



ANNO QUADRAGESIMO PRIMO ET QUADRAGESIMO
SECUNDO.

VICTORIÆ REGINÆ.

A.D. 1878.

No. 122.

An Act to Amend the Education Act, 1875.

[Assented to, 30th November, 1878.]

WHEREAS it is desirable to amend "The Education Act, 1875"— Preamble.
Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said province, in this present Parliament assembled, as follows:

1. The Council of Education is hereby dissolved, and all duties or obligations which by "The Education Act, 1875," or the "Education Act Amendment Act, 1877," are imposed upon the Council, and all powers, rights, privileges, and authorities which by the said Acts are conferred upon, or may be exercised by, the Council, shall hereafter be performed, had, and exercised by such Member of the Executive Council as for the time being shall have control over the Education Department, and such Member of the Executive Council, and his successors, shall be for the purposes of the said Acts, and of this Act, a body politic and corporate under the name or title of the "Minister controlling Education," and shall and may by that name or title sue and be sued, plead and be impleaded, in all courts, whether of law or equity, and before all justices, and shall have perpetual succession and a common seal; and all lands, hereditaments, whether corporeal or incorporeal, moneys, chattels, goods, and choses in action respectively, vested in, or belonging to the Council for the purposes of the said Acts, shall hereafter, according to the quality thereof, vest in or belong to the "Minister controlling Education" in his corporate capacity, and his successors, in trust, for the purposes of the said Acts. Council of Education abolished, and Minister controlling Education, who is to be a body corporate, substituted.

2. In

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Interpretation of
"school" in sections
20 and 21 of the
Education Act, 1875.

2. In the construction of, and for the purposes of, sections 20 and 21 of "The Education Act, 1875," the word "school" shall mean any public school established under the authority of the said Act, or any school which may hereafter be found "efficient," as hereinafter provided.

Schools, how to
be found "efficient."

3. The proprietor, head master, or principal teacher of any school, not being a public school established under the authority of the Education Act, 1875, may apply to the Minister controlling the Education Department to have such school found "efficient" for the purposes of sections 20 and 21 of the said Act. And upon such application being made, the said Minister shall cause such school to be inspected by some inspector of schools; and if on inspection such school shall be found to be efficient as to discipline and means of imparting instruction, the said Minister shall cause such school to be included in a list of schools that have been inspected and found efficient for the purposes of sections 20 and 21 of the said Act, and the said Minister shall cause a copy of such list, with the names of the proprietors, head masters, or principal teachers of such school, to be published from time to time at intervals of not more than twelve months in the *Government Gazette*: And the said Minister may, from time to time, cause any school so found to be "efficient" to be inspected by an inspector of schools, and may remove from the list aforesaid any school that shall at any time be found on inspection not to be efficient as to discipline and means of imparting instruction; and any school so removed from the list aforesaid shall thereupon cease to be "efficient" for the purposes of sections 20 and 21 of "The Education Act, 1875": Provided that the said Minister may, if he be satisfied that any school is efficient as to discipline and means of imparting instruction, certify that such school is efficient without inspection; and upon any school being so certified, notice thereof shall be published in the *Government Gazette*.

Amendment of Section
20 of Education Act.

4. The words "seventy days in each half-year," in the 20th section of the said Act, are hereby repealed, and there shall be substituted in lieu thereof the words following—"Thirty-five school days in each quarter of a year."

Census of school dis-
tricts may be taken.

5. The said Minister, from time to time, may cause an educational census to be taken of any school district constituted under the authority of the Education Act, 1875, and upon notice of such census appearing in the *Government Gazette*, the said Minister shall appoint some person to call at every house within such school district, and every householder shall thereupon give such information to such person as may enable him to fill up the form of return in the First Schedule hereto; or, if from any cause such information be not then given, such person may thereupon leave at the house of any householder neglecting to give such information a copy of such form of return, and after the expiration of seven days call for the same; and every householder at whose
house

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house such form of return has been left shall, within seven days, fill up the same, or cause it to be filled up, and return it when called for; and, whenever and as often as any householder shall neglect to fill up such form of return, or cause the same to be filled up, and to return the same when called for, or wilfully fill the same up with an untrue statement, or give false information to such person aforesaid, he shall, on conviction, before a justice of the peace, forfeit and pay a sum not exceeding Five Pounds, and in default of the payment thereof he shall be liable to a term of imprisonment not exceeding one month.

6. The proprietor, head master, or principal teacher of every school not being a public school established under "The Education Act, 1875," or a school exclusively for the purpose of religious education, shall, within twenty-one days after the first day of January in each year, furnish to the said Minister a return, in the form in the Second Schedule hereto, showing the name in full, sex, age, and residence of every child between the ages of seven and thirteen years who had attended his or her school during each respective quarter of the preceding year, and also showing the number of days during each such quarter on which every such child shall have attended such school; and whenever and as often as any such proprietor, head master, or principal teacher shall neglect or refuse to furnish such return, or knowingly make a false statement therein, he shall, on conviction, before a justice of the peace, forfeit and pay a sum not exceeding Five Pounds.

Proprietors, &c., of schools to furnish statistics.

7. The Minister may contract or covenant respectively with the lessee under any existing lease, or any lease to be hereafter made under the authority of the "Education Act, 1875," or the "Education Act Amendment Act, 1877," for the payment by the said Minister, on the expiration of any such lease, for such permanent and substantial improvements as being prescribed by and subject to regulations hereafter to be framed in that behalf may be made by any such lessee on the lands thereby demised or let.

Minister may contract with lessees under existing or future leases for the payment for improvements.

8. Notwithstanding anything contained in the 24th section of the Education Act, 1875, the annual income derivable from the lands granted for endowment under the provisions of such section shall be applied by the Treasurer towards the erection of schoolhouses, payment of salaries, and other expenditure in carrying out the provisions of the said Act, but so that no such moneys shall be expended without the sanction of Parliament.

Income derived from endowed lands to be paid into Treasury.

9. Except in so far as the same are hereby altered, this Act, the said "The Education Act, 1875," and the "Education Act Amendment Act, 1877," shall be incorporated and read together as one Act.

Incorporation.

10. This Act may be for all purposes cited as "The Education Amendment Act, 1878."

Short title.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

WM. F. DRUMMOND JERVOIS, Governor.

SCHEDULES

Education Amendment Act.—1878.

SCHEDULES REFERRED TO.

FIRST SCHEDULE.

SOUTH AUSTRALIA.—Education Amendment Act, 1878.

Return of Children between the ages of Seven and Thirteen Years.

No.	Name of each child in full.	Sex.	Age.	Where under instruction—showing whether at home, or at private or public school.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

I, _____ of _____, certify the above to be a true return concerning all children between the ages of seven and thirteen years now residing in this dwelling-house.

Dated the _____ day of _____ 18 ____
 Witness [*if a marksman*].

To _____, residing at _____
 TAKE NOTICE, that this return will be called for on or after the _____ day of _____ 18 ____, and that any householder neglecting to fill it up by that day, and return it when called for, or wilfully filling it up with an untrue statement, or giving false information to the person leaving the same, is liable, on conviction, to a penalty not exceeding Five Pounds, or in default to one month's imprisonment.

Education Amendment Act.—1878.

SECOND SCHEDULE.

SOUTH AUSTRALIA.—The Education Amendment Act, 1878.

Return of Children between the ages of seven and thirteen attending School at

No.	Name in full.		Sex.	Age.	Name of Parent.	Occupation.	Residence.	Number of Days on which child has attended school during the last preceding year.					
	Surname.	Christian Name.						First Quarter.	Second Quarter.	Third Quarter.	Fourth Quarter.		

I, _____ of _____
 all children between the ages of seven and thirteen, who have attended
 preceding year.

Dated this _____

day of January, 18 _____

certify the above to be a true return concerning
 school during each respective quarter of the last

Proprietor, Head Master, or Principal Teacher.