

T A S M A N I A.



1868.

ANNO TRICESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 14.



AN ACT to make provision for the better Education of the People of *Tasmania*.

[17 September, 1868.]

WHEREAS it is expedient to make provision for the better Education of the people of *Tasmania*: Be it therefore 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:—

PREAMBLE.

1 In the interpretation of this Act the following words shall have the respective meanings hereby assigned to them, unless inconsistent with, or repugnant to, the context:—

Interpretation.

“Parent” shall mean the Father of any Child, or in case the Father is dead then the Mother of such Child, or in case the Child is in the custody of a Guardian then the Guardian of such Child.

“Board” shall mean the Board of Education established under this Act.

Constitution of “The Board of Education.”

2 The Governor in Council may, from time to time, appoint not more than Seven persons as and to be a body politic and corporate by the style of “The Board of Education.”

Appointment of Members.

3 No person shall continue to be a Member of the Board for more than Two years unless re-appointed by the Governor in Council, and

Vacation of office by Members.

Public Schools Act.

the Governor in Council may at any time remove any Member from the Board ; and any Member who fails for a period of Six months to attend a Meeting of the Board shall *ipso facto* cease to be a Member thereof.

Governor in Council may fill up vacancies.

4 The Governor in Council may, from time to time, fill any vacancy which may occur in such Board by death, resignation, or otherwise.

Quorum.

5 Any Three Members of the said Board shall form a Quorum at any Meeting of the Board.

Powers and Duties of Board.

Board may sue, hold lands, &c.

6 The Board shall by its corporate name have perpetual succession, and be capable in law to sue and be sued in all Courts, and to take, purchase, and hold land and personal estate, and, with the consent of the Governor in Council, to alienate the same for any estate, term, or interest, and to do and suffer all acts as a body corporate under the provisions of this Act, and shall have a common Seal.

Duties of the Board.

7 The Duties of the Board shall be,—

- (1.) To frame Regulations for the distribution of all moneys granted by the Legislature for the purposes of Public Education.
- (2.) To determine the localities in which Public Schools shall be established or maintained.
- (3.) To frame Regulations for the inspection of Schools, and the examination and classification of Teachers ; to determine upon the course of instruction to be adopted in the Schools.
- (4.) To fix the maximum fees to be charged to parents and others who send children to the Public Schools.
- (5.) To recommend to the Governor in Council for appointment such Officers as may be necessary to carry out the provisions of this Act, and in like manner, from time to time, to recommend the removal of any such Officer.
- (6.) To regulate the functions and duties of Local School Boards.
- (7.) To regulate the issue of Certificates of competency to Teachers.
- (8.) To see that the moneys provided by the Legislature for the purpose of Public Education be applied to the objects for which they were granted.

Regulations.

Regulations.

8 No Regulation framed by the Board shall be of any force or effect until the same has been submitted to and approved by the Governor in Council ; and every Regulation so approved shall be published in the *Gazette*, and shall thereupon have the force of law ; and the Governor in Council may from time to time, by notice in the *Gazette*, rescind any such Regulation : Provided, that all such Regulations shall be laid upon the Tables of the Legislative Council and of the House of Assembly as soon after they are passed as circumstances will permit.

*Public Schools Act.**Property vested in Board.*

9 All land now vested in any Trustees for the purposes of public education in this Colony, under the direction of the Government, shall be and the same is hereby vested in "The Board of Education" for the same estate and interest as such Trustees now hold the same.

Land vested in Trustees to vest in Board.

Reserves of Land for Schools.

10 In every Town that may hereafter be laid out on Crown land a piece of land of at least Five acres in extent shall, on the application of the Board, be reserved as a School Allotment, and thereupon the same shall become and be vested in the Board for the purposes of this Act; and in every Township already laid out, in case there is no reserve for school purposes, the Commissioner of Crown Lands shall, on the application of the Board and with the consent of the Governor (in Council), reserve and mark out an allotment not exceeding Five acres for school purposes, and the same shall thereupon become and be vested in the Board.

Land to be reserved.

Inspectors.

11 The Governor in Council shall from time to time appoint a Chief Inspector of Schools, and if he sees fit one or more Inspectors, who shall respectively hold office during pleasure.

Inspectors.

Local Boards.

12 In every locality in which a Public School is established the Governor in Council shall annually, on the application of the Board, appoint any number of duly qualified persons, not exceeding Nine, as and to be a Local School Board, and any of such persons may be removed by the Governor in Council at pleasure.

Local School Board.

Attendance of Children at Public Schools enforced in certain cases.

13 Subject to the provisions of this Act, the parent of every child between Seven and Twelve years of age shall, in case such child lives within the distance of One mile from a Public School named in the Schedule, send such child to school.

Children between 7 and 12 must be sent to school.

14 The Board of Education may, by Resolution, declare that it is desirable that any other Public School than those named in the Schedule should be added to the said Schedule; and such Schedule shall be laid upon the Tables of both Houses of Parliament at their next sitting, and after being for Thirty days on the Table of each House of Parliament such School shall for all purposes be deemed to be inserted in the Schedule to the Act, unless either House by Resolution declare the contrary.

Other Public Schools may be added to Schedule (B).

15 The parent of any child may apply for and receive a Certificate from the Local School Board exempting such child from attendance, in whole or in part, at a Public School under the Board of Education, upon satisfying the Local Board of the existence of any one of the following grounds; viz.—

Exemptions from attendance.

(1.) That such child is being privately educated in reading and writing.

(2.) That such child is sent to a Public or Private School.

Public Schools Act.

- (3.) That the health of such child renders it unable to attend school.
- (4.) That the parents cannot do, in whole or in part, without the labour of such child.
- (5.) That such child can read and write.
- (6.) That such child cannot safely attend school.

And every such Certificate of Exemption shall state the ground of exemption, and shall be in force for a period of One year, or for such shorter period as may be named in such Certificate; and during the period named in such Certificate the holder thereof shall be freed from the operation of the provisions of this Act in respect of the child named therein.

Local Board to call on parents to send children.

16 In case any Local School Board ascertains that any child between the ages of Seven and Twelve years, and resident within the distance of One mile from a Public School named in the Schedule B., does not attend school, any member of such Board may give the parent of such child notice in writing, in the form or to the effect in the Schedule, calling upon such parent to send such child to school.

Parent refusing to send child to School may be summoned before a Justice.

17 If the parent of any child between the ages of Seven and Twelve years, resident within One mile from a Public School named in the Schedule B, and not holding any Certificate of Exemption in respect of such child, refuses or neglects to send such child to such Public School after having been called upon in manner aforesaid to do so, then and in every such case the parent of such child may be summoned before any Two Justices of the Peace, who may order such parent to send such child to the said school, and may determine whether such child shall be admitted free from all charge, or what sum per week, not exceeding the maximum rate to be fixed by such General Regulations as aforesaid, shall be paid by such parent to the Master of such School for the education of such child.

Punishment of Parent having been ordered to send child to School.

18 In case any parent, after having been ordered as aforesaid by any Two Justices of the Peace to send any child to a Public School named in the Schedule B., neglects to obey such order, or having obeyed the same for a time without sufficient cause ceases to do so, such parent shall forfeit a sum not exceeding Forty Shillings, to be enforced by distress only and not by imprisonment.

Religion.

No religious test.

19 No child shall be refused admission to any Public School on account of the religious persuasion of such child.

Destitute Children.

Education of destitute children.

20 Notwithstanding any Regulation for the payment of School Fees, any child whose parent is unable to pay such Fees shall not on that account be refused admittance into a Public School, but shall, on such inability being shown in such manner as the Board deems reasonable, be received and instructed in the same manner as the other pupils attending such school.

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Fees.

21 No child shall be refused admission to a Public School on account of the neglect or refusal of the parent of such child to pay the Fees due to the Teacher of any Public School for the education of such child, but all Fees so due may be recovered in a summary way before any Justice of the Peace in the name of "The Board of Education," upon the complaint of the Teacher or of any person authorised by him in that behalf.

Child not to be excluded for non-payment of fees.
Recovery of School-fees.

Discontinuance of Aid from Public Funds.

22 When in any Public School the average daily attendance of Scholars shall have fallen for a period of Six months below the number of Twenty, such school shall *ipso facto* cease to receive aid from the public funds: Provided that the Governor in Council may, upon the recommendation of the Board, authorise the continuance of aid under such restrictions and for such a time as he may think fit.

School must have 20 pupils.

Existing Schools.

23 All Public Schools in operation, at the time this Act takes effect, under the Government, through the medium of the body hitherto known as "The Board of Education," shall be deemed to be, and be, Public Schools within the meaning of this Act.

Existing Government Schools to be Public Schools.

Legal Proceedings.

24 All proceedings for School-fees, or penalties under this Act, may be had and taken in the manner prescribed by *The Magistrates Summary Procedure Act*; and in any information or complaint the allegation that a child is between the ages of Seven and Twelve years shall be deemed sufficient *prima facie* evidence of the fact until the contrary is proved; and in every case the father and mother of any child may be witnesses.

Proceedings under 19 Vict. No. 8.

25 This Act may be cited as "The Public Schools Act."

Short Title.

Public Schools Act.

SCHEDULE.

(A.)

To

YOU are hereby required to send your Child [*or Children*] between the ages of and years to School at ; and if you fail to do so, you will be summoned before Two Justices of the Peace to answer for such neglect.

If your Child is being privately educated in reading and writing, or (2) if it is being educated at a Public or Private School, or (3) if its health is such that it cannot attend school, or (4) if you cannot do in whole or in part without its labour at home, or (5) if it can read and write, (6) or if such Child cannot safely attend School, and will satisfy the Local School Board of any of these facts, you will receive a Certificate exempting you from sending your Child to School.

In case you are unable to pay the School-fees, on appearing before Two Justices they will determine whether your Child shall be admitted at the Public School free of charge, or what sum per week, not exceeding , shall be paid to the Master of the School for the education of your Child.

Dated this day of 18

A. B.

A Member of the Local School Board.

(B.)

BOARD OF EDUCATION, TASMANIA.

LIST OF PUBLIC SCHOOLS.

No.	School.	No.	School.
1	Bathurst-street	24	Hamilton.
2	Battery Point	25	Swansea.
3	Goulbourn-street	26	Glen Gala.
4	Harrington-street	27	Lisdillon.
5	Macquarie-street	28	Elizabeth-street.
6	Murray-street	29	Frederick-street.
7	Trinity Hill	30	Margaret-street.
8	Bridgewater.	31	Campbell Town.
9	New Town.	32	Ross.
10	O'Brien's Bridge.	33	Deloraine.
11	Sandy Bay.	34	Stanley, Circular Head.
12	New Norfolk.	35	Longford.
13	Bagdad.	36	Perth.
14	Black Brush.	37	Cressy.
15	Green Ponds.	38	Exton.
16	Pontville.	39	Hagley.
17	Kangaroo Point.	40	Queenston.
18	Richmond.	41	Westbury.
19	Sorell.	42	Franklin.
20	Jericho.	43	Torquay.
21	Mona Vale.	44	Latrobe.
22	Oatlands.	45	George Town.
23	Bothwell.	46	Low Heads.



BOARD OF EDUCATION, TASMANIA.

FUNCTIONS AND DUTIES OF LOCAL PUBLIC SCHOOL BOARDS.

THE Local Public School Boards shall take measures to carry out the provisions of the 13th, 15th, 16th, and 17th Sections of "The Public School Act," 32 Viet. No. 14, and shall regularly visit and report upon the School placed under their supervision; and shall also exercise the following functions:—

1. To take care that School Buildings are not used for any purpose contrary to the Rules and Regulations of the Board of Education.
2. To report to the Board of Education any want of repair in the School Buildings, or insufficiency of accommodation, suitable furniture, or School apparatus.
3. To take precautions for excluding from the School all books not sanctioned by the Board of Education.
4. To inspect periodically the School Registers and Records, and to countersign the Returns made to the Board of Education.
5. To use their influence with parents to induce them to send their children regularly to School.
6. To enquire into cases in which parents state their inability to pay the regulated amount of School Fees, and if satisfied of such inability, to fix at their discretion any smaller amount, being not less than Three-pence per child per week; and in the event of the inability of parents to pay such reduced rate being established to their satisfaction, to give to the parents of such children an order for their admission into the School as Free Scholars.
7. To report to the Board of Education any occasion upon which the School is not open on all the usual School Days, and when the Teachers are not present at their work.
8. To investigate any complaints brought before them against the Teacher, and to report upon the same to the Board of Education, and also to report any breaches of the Rules and Regulations which may come under their notice.

HENRY BUTLER, *Chairman.*

Hobart Town,

John Murray 186 9