

EDUCATION

No. 4 of 1964.

An Ordinance to amend the *Education Ordinance*
1937-1959.

1.—(1.) This Ordinance may be cited as the *Education Ordinance* 1964.* Short title and citation.

(2.) The *Education Ordinance* 1937-1959† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Education Ordinance* 1937-1964.

2. Section four of the Principal Ordinance is repealed and the following section inserted in its stead:—

“ 4. This Ordinance is divided into Parts, as follows:— Parts.

Part I.—Preliminary (Sections 1-7).

Part II.—Compulsory Attendance at Schools (Sections 8-19).

Part III.—Certified Schools (Sections 20-29).

Part IV.—Miscellaneous (Sections 31-37).”

3. Section five of the Principal Ordinance is amended by inserting, before the definition of “the Court”, the following definition:— Definitions.

“ ‘Inspector of Schools’ means a person performing in the Territory the duties of an Inspector of Schools under the Public Instruction Act of 1880 of the State of New South Wales in its application to the Territory;”

4. Section nine A of the Principal Ordinance is amended by omitting from paragraph (b) of sub-section (2.) the words “the prescribed person or authority” and inserting in their stead the words “an Inspector of Schools”. Employment of children under school leaving age.

5. Section ten of the Principal Ordinance is amended by omitting from paragraph (c) the words “the prescribed person or authority” and inserting in their stead the words “an Inspector of Schools”. Defence in prosecutions under sections 8 and 9.

* Made on 24 March, 1964; notified in the *Commonwealth Gazette* and commenced on 9 April, 1964.

† Ordinance No. 25, 1937, as amended by No. 23, 1938; No. 6, 1942; No. 12, 1947; No. 5, 1952; No. 11, 1956; No. 11, 1958; and No. 21, 1959.

Exemption
certificates.

6. Section sixteen of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “The prescribed person or authority” and inserting in their stead the words “An Inspector of Schools”; and
- (b) by omitting from paragraph (d) of that sub-section the words “by the prescribed person or authority” and inserting in their stead the words “by the Inspector of Schools”.

Truants.

7. Section eighteen of the Principal Ordinance is amended—

- (a) by omitting from sub-section (7.) the words “while the Agreement set forth in the Schedule to the *Child Welfare Agreement Ordinance* 1941 or any Agreement in substitution for that Agreement is in force” and inserting in their stead the words “while the Agreement and the Supplemental Agreement set forth in the First and Second Schedules to the *Child Welfare Agreement Ordinance* 1941-1962 are in force”; and
- (b) by omitting from sub-section (10.) the words “in the Schedule to the *Child Welfare Agreement Ordinance* 1941” and inserting in their stead the words “in the First Schedule to the *Child Welfare Agreement Ordinance* 1941-1962”.

Definition of
“school”.

8. Section twenty of the Principal Ordinance is amended by omitting paragraph (b) and inserting in its stead the following paragraph:—

- “(b) the School of General Studies within the Australian National University;”.

Inspection of
schools.

9. Section twenty-three of the Principal Ordinance is amended by omitting the words “by the prescribed person or authority, and, where that person or authority” and inserting in their stead the words “by an Inspector of Schools, and, where the Inspector of Schools”.

Inefficient
schools.

10. Section twenty-four of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1.) the words “the prescribed person or authority” and inserting in their stead the words “If an Inspector of Schools”; and

- (b) by omitting from sub-section (3.) the words "The prescribed person or authority may" and inserting in their stead the words "An Inspector of Schools may".

11. Section twenty-six of the Principal Ordinance is amended—

Certificate may be limited.

- (a) by omitting from sub-section (1.) the words "children up to a certain age only, as is prescribed," and inserting in their stead the words "children up to the school leaving age"; and
- (b) by omitting from that sub-section the words "by the prescribed person or authority" and inserting in their stead the words "by an Inspector of Schools".

12. Section twenty-nine of the Principal Ordinance is amended by omitting from sub-section (1.) the words "The prescribed person or authority may" and inserting in their stead the words "An Inspector of Schools may".

Inspection of school buildings.

13. Section thirty-five of the Principal Ordinance is repealed and the following sections are inserted in its stead:—

"35. The Minister may, in his discretion, make provision for the conveyance of students to and from any school in the Territory, and for that purpose may—

Conveyance of students to and from school.

- (a) provide vehicles;
- (b) provide grants in aid of conveyance;
- (c) issue travel warrants; and
- (d) determine in what cases the travelling expenses of a student to and from school may be paid.

"35A. The Minister may grant bursaries, exhibitions, free places, prizes, scholarships or other forms of assistance or reward to be used for the benefit of a student at a school, college or university in the Territory on such terms and conditions as the Minister determines.

Minister may grant scholarships, &c.

"35B. A person administering a trust fund or trust property established for the creation of a bursary, exhibition, free place, prize, scholarship or other form of assistance or reward to be used for the benefit of a student at a school, college or university in the Territory or for educational purposes generally may transfer the fund or trust property to the Commonwealth.

Educational trust funds, &c., may be transferred to Commonwealth.

Conditions on which Minister may accept gifts, &c., for educational purposes.

“ 35c.—(1.) Where a person—

- (a) gives or bequeaths a sum of money or gives, devises or bequeaths property to the Commonwealth for the purpose of establishing or aiding the endowment of any of the forms of assistance or reward mentioned in section thirty-five A of this Ordinance; or
- (b) transfers a trust fund or trust property to the Commonwealth in pursuance of the last preceding section,

the Minister shall give consideration to the wishes of the donor of the gift or of the creator or transferor of the trust fund or trust property, as the case may be, concerning the creation, maintenance or naming of the gift or of the trust fund or trust property.

“ (2.) Notwithstanding anything to the contrary, the Minister may, in his discretion, alter or modify the terms of creation or maintenance of a gift that has been made or of a trust fund or trust property that has been transferred to the Commonwealth under this Part.

“ (3.) Where the Commonwealth accepts a gift or the transfer of a trust fund or trust property under this Part, the Minister may, in addition to any other powers conferred on him by the donor of the gift or by the creator or transferor of the trust fund or trust property—

- (a) sell, invest or exchange the whole or any part of the gift or of the trust fund or trust property;
- (b) invest the whole or any part of the proceeds of sale of the gift or trust property;
- (c) apply the whole or any part of the gift or of the trust fund or trust property towards any of the purposes contained in that section; or
- (d) execute deeds and grant releases,

on behalf of the Commonwealth.

“ (4.) Notwithstanding anything to the contrary, the Minister shall not be deemed to be a trustee of any gift made or of any trust fund or trust property transferred to the Commonwealth under this Part.”.

14. Section thirty-seven of the Principal Ordinance is repealed and the following section inserted in its stead:—

Regulations.

“ 37. The Minister may make regulations, not inconsistent with this Ordinance, prescribing all matters required or permitted by this Ordinance to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.”.