



ANNO SEXTO

GEORGI VI REGIS.

A.D. 1942.

No. 24 of 1942.

An Act to amend the Education Act, 1915-1941, so as to provide for the licensing of private technical schools.

[Assented to 19th November, 1942.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. (1) This Act may be cited as the " Education Act Amendment Act, 1942 " Short titles.

(2) The Education Act, 1915-1941, as amended by this Act, may be cited as the " Education Act, 1915-1942 ".

(3) The Education Act, 1915-1941, is hereinafter called " the principal Act ".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Section 3 of the principal Act is amended by inserting after the twenty-third line thereof the following line :— Amendment of principal Act, s. 3—
Arrangement of Act.

Part VIA.—Licensing of Private Technical Schools.

4. The principal Act is amended by inserting therein after Part VI. the following Part :— Enactment of Part VIA of principal Act.

PART VIA.

LICENSING OF PRIVATE TECHNICAL SCHOOLS.

Interpretation.

59a. In this Part—

“ licence ” means licence issued under this Part and for the time being in force :

“ licensed ” means licensed by a licence :

“ proprietor,” when used in relation to a school, means the person who receives or is entitled to receive the fees paid for instruction in that school :

“ trade ” means—

(a) fitting, turning, plumbing, sheet metal work, panel beating, draftsmanship, engineering, engine-driving, motor mechanics, welding, carpentry, joinery, cabinet-making, french polishing, accountancy, bookkeeping, typewriting, shorthand, dress-making, domestic economy, cookery, laundry work ; and

(b) any other handicraft, trade or subject of instruction which, by any proclamation for the time being in force, is declared to be a trade for the purposes of this Part :

“ private technical school ” means premises in which any person teaches a trade for fee or reward.

The term does not include—

(a) The University of Adelaide ;

(b) the School of Mines and Industries of South Australia ;

(c) any school in which each of at least three-quarters of the students receives instruction in subjects other than trades for at least three-quarters of the total time during which he receives instruction ;

(d) any premises in which apprentices in receipt of wages prescribed by law are taught trades by their employers.

Correspondence schools.

59b. Where a trade is taught by correspondence, any premises from which written matter giving instruction in the trade is sent to pupils or to which written or other work done by pupils is sent for correction or examination, shall for the purposes of this Part be deemed to be premises in which that trade is taught, and to be a private technical school.

59c. The Governor may by proclamation from time to time vary the definition of "trade" contained in this Part by including therein or excluding therefrom any handicraft or trade.

Power to declare trades.

59d. (1) After the first day of June, nineteen hundred and forty-three, a person shall not conduct a private technical school—

Duty to obtain licence for private technical schools.

(a) unless he holds a licence authorizing him to do so :
or

(b) in any premises other than premises specified in a licence issued to him ; or

(c) if instruction is given in that school in any trade not specified in a licence which he holds in respect of that school.

(2) A person shall not teach a trade in a private technical school unless a licence in respect of that school is for the time being in force.

(3) For the purposes of this Part the person who receives or is entitled to receive the fees paid for instruction in a school shall be deemed to conduct that school.

(4) Any person who contravenes any provision of this section shall be guilty of an offence and liable to a fine of not more than one hundred pounds.

59e. (1) Every application for a licence shall be made to the Minister in the prescribed form by the proprietor of the school for which the licence is sought, or a person acting on his behalf.

Applications for licences.

(2) Every applicant for a licence shall furnish the Minister with all information indicated in the prescribed form and any other information which the Minister requires and which is relevant to the application.

59f. (1) Subject to this Part, if the Minister is satisfied that any school in respect of which a licence is applied for is provided with competent instructors, suitable accommodation and sufficient equipment for the teaching of the trades intended to be taught, and is furnishing or is prepared to furnish proper instruction in those trades, at reasonable fees, the Minister shall grant the applicant a licence to conduct that school as a private technical school for the teaching of those trades.

Grant of licence.

(2) Every licence shall be in the prescribed form.

Term and
renewal of
licence.

59g. Subject to this Part, every licence shall remain in force for three years next after it is granted, and the holder thereof shall be entitled from time to time to a licence in renewal of his previous licence: Provided that if the holder of a licence has failed to comply with this Act or any regulation under this Act, the Minister may cancel or suspend that licence or refuse to grant a licence in renewal of it.

Power to
inspect
private
technical
schools.

59h. (1) The Minister, or any person authorized by him in writing, may inspect any private technical school at any time while instruction is being given therein, and may inspect the business books and records of the school and all circulars, pamphlets, and other material used for advertising the school.

(2) Any person who obstructs the Minister or any such authorized person in making any such inspection or who refuses or neglects, upon demand, to produce to the Minister or any such authorized person any such business book or record or any such circular, pamphlet or other material, shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

Transfer of
licence.

59i. (1) A licence shall not be transferred without the consent of the Minister.

(2) Application for consent to transfer a licence shall be made to the Minister on the prescribed form; and the Minister may refuse any such application if in his opinion there is any reasonable cause for so doing.

Change of
school
premises.

59j. If the Minister is satisfied that the holder of a licence desires to conduct his school in any premises not specified in his licence (hereinafter called "new premises") either in addition to or substitution for the premises specified in his licence, and that the new premises are suitable for the instruction proposed to be given therein, he may by a written certificate of alteration alter the licence so as to make it apply to the new premises either in addition to or substitution for the premises specified in the licence.

Temporary
permits.

59k. (1) Where a private technical school has been licensed and the holder of the licence is dead, or incapacitated from conducting the school, or has sold the school, or for any other reason is unable to conduct the school the Minister may grant to any person a temporary permit to conduct the school.

(2) Every such permit shall remain in force for such period and contain such terms and conditions as the Minister determines.

(3) Subject to its terms and conditions, a permit shall while in force have the same effect as a licence and the holder shall be deemed to be the holder of a licence.

59l. In any proceedings for an offence against this Part— Evidence

- (a) the allegation in a complaint that a person was the proprietor of or conducted a private technical school on any day or between any days shall be *prima facie* evidence of that fact ;
- (b) the fact that a trade was taught in any premises at any time shall be *prima facie* evidence that those premises were a private technical school at that time.

59m. The Governor may, under the Public Service Act, 1936-1940, appoint officers to assist in the administration of this Part. Officers.

59n. The Governor may make regulations— Regulations.

- (a) requiring the proprietor of a private technical school to give such security as is prescribed for the due performance of any contracts which he makes with pupils or their parents or guardians ;
- (b) prescribing the accommodation and equipment to be provided in a private technical school, the means of instruction to be used, and the qualifications and number of instructors ;
- (c) prescribing the minimum number of hours or the minimum amount of instruction in any trade which shall constitute a course of instruction in a private technical school in that trade ;
- (d) prescribing the maximum fee which may be paid or received for a course of instruction in any specified trade in a private technical school, and prescribing the times or intervals at which, and the instalments in which, fees for any course of instruction in a trade shall be paid ;
- (e) prescribing the terms and conditions upon which money paid for or on account of instruction in a private technical school shall be either retained by the payee or be repayable to the payer

- (f) regulating advertisements relating to private technical schools, and prohibiting any specified methods of advertising private technical schools ;
- (g) regulating the sale or offering for sale of courses of instruction in private technical schools ;
- (h) prescribing the price at which material required by students at a private technical school may be sold to them by the proprietor or any person acting under arrangements made with the proprietor ;
- (i) regulating the sale of articles or commodities produced in private technical schools so that such schools may not compete unfairly with any factory or shop ;
- (j) fixing the fees payable on applications under this Part and for licences, permits or other documents issued under this Part ;
- (k) regulating the issue of certificates of competency or other like documents by private technical schools generally or by any specified private technical school, and prescribing fees for any such certificate or for any examination ;
- (l) providing for the making of returns and the furnishing of information to the Minister by the proprietors of private technical schools ;
- (m) generally, as to the conduct, operation and management of private technical schools, and as to examinations for certificates of competency, the manner, times, and places of holding such examinations, and the persons who shall act as examiners ;
- (n) prescribing penalties recoverable summarily and not exceeding twenty-five pounds for breach of any regulation.

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

C. M. BARCLAY-HARVEY. Governor.