

Education (Amendment) Bill (No 2)

EXPLANATORY MEMORANDUM

Outline

The purpose of this legislation is to allow certain provisions included in the *Education (Amendment) Act 1983* in relation to the registration of non-Government schools and teachers to come into operation before 1 January 1986. Provision is also made for a change in the name of regional councils to regional boards and to extend the term of office of members of the three Teacher Registration Boards.

Notes on Clauses

Clause 1 cites the short title.

Clause 2 provides for the Act to come into operation by proclamation.

Clause 3 provides that the *Education Act 1958* is the Principal Act.

Clause 4 changes the references to regional councils in the Principal Act to regional boards.

Clause 5 inserts the interpretation of prescribed subjects for the purposes of section 35 of the Principal Act.

Clause 6 removes the current prescription of subjects and refers to the up-dated list inserted by Clause 5.

Clause 7 removes the requirement for the Board to keep its registers in schedule form and for the purposes of definition replaces "sub-primary, primary, junior secondary, secondary and technical schools" with "primary, secondary or special schools".

Clause 8 allows for various types of registration for teachers.

Clause 9 provides for information to be supplied with applications for registration.

Clause 10 replaces outdated terminology.

Clause 11 provides for registration of schools and for registration to particular year levels for secondary schools, for six months prior notice for the opening of schools, for Board approval to be prior requirement before opening and for appeal to the Minister in the event of Board refusal. It allows for the observance of *Health Act 1958* provisions and regulations and provides for the introduction of bi-lingual education programs. This provision will enable the establishment of a school such as the proposed Japanese school.

Clause 12 inserts the safety of children as a factor to be observed under the application of the Health Act provisions; it removes the liability for penalty from teachers who may be teaching in an unregistered school and makes a minor change in the provision for cancellation of registration.

Clause 13 removes a reference to the prohibition from actually teaching in an unregistered school, and inserts a penalty for the carrying on or conducting of an unregistered school. It makes a minor consequential amendment in the reference to the subjects to be taught. The right of teachers already employed to continue to teach is protected, provided there is no break in service of three months or longer.

Clause 14 simplifies the manner of returns required from proprietors of registered schools and increases the penalty for breaches.

Clause 15 is a procedural amendment; it gives the Board power over attendance registers and increases penalty.

Clause 16 removes the requirement for a fee to be paid for teacher registration; the fee for school registration is as in the 1983 Act which is significantly higher than the original fee.

Clause 17 increases significantly the penalty for false representation.

Clause 18 repeals the Third, Fourth and Fifth Schedules to the Principal Act.

Clause 19 brings together those parts of section 11 of the *Education (Amendment) Act* 1983 which dealt with the size of schools. This section will not be proclaimed before 1 January 1986. The question of imposition of a minimum size of schools is not changed from earlier legislation in any way.

Clause 20 extends the existing term of office of members of each of the Primary, Secondary and Technical Teachers Registration Boards until 31 December 1985 with a provision for further extension up to twelve months.

Clause 21 is a transitional and savings clause continuing existing registrations of schools and teachers and requiring the Registered Schools Board to revise its registers in accordance with the new provisions.