



Education Act 1931

No. 3, 1931

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EDUCATION ACT 1931

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Education Act 1931

An Act relating to education.

Short title

1. This Act may be cited as the *Education Act 1931*.

Repeal

2. The *Public School Law 1913*, the *Public School Act 1915*, the *Public School Act 1921*, the *Public School Regulations 1906* and the *Public School Regulations 1909* are repealed.

Definitions

3. In this Act, unless the contrary intention appears —
“private school” means any school, other than a public school, registered under this Act;
“public school” means any school established or maintained by or on behalf of the Administrator;
“vocational training scholarship” means a pecuniary grant to assist a person to undergo vocational training.

Establishment of public schools

4. (1) The Administrator may establish and maintain schools in Norfolk Island.
(2) All teachers at public schools shall be subject to this Act and the regulations made thereunder and to any instructions issued by the Administrator under this Act.

Registered schools

5. (1) A person shall not establish, maintain or conduct any private school unless it is registered under this Act.
(2) Any person desirous of establishing any private school shall apply to the Administrator for registration of the school and, if the Administrator is satisfied that the premises in which it is proposed to conduct the school are provided with proper access, drainage, light, ventilation and sanitary conveniences and that the school will provide regular and efficient instruction, the Administrator shall cause it to be registered on a list to be kept for that purpose at the office of the Clerk of the Court of Petty Sessions.

Registered teachers

6. (1) A person shall not teach in any private school unless he is registered as a teacher under this Act.
(2) Any person desirous of teaching in any private school at Norfolk Island shall apply to the Administrator for registration as a teacher and, if the Administrator is satisfied as to his fitness to teach, the Administrator shall cause such person to be registered on a list to be kept for that purpose at the office of the Clerk of the Court of Petty Sessions.

(3) The registration of any teacher may, subject to appeal to the Commonwealth Minister, be cancelled at any time by the Administrator if the Administrator is satisfied that such teacher is no longer fit to teach or is guilty of any breach of this Act or of any regulation made thereunder.

Cancellation of registration of school

7. The registration of any private school may, subject to appeal to the Commonwealth Minister, be cancelled at any time by the Administrator if the Administrator is satisfied that efficient and regular instruction is not being given in such school or if the proprietor or principal teacher is guilty of any breach of this Act or of any regulation made thereunder.

Closing of schools

8. The Administrator may close any school for any period during the prevalence of an epidemic of illness or for any other sufficient cause, subject, in the case of a private school, to appeal to the Commonwealth Minister.

Inspection of schools

9. Any school conducted at Norfolk Island shall be subject to such inspection as the Administrator directs.

Medical examination of school children

10. The Administrator may make arrangements for the periodical medical examination of pupils attending any school at Norfolk Island.

Teachers

11. (1) A public school shall be conducted by a principal teacher and such assistant teachers as the Administrator directs.

(2) Assistant teachers shall, as prescribed, act under the directions of the principal teacher.

Instruction in schools

12. The subjects and courses of instruction in public schools, and the times to be devoted to the teaching of each subject, shall, be as determined by the Administrator.

Special religious instruction

13. (1) Any clergyman or person approved by the Administrator may attend at any public school and give religious instruction during one hour each week to the pupils of his religious persuasion.

(2) The times during which religious instruction may be given shall, subject to appeal to the Administrator by the clergyman or person giving such instruction, be arranged by the principal teacher.

(3) The principal teacher shall arrange for the use of a suitable class-room, if available, for the purposes of religious instruction.

(4) No pupil in a public school shall be required to receive any religious instruction if a parent or guardian of the pupil notify, in writing, the principal teacher that he objects to his child receiving such an instruction.

School fees

14. (1) Except as hereinafter provided, fees shall not be charged for the education of pupils in any public school.

(2) Fees, as approved by the Administrator may be charged for teaching pupils over 15 years of age, in any public school, any special subject outside the regular course, and for education in any public school conducted in the evening.

Supply of school material

15. Parents of children attending any public school shall, subject to appeal to the Administrator, supply their children with school books and material as required by the principal teacher.

Parents and residents

15A. (1) Any persons may, in relation to any public school, with the approval of the Administrator, constitute an association having the following objects:

- (a) the promotion of the interests of the school in co-operation with the teaching staff;
- (b) the provision of extra equipment for the school and the raising of funds for the provision of such equipment;
- (c) assistance in school functions and activities; and
- (d) the general development of interest in, and the advancement of, all branches of education.

(2) An association constituted in relation to any school shall not have any power or control over the school staff or the internal management of the school.

(3) An association so constituted may, subject to the approval of the Administrator, make rules for its own government, and may fix rates of subscription for its members, and control its own business.

(4) Each association so constituted shall furnish to the Administrator in the month of January in each year a detailed statement of its receipts and expenditure for the period of 12 months ending on 31 December last preceding.

(5) All school requisites and equipment provided for a school by such an association shall become the property of the school and shall be retained in that school and in that district or locality and, subject to subsection (6), shall not be removed without the consent of the association, unless the association becomes defunct or ceases to have the character of an association with the objects specified in subsection 15(1).

(6) If the Administrator, in pursuance of the power conferred upon him by section 8, closes a school or a school is closed for any cause, any property donated to that school by an association constituted in relation to the school shall be removed to such other school as the Administrator directs:

Provided that if at any later time the school so closed be re-opened all such property then in existence shall be returned to that school.

(7) If it becomes necessary to replace old or worn out equipment provided by an association constituted in relation to a public school, all matters connected therewith, including disposal of the old or worn out equipment by sale, trading in or otherwise, shall be referred to the Administrator for approval.

Duty of parents

16. (1) The parent or guardian of any child between the ages of 6 and 15 years shall, unless the child is exempted from the provisions of this section by the Administrator, cause the child to attend either a public school or a private school registered under this Act for the full period of each half-day during which the school is open.

(2) Any parent or guardian who fails to comply with the provisions of this section shall be guilty of an offence.

Penalty: For the first offence, \$1, and for any subsequent offence in respect of the same child or boy, \$4.

(3) It shall be a sufficient ground for excuse or exemption from attendance that the child or boy was prevented from attending school by sickness, infirmity, or any other cause which appears to the Administrator to be satisfactory.

(4) Every complaint or information under the Act shall be heard and determined, and all penalties imposed, by the Court of Petty Sessions.

(5) Every proceeding shall be taken in the name of the Administrator by such person as is thereto authorised in writing by the Administrator.

(6) In any proceedings under this section a certificate purporting to be under the hand of the proprietor or principal teacher of a private school or the principal teacher of a public school, as the case may be, stating that a child or boy is not attending school, or stating the particulars of attendance of the child or boy at school, shall be prima facie evidence of the facts stated in the certificate.

Register of attendance

17. The principal teacher of a public school and the proprietor or principal teacher of a private school shall —

- (a) keep a daily register, in a form approved by the Administrator, of the attendance of each pupil at his school;
- (b) produced to any person thereto authorised in writing by the Administrator on request such register and permit such person to inspect and make extracts from the same;
- (c) on request furnish to the Administrator any information concerning the attendance of pupils which the Administrator requires;
- (d) furnish such returns, reports and information upon any matter concerning the school as the Administrator requires.

Penalty for failure

18. Any person who is guilty of any contravention of any of the provisions of this Act for which a penalty is not specially provided shall be liable on conviction to a penalty not exceeding \$20.

Appointment of officers

19. The Administrator may appoint such officers as he deems necessary to carry out or enforce the provisions of this Act, and may delegate to any person all or any of his powers and functions under this Act and the Regulations made thereunder as he deems necessary.

Instructions

20. The Administrator may issue instructions for the guidance of teachers in carrying out or giving effect to this Act and the Regulations made thereunder.

Regulations

21. The Commonwealth Minister may make regulations not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing matters providing for and in relation to the establishment and maintenance of scholarships, including vocational training scholarships and bursaries.

NOTES

The *Education Act 1931* as shown in this reprint comprises Act No. 3 of 1931 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Education Act 1931</i>	3, 1931	15.10.31	
<i>Education Act 1934</i>	1, 1934	15.3.34	
<i>Education Act 1935</i>	7, 1935	16.5.35	
<i>Administration Act 1936</i>	14, 1936	16.12.36	
<i>Education Act 1937</i>	10, 1937	22.12.37	
<i>Amendments Incorporation Act 1963</i>	2, 1963	28.3.63	
<i>Ordinances Revision Act 1964</i>	6, 1964	30.6.64	
<i>Education Act 1966</i>	9, 1966	2.6.66	
<i>Education Act 1971</i>	5, 1971	22.7.71	
<i>Ordinances Citation Act 1976</i>	11, 1976	25.11.76	
<i>Ordinances Revision Act 1979</i>	13, 1979	7.8.79	5
<i>Ordinances Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.81	
<i>[Previously consolidated as at 20 May 1985]</i>			
<i>Interpretation (Amendment) Act 2012</i>	14, 2012	28.12.12	
<i>[to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]</i>			
<i>[Previously consolidated as at 23 December 2013]</i>			

Ordinance	FRLI registration	Commencement	Application, saving and transitional provision
Norfolk Island Continued Laws Amendment Ordinance 2015 (No. 2, 2015)	17 June 2015 (F2015L00835)	Sch 1 (items 73, 344, 345): 18 June 2015 (s 2(1) item 1)	Sch 1 (items 344, 345)

Table of Amendments

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

Provisions affected	How affected
1	am 2, 1963; 9, 1966; 5, 1971; 11, 1976
3	am 9, 1966; 13, 1979
4	am 13, 1979
5, 6	am 14, 1936; 6, 1964
11, 12	am 13, 1979
14	am 10, 1937; 13, 1979
15A	ad 10, 1937
16	am 1, 1934; 14, 1936; 10, 1937; 1, 1964; 6, 1964; 31, 1980
18	am 31, 1980
21	am 10, 1937; 6, 1964; 9, 1966; 5, 1971; 13, 1979; Ord No 2, 2015