



ANNO QUARTO

GEORGI VI REGIS.

A.D. 1940.

No. 38 of 1940.**An Act to amend the Education Act, 1915-1935.**

[Assented to 28th November, 1940.]

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

- Short titles.** **1.** (1) This Act may be cited as the " Education Act Amendment Act 1940 ".
- (2) In this Act the Education Act 1915-1935, is referred to as the " principal Act ".
- (3) The principal Act as amended by this Act may be cited as the " Education Act, 1915-1940 ".
- Incorporation.** **2.** This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.
- Commencement.** **3.** This Act shall come into operation on the first day of January, nineteen hundred and forty-one.
- Amendment of section 62 of principal Act—** **4.** Section 62 of the principal Act is amended so as to read as follows :—
- Instruction in schools.** **62.** (1) Subject to the other subsections of this section, only secular instruction shall be given in a public school.
- (2) Teachers shall give only secular instruction in public school buildings on days when the buildings are used for school purposes.

(3) Subject to the other subsections of this section, four and a half hours, at least, shall be set apart during each school day for secular instruction in every primary public school.

(4) Clergymen may attend every public school for the purpose of giving religious instruction to the children of the school for one half hour in each week during the regular session of the school.

(5) The head teacher of each school shall agree with the clergymen who attend to give religious instruction upon the half hour or half hours which shall be set aside for such instruction, and failing agreement, the Minister shall direct what half hour or half hours shall be set aside.

(6) The head teacher of each school shall, so far as the accommodation of the school permits, make such arrangements as regards the pupils and rooms as may be necessary to enable the instruction to be given satisfactorily.

(7) Every child shall attend religious instruction given by the clergyman of the Church to which the child belongs as appears from the enrolment book or from any later notification by the parent in writing (on the prescribed form or otherwise) and no child shall be required or allowed to attend any other religious instruction: Provided that no child shall be required or allowed to attend any religious instruction—

- (a) if the child's parent has stated that the child shall not receive any religious instruction; or
- (b) if the head teacher does not know to which Church the child belongs.

(8) When religious instruction is being given to any children in a school, secular instruction need not be given to the other children.

(9) A clergyman shall be allowed to give religious instruction in a school only so long as he is authorized to do so by the person acting in the State as the head of the Church to which the clergyman belongs and so long as he gives the religious instruction authorized by such Church.

(10) The Governor may make regulations not inconsistent with this section for the purpose of—

- (a) ascertaining upon enrolment or later the Church to which each child belongs:
- (b) determining the Churches which shall be permitted to give religious instruction:

Education Act Amendment Act, 1940.

(c) regulating the operation of this section.

(11) In this section—

(a) “clergyman” means any clergyman or religious instructor authorized by the Head of a Christian Church to give religious instruction on behalf of the Church and also any person authorized by such clergyman :

(b) “parent” includes the person having the actual custody of the child.

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

C. M. BARCLAY-HARVEY, Governor.