTIFICATE OF A CHILD BEING SUFFICIENTLY EDUCATED.

Section 20.

I hereby certify that
of education required by "*The Education Act 1872.*"
Dated at Melbourne this day
of , A.D. 18 .

has been educated up to the standard

(L.S.) Inspector.

[I hereby certify that the above fair
print of the Bill intituled
"An Act to Amend the Law relating
to Education," is the Bill to which
the Legislative Council and
Legislative Assembly of Victoria
have agreed.

[In the name and on behalf of Her
Majesty I assent to this Act

Canterbury.

G W Rusden
Clerk of the Parliaments.]

Governor.]

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