



ANNO TRICESIMO SECUNDO

# ELIZABETHAE II REGINAE

A.D. 1983

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No. 93 of 1983

An Act to amend the Education Act, 1972.

[Assented to 15 December 1983]

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, 1983". Short title.

(2) The Education Act, 1972, is in this Act referred to as "the principal Act".

2. (1) This Act shall come into operation on a day to be fixed by proclamation. Commencement.

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 3 of the principal Act is amended by striking out the item: Amendment of s. 3—  
 DIVISION III—CANCELLATION OF REGISTRATION Arrangement of Act.

and substituting the item:

DIVISION III—CANCELLATION OF REGISTRATION AND OTHER REMEDIES

4. Section 72 of the principal Act is amended—

(a) by striking out from paragraph (b) of subsection (2) the word "two" and substituting the word "three";

and

(b) by inserting after subsection (2) the following subsections:

(3) A person who is either an officer of the Department or employed as a teacher in, or in the administration of, a

Amendment of s. 72—  
 Constitution of non-Government Schools Registration Board.

Government or a non-Government school is ineligible for appointment as the chairman of the Board.

(4) Before the Minister nominates a person for appointment as the chairman of the Board, he shall consult with the Advisory Committee on Non-Government Schools in South Australia, in relation to the proposed appointment.

Amendment of  
s. 72b—  
Quorum, etc.

**5. Section 72b of the principal Act is amended—**

(a) by striking out from subsection (1) the word “Four” and substituting the word “Five”;

and

(b) by striking out subsection (5) and substituting the following subsection:

(5) Each member of the Board who is present at a meeting of the Board (including the person presiding at the meeting) shall be entitled to one vote on any question arising for the decision of the Board at that meeting and, in the event of an equality of votes, no casting vote shall be exercised.

Amendment of  
s. 72g—  
Registration of  
non-Government  
schools.

**6. Section 72g of the principal Act is amended—**

(a) by striking out subsection (2) and substituting the following subsection:

(2) An application for registration of a non-Government school must—

(a) be made in a manner and form determined by the Board;

and

(b) be accompanied by a fee of one hundred dollars.;

(b) by inserting at the end of subsection (3) the passage “for such period as it thinks fit”;

(c) by inserting after subsection (4) the following subsection:

(4a) The Board may, at any time on the application of the school concerned, vary or revoke a condition imposed on the registration of the school pursuant to subsection (4).;

and

(d) by striking out subsection (5) and substituting the following subsection:

(5) Where the Board decides—

(a) to refuse an application for registration of a non-Government school;

(b) to grant an application subject to conditions;

or

(c) to register a non-Government school for a limited period,

it shall, within one month after making that decision, inform the applicant in writing of its reasons for making the decision.

7. Section 72h of the principal Act is amended by inserting in subsection (3) after the passage "the registration of which is cancelled" the passage "or has expired".

Amendment of s. 72h—  
Register to be kept.

8. The heading to Division III of Part V of the principal Act is struck out and the following heading is substituted:

Repeal of heading to Division III of Part V and substitution of new heading.

**DIVISION III—CANCELLATION OF REGISTRATION AND OTHER REMEDIES**

9. Section 72j of the principal Act is amended—

Amendment of s. 72j—  
Grounds for cancellation.

(a) by striking out from subsection (1) the passage "the registrar, or of its own motion, inquire into the administration of" and substituting the passage "the registrar or of the school concerned or of its own motion, review the registration of";

and

(b) by striking out subsection (2) and substituting the following subsections:

(1a) The Board shall review the registration of every registered non-Government school at least once in every five year period during the registration of the school.

(2) If, after reviewing the registration of a non-Government school under this section—

(a) the Board is satisfied—

(i) that the nature and the content of the instruction offered at the school is unsatisfactory;

or

(ii) that the school provides inadequate protection for the safety, health and welfare of its students;

or

(b) the Board is satisfied that the governing authority of the school has contravened, or failed to comply with, a condition imposed on the registration of the school,

the Board may, by notice in writing addressed to the governing authority of the school, exercise one or more of the following powers:

- (c) the Board may vary or revoke a condition imposed on the registration of the school;
- (d) the Board may impose such further conditions on the registration of the school as it thinks fit;
- (e) the Board may limit or reduce the period of the school's registration by directing that its registration will terminate at a time fixed in the notice;

or

- (f) the Board may cancel the school's registration.

(2a) The Board shall, in a notice referred to in subsection (2), state its reasons for making its decision.

Amendment of  
s. 72k—  
Powers of Board  
upon review.

**10. Section 72k of the principal Act is amended—**

- (a) by striking out from subsection (1) the passage "an inquiry" and substituting the passage "a review";

and

- (b) by striking out from subsection (4) the passage "any inquiry" and substituting the passage "a review of the registration of a non-Government school".

Amendment of  
s. 72l  
Notice of review.

**11. Section 72l of the principal Act is amended—**

- (a) by striking out from subsection (1) the passage "an inquiry" and substituting the passage "a review of its registration";

- (b) by striking out from subsection (1) the passage "the inquiry" firstly occurring and substituting the passage "the proceedings";

- (c) by striking out from subsection (1) the passage "the inquiry" secondly occurring and substituting the passage "the review";

and

- (d) by striking out from subsection (2) the passage "the inquiry" and substituting the passage "the review".

Amendment of  
s. 72p—  
Inspection of  
non-Government  
schools.

**12. Section 72p of the principal Act is amended—**

- (a) by striking out from subsection (1) the passage "a person or persons" and substituting the passage "a panel of not less than three persons";

- (b) by striking out from subsection (1) the passage "a person so authorized" and substituting the passage "the members of the panel";

- (c) by striking out from subsection (1) the passage "in his authority" and substituting the passage "in their authority";

(d) by inserting after subsection (1) the following subsection:

(1a) A panel referred to in subsection (1) must include—

(a) an officer of the Department or of the teaching service;

(b) a person employed as a teacher in, or in the administration of, a non-Government school;

and

(c) the registrar of the Board.;

and

(e) by striking out from subsection (2) the passage “an authorized person” and substituting the passage “the members of a panel”.

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

D. B. DUNSTAN, Governor