

THE NORTHERN TERRITORY OF AUSTRALIA

EDUCATION ACT  
No. 77 of 1979  
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# THE NORTHERN TERRITORY OF AUSTRALIA

No. 77 of 1979

## AN ACT

To make provision for the availability of education to all people of the Northern Territory and in particular to provide for the access of all children to education programmes appropriate to their individual needs and abilities

[Assented to 2 July 1979]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

### PART I - PRELIMINARY

- |  |              |
|--|--------------|
| 1. This Act may be cited as the <u>Education Act 1979</u> .  | Short title  |
| 2. The several Parts and sections of this Act shall commence on such dates as are respectively fixed by the Administrator by notice in the <u>Gazette</u> .        | Commencement |
| 3.(1) The Acts of the State of South Australia listed in Schedule 1 cease to apply in the Territory as laws of the Territory.                                      | Repeal       |
| (2) The Ordinances listed in Schedule 2 are repealed.  |              |
| 4. In this Act, unless the contrary intention appears -  | Definitions  |
| "child" means a person who has not attained the age of 18 years;   |              |
| "child of compulsory school age" means a child of or above the age of 6 years who has not yet attained the age of 15 years;  |              |
| "Commonwealth Teaching Service" means the teaching service established and maintained under the <u>Commonwealth Teaching Service Act 1972</u> of the Commonwealth; |              |
| "Department of Education" means the Department of Education established under the <u>Public Service Act</u> ;  |              |
| "Education Advisory Council" means the Education Advisory Council established under section 11;  |              |

## Education

"Government school" means a school wholly established and wholly maintained by the Minister under this Act;

"head teacher" means the person to whom the administration and control of a school is committed;

"non-Government school" means a school other than a Government school;

"parent" includes the person who has the actual custody of a child and the person with whom a child resides;

"Post-school Advisory Council" means the Post-school Advisory Council established under section 15;

"post-school" in relation to an institution, body or the provision of courses of instruction, means education services, not being education services provided in a pre-school, primary or secondary school in any academic, vocational or practical discipline or which are of a recreational nature;

"registered" means registered under this Act;

"Secretary" means the Secretary of the Department of Education appointed pursuant to section 8(1);

"school" means a school or institution at which any person or body of persons provides, or offers to provide, courses of instruction in primary or secondary education;

"standard" means an objective criterion by which skills and abilities may be assessed;

"this Act" includes any regulations made under section 75.

## PART II - ADMINISTRATION

Administra-  
tion of  
Act

5. Subject to this Act, the Minister shall have the general administration of this Act and the administration and control of education services wholly provided and wholly maintained by him.

## Education

6.(1) The Minister may take all measures which, in his opinion, are necessary or desirable -

Minister  
to provide  
education  
services

- (a) to assist parents of children in the Territory in fulfilling their responsibility to educate their children according to the individual needs and abilities of those children;
- (b) to make education services, provided by him, available to all people in the Territory; and
- (c) to assist all people of the Territory with their own education.

(2) The Minister shall establish and maintain education services in the Territory.

(3) The Minister has power to do all things that are necessary or convenient to be done in, or in connection with, the performance of his functions under this Act.

(4) Without limiting the generality of sub-section (3), the Minister may -

- (a) establish and maintain -
  - (i) such Government schools or institutions for the provision of primary and secondary education;
  - (ii) such pre-schools, correspondence schools and schools of the air; and
  - (iii) such post-school institutions,as he considers necessary or desirable;
- (b) in such manner and to such extent as he thinks fit, provide or arrange for the transport of children to and from any school and may pay the whole or any portion of the cost of transporting any children to and from any school;
- (c) establish and maintain such residences for the accommodation of teachers or students as he considers necessary or desirable for the purposes of this Act;
- (d) undertake or cause to be undertaken research and investigation with respect to education generally, a specified field of education or the provision of education services in the Territory;

## Education

- (e) provide financial assistance to such persons, bodies or institutions as he considers necessary or desirable for, or in connection with, education services;
- (f) determine or arrange for the accreditation of courses of education provided in the Territory;
- (g) having sought the advice of the relevant Advisory Council, make provision for awards in relation to the passing of examinations or otherwise in relation to education services; and
- (h) make provision for the granting of scholarships, bursaries and prizes in relation to education services.

Arrangements  
for  
provision of  
education  
services

7.(1) The Minister may make arrangements with the appropriate Minister of the Commonwealth or of a State or with any body or institution of the Commonwealth or of a State for the provision of teachers or education services and, in particular, may make such arrangements with the Commonwealth Teaching Service Commissioner.

(2) An arrangement made under sub-section (1) may -

- (a) provide that it shall subsist for a specified period or until it is terminated at the request of a party to the arrangement;
- (b) relate to the provision of teachers or education services in the Territory generally or at or in a specified place or part of the Territory;
- (c) be limited to the provision of teachers or education services suitable for a specified field of education;
- (d) include provisions relating to the remuneration and conditions of service of teachers to be provided under the arrangement; and
- (e) provide that the Territory shall undertake to pay the remuneration of teachers provided under the arrangement and meet the cost of the provision of other benefits or amenities to be provided to or for the use of teachers under their terms and conditions of service.



## Education

8.(1) There shall be a Secretary of the Department of Education who shall be appointed under the Public Service Act and shall, within the meaning of that Act, be Departmental Head of the Department of Education.

Secretary of  
Department  
of  
Education

(2) The Secretary shall, in the exercise of his powers and the performance of his duties or functions under this Act, be subject to the direction and control of the Minister.

(3) The Secretary may, upon the direction in writing of the Minister, perform any function or exercise any power which the Minister is authorized or required to perform or exercise by this Act.

9.(1) The Secretary may, in relation to teachers provided under arrangements entered into under section 7, exercise such powers under the law of the Commonwealth or a State as may be lawfully delegated to him under that law.

Delegated  
power

(2) The Secretary may, by instrument in writing, either generally or as provided by the instrument of delegation, delegate to -

(a) a person who is an employee within the meaning of the Public Service Act; or

(b) a person who is a member of the Service within the meaning of the Commonwealth Teaching Service Act 1972 of the Commonwealth,

all or any of his powers or functions under this Act, other than this power of delegation.

(3) A power or function delegated under sub-section (2) may be exercised by the delegate in accordance with the instrument of delegation.

(4) A delegation under sub-section (2) is revocable by the Secretary at will and does not prevent the exercise of a power or the performance of a function by the Secretary.

10.(1) The Secretary shall, as soon as practicable after 31 December in each year, prepare and furnish to the Minister a report on the administration of this Act and on the operation of education services in the Territory during the year ending on that date.

Reports

(2) The Minister shall cause a copy of each report furnished to him under sub-section (1) to be laid before the Legislative Assembly within 3 sitting days after it has been so furnished.

## Education

### PART III - ADVISORY COUNCILS

#### Division 1 - Education Advisory Council

Establish-  
ment and  
composition

11.(1) There shall be a Council, to be known as the Education Advisory Council.

(2) Subject to this section, the Administrator may, by instrument in writing, appoint a person to be a member of the Education Advisory Council for a period specified in the instrument not exceeding 2 years.

(3) The Education Advisory Council shall consist of not more than 14 members including -

(a) not more than 9 members who shall be persons drawn from one each of the following interest groups or bodies:

- (i) the Northern Territory Teachers Federation;
  - (ii) the Northern Territory Council of Government School Organizations;
  - (iii) the Northern Territory Aboriginal Education Consultative Group;
  - (iv) the migrant community;
  - (v) trade unions;
  - (vi) employer associations;
  - (vii) post-school institutions;
  - (viii) non-Government schools;
  - (ix) students of primary or secondary schools; and
  - (x) residents of communities remote from the Territory's main centres of population;
- (b) one member who shall be an employee within the meaning of the Public Service Act who serves in the Department of Education; and
- (c) not more than 3 additional members of whom not less than 2 reside outside the City of Darwin.

## Education

(4) The exercise of the powers and the performance of the functions of the Education Advisory Council shall not be affected by reason only of there being a vacancy in the membership of the Council.

(5) Subject to this section, a member of the Education Advisory Council is eligible for reappointment.

(6) Subject to sub-section (7), no member of the Education Advisory Council shall be eligible to be reappointed to that Council after serving for 2 terms in any period of 4 years until the expiration of a period of 2 years from the date when the member's term last expired.

(7) Where a period of 2 years provided for in sub-section (6) has expired, a former member of the Education Advisory Council may be reappointed to that Council and no account shall be taken of any period served as a member of that Council prior to that 2 year period in ascertaining that former member's eligibility to be reappointed.

12.(1) The Administrator shall appoint a member of the Education Advisory Council to be the Chairman of the Council.

Chairman  
and Deputy  
Chairman

(2) The members of the Education Advisory Council may elect one of their number to be the Deputy Chairman of the Council.

13. The Education Advisory Council -

Functions

(a) shall consider such matters relating to the provision of education services in the Territory as the Council determines or as the Minister refers to it for consideration or advice;

(b) may make to the Minister from time to time such recommendations as it may think desirable with respect to any matter considered by the Council; and

(c) shall report to the Minister from time to time or as required by the Minister on any matter considered by the Council; and

(d) shall exercise such other functions as are provided for in this Act.

## Education

### Reports

14.(1) The Education Advisory Council shall, as soon as practicable after 31 December in each year, prepare and furnish to the Minister a report on its activities during the year ending on that date.

(2) The Minister shall cause a copy of each report furnished to him under sub-section (1) to be laid before the Legislative Assembly within 3 sitting days of the Legislative Assembly after it has been so furnished.

### Division 2 - Post-school Advisory Council

### Establishment and composition

15.(1) There shall be a Council, to be known as the Post-school Advisory Council.

(2) Subject to this section, the Administrator may, by instrument in writing, appoint a person to be a member of the Post-school Advisory Council for a period specified in the instrument not exceeding 2 years.

(3) The Post-school Advisory Council shall consist of not more than 7 members.

(4) The exercise of the powers and the performance of the functions of the Post-school Advisory Council shall not be affected by reason only of there being a vacancy in the membership of the Council.

(5) Subject to this section, a member of the Post-school Advisory Council is eligible for reappointment.

(6) Subject to sub-section (7), no member of the Post-school Advisory Council shall be eligible to be reappointed to that Council after serving for 2 terms in any period of 4 years until the expiration of a period of 2 years from the date when the member's term last expired.

(7) Where a period of 2 years as provided for in sub-section (6) has expired, a former member of the Post-school Advisory Council may be reappointed to that Council and no account shall be taken of any period served as a member of that Council prior to that 2 year period in ascertaining that former member's eligibility for reappointment.

### Chairman and Deputy Chairman

16.(1) The Administrator shall appoint a member of the Post-school Advisory Council to be the Chairman of the Council.

## Education

(2) The members of the Post-school Advisory Council may elect one of their number to be the Deputy Chairman of the Council.

### 17. The Post-school Advisory Council -

#### Functions

- (a) shall consider such matters relating to the provision of post-school education and training in the Territory as the Council, determines or as the Minister refers to it for consideration or advice;
- (b) may make to the Minister from time to time such recommendations as it may think desirable with respect to any matter considered by the Council; and
- (c) shall report to the Minister from time to time or as required by the Minister on any matter considered by the Council.

18.(1) The Post-school Advisory Council shall, as soon as practicable after 31 December in each year, prepare and furnish to the Minister a report on its activities during the year ending on that date.

#### Reports

(2) The Minister shall cause a copy of each report furnished to him under sub-section (1) to be laid before the Legislative Assembly within 3 sitting days of the Legislative Assembly after it has been so furnished.

### Division 3 - General

19.(1) Subject to this Act, the Minister may, in addition to the Education Advisory Council and the Post-school Advisory Council, establish such advisory councils to investigate, consider, undertake research, report and make recommendations, with respect to such matters relating to the provision of education services in the Territory, as he thinks fit.

#### General power to establish advisory councils

(2) An advisory council may be established under sub-section (1) with respect to any matter affecting the administration of this Act, education in general or a specified field of education.

(3) An advisory council constituted under this section shall consist of such members as the Minister thinks fit to appoint to the council.

(4) The Council of the Darwin Community College established under section 44 and a council for an educational institution established under section 70 are not advisory councils within the meaning of this Part.

## Education

### Operation of advisory councils

20.(1) The members of the Education Advisory Council, the Post-school Advisory Council or an advisory council established under section 19 shall -

- (a) hold office upon such terms and conditions as the Administrator determines; and
- (b) be paid such allowances and expenses and at such rates as the Administrator determines.

(2) The Education Advisory Council, the Post-school Advisory Council or an advisory council established under section 19 shall be governed by and shall conduct its affairs in accordance with terms of reference determined by the Minister.

(3) The Minister may, with respect to the Education Advisory Council, the Post-school Advisory Council or an advisory council established under section 19 -

- (a) provide such secretarial and administrative assistance, if any, which in his opinion is necessary or desirable; and
- (b) approve the payment of costs and expenses reasonably incurred in carrying out the functions of any of those councils.

### PART IV - COMPULSORY ATTENDANCE AT SCHOOLS

### Compulsory enrolment

21.(1) A parent who has the actual custody of a child of compulsory school age shall provide efficient and suitable education for the child, having regard to the age and capability of the child.

Penalty: \$200.

(2) Without limiting the generality of sub-section (1), a parent shall be held to have complied with sub-section (1) in relation to a child where -

- (a) the child is enrolled in a Government school or a registered non-Government school; or
- (b) special arrangements under Part V have been made for the education of the child and the child is complying with those arrangements.

(3) Subject to sub-section (2), for the purposes of sub-section (1), whether education received by a child is efficient and suitable or not shall be a matter for the decision of the Minister who may, if he thinks

## Education

fit, obtain a report on the education by a person authorized by him in writing to do so.

22.(1) Where a child is enrolled at a school, the child shall attend that school on each day, and for such parts of each day, as instruction is provided at the school for the child.

Compulsory  
attendance

(2) Sub-section (1) does not apply to a child -

- (a) enrolled at a school of the air or a correspondence school;
- (b) exempted from attendance in accordance with the provisions of this Part;
- (c) in respect of whose absence from the school a parent provides either orally or in writing a reason acceptable to the head teacher of the school for the absence of the child; or
- (d) whose absence is on a day, or part of a day, of significance to the ethnic group of the child and a parent of the child provides either orally or in writing to the head teacher of the school the reason for the absence of the child.

(3) Subject to this section, where a child fails to attend school in accordance with sub-section (1), each parent of the child is guilty of an offence and liable to a penalty not exceeding \$200.

(4) Where both parents of a child are convicted of an offence under this section, the penalty imposed shall not exceed \$200 in the aggregate.

(5) It is a defence to a charge under this section that the failure of the child to attend school did not result from any failure of the parent to exercise proper care and control of the child.

23.(1) A parent of a child enrolled at a Government school may request the head teacher of the school to withdraw the child from the whole or a specified part of a specified course of instruction provided for the child at the school.

Child may  
be withdrawn  
from specif-  
ied course

(2) The head teacher of a Government school to whom a request under sub-section (1) has been made may comply with the request and shall comply with it if -

- (a) the course of instruction specified in the request is a course of religious instruction; or

## Education

- (b) the parent claims to have a conscientious objection to the child's attending the course or part of the course, as the case may be.
- Exemption by Minister      24.(1) The Minister may exempt a child from attendance at school for a specified period.
- Child not to attend school in certain circumstances      (2) The Minister may, at any time, revoke an exemption granted under this section.
- 25.(1) The head teacher of a Government school at which a child is enrolled may give notice in writing to a parent of the child that the child is not to attend school for, subject to sub-section (2), a period specified in the notice, on the ground that the child is suffering from an infectious or contagious disease.
- (2) Where a head teacher of a Government school has given notice under sub-section (1) in relation to a child, he shall readmit the child to the school upon the production of a certificate signed by a medical practitioner certifying that the child is fit to return to school.
- (3) For the purposes of sub-section (2), "medical practitioner" means a person who is a registered medical practitioner within the meaning of the Medical Practitioners Registration Act or a person who practises as a medical practitioner, however described, under a law in force in a State or Territory, not being the Northern Territory, of Australia.
- Power of Secretary      26. The Secretary may direct that a child be not enrolled in a specified Government school.
- Suspension of head teacher      27.(1) Where the head teacher of a Government school at which a child is enrolled is of the opinion that the child should be suspended from attendance at the school for the reason that the presence of the child at school would, in his opinion, be injurious to the health or moral welfare of other children attending the school, by reason of the child's insolence, repeated disobedience, immoral conduct or serious breach of discipline, he may, subject to this section, suspend the child from attendance at that school.
- (2) The head teacher of a Government school shall not suspend a child from attendance at that school under this section unless he has sought and considered the advice of the council, if any, for the school established under Part IX regarding the proposed suspension.



## Education

(3) Where the head teacher of a Government school has suspended a child under sub-section (1), he shall immediately furnish notice, in a form approved by the Secretary, of the suspension and a full report of the circumstances to a parent who has the actual custody of the child and to the Minister.

(4) A suspension under this section shall remain in force for the period, not exceeding one month, specified in the notice referred to in sub-section (3) or until the Minister decides whether the child shall be expelled under section 28, whichever is the earlier.

28.(1) Where the Minister considers it necessary in the interests of other children attending a Government school, the Minister may expel a child from the school at which the child is enrolled.

Expulsion  
by  
Minister

(2) The Minister may, at any time, review an expulsion made under sub-section (1) and, where he is of the opinion that the child should be no longer expelled from the school referred to in that sub-section, he may terminate the expulsion.

(3) As soon as practicable after an expulsion or termination of expulsion under this section, the Minister shall inform or cause to be informed in writing a parent who has the actual custody of the child of that expulsion or termination of expulsion.

29.(1) A parent of a child in respect of whom a notice has been given under section 25 or 27 or who has been expelled under section 28 shall ensure that the child does not attend school during the period specified in the notice given under section 25, subject to the provisions of sub-section (2) of that section, or section 27 or while the child is expelled from school under section 28, as the case may be.

Parent to  
ensure non-  
attendance

Penalty: \$200.

(2) It is a defence to a charge under this section that the attendance of the child at school did not result from any failure of the parent to exercise proper care and control of the child.

(3) In this section, "attend school" means to be present at the Government school at which the child is enrolled at any time during a day, or any part of a day, when instruction is provided at the school for children.

## Education

### Employ- ment o- children

30.(1) No person, whether or not he is a parent of the child, shall employ or cause or permit to be employed a child of compulsory school age -

(a) during the hours at which he is required to attend school; or

(b) during any part of a day or night in any labour or occupation that is such as to be likely to render the child -

(i) unfit or unable to attend school during the hours at which he is required to attend school; or

(ii) unfit or unable to receive and understand instruction provided for him.

Penalty: \$500 or imprisonment for 3 months.

(2) The Minister, or a person authorized in writing by the Minister to do so, may grant an exemption in respect of a child from all or any of the provisions of sub-section (1).

### Powers of authorized person

31.(1) In this section and section 32(2), "authorized person" means a person authorized in writing by the Secretary for the purposes of this Part.

(2) The Secretary shall issue to each authorized person an identity card in accordance with a form approved by the Minister.

(3) Where an authorized person observes a child who appears to him to be a child of compulsory school age in a public place at a time when the authorized person is satisfied that there is reasonable ground for believing that the child is required to attend a school, he may, after producing the identity card referred to in sub-section (2), request of the child his name and address and the reason for his absence from school.

(4) An authorized person may, at any time between 8.00 a.m. and 7.00 p.m. during any day, call at an address which has been obtained under sub-section (3) or otherwise, and, after producing the identity card referred to in sub-section (2), require any person present at that address to furnish him with -

(a) the full names of all children of compulsory school age who ordinarily reside at that address; and

## Education

(b) the names of the schools, if any, at which those children are enrolled.

(5) A person shall, so far as he is able, comply with a requirement of an authorized person made under sub-section (4).

Penalty: \$200.

32.(1) An apparently genuine document purporting to be under the hand of the head teacher of a school stating that a child named in the document did or did not attend that school on the occasion or occasions specified in the document shall, in any legal proceedings, be evidence of the matters so stated.

Evident-  
iary  
provision

(2) In any proceedings under this Act, an apparently genuine document purporting to be under the hand of an authorized person and stating that -

- (a) a specified person is a parent of a child named in the document;
- (b) that the child named in the document is of, above, or below, a specified age;
- (c) that at a specified time the child named in the document was or was not enrolled at a specified school;
- (d) that a person named in the document is the head teacher of a specified school; or
- (e) that at a specified time instruction was provided for the child named in the document at the school specified in the document,

shall be evidence of the matters so stated.

### PART V - CHILDREN WITH SPECIAL LEARNING NEEDS

33. In this Part, "handicapped child" means a child whose educational progress will, by reason of the child's mental or physical handicap, suffer unless the child has access to special educational arrangements.

Definition

34.(1) For the purposes of this Part, the Minister may establish an advisory committee to provide advice and make recommendations to him with respect to the performance of his functions and the exercise of his powers under this Part.

Advisory  
committ-  
ees

## Education

(2) An advisory committee constituted under this section shall -

- (a) consist of such members as the Minister thinks fit to appoint to the committee; and
- (b) subject to any directions of the Minister, determine its own procedure.

(3) The members of an advisory committee constituted under this section shall hold office at the pleasure of the Minister.

Minister  
may provide  
for education  
of children

35.(1) The Minister may make such provision for or in relation to the education of a class or classes of children to whom this Part relates or children to whom this Part relates generally as he considers necessary or desirable.

(2) Without limiting the generality of sub-section (1), the Minister may make arrangements with the Government of a State or with a body or institution in a State -

- (a) for or in relation to the education in that State of children to whom this Part relates; and
- (b) for the payment of expenses for or in relation to that education.

(3) In this section, "children to whom this Part relates" means -

- (a) handicapped children; and
- (b) children whose educational progress will, by reason of some special factor, other than a physical or mental handicap, in relation to the children, suffer unless the children have access to special educational arrangements.

Parent may  
request  
special  
arrange-  
ments

36.(1) Where it appears to -

- (a) a parent who has the actual custody of a child of compulsory school age; or
- (b) the head teacher of the school at which a child of compulsory school age is enrolled,

that the child is a handicapped child or that the educational progress of the child will, by reason of some special factor, other than a physical or mental handicap, suffer unless the child has access to special educational arrangements -

## Education

- (c) that parent; or
- (d) that head teacher,

may request the Minister to make special arrangements for or in relation to the education of the child.

(2) Where it appears to a parent who has the actual custody of a child who is not of compulsory school age that the child is a handicapped child, he may request the Minister to make special arrangements for or in relation to the education of the child.

37. The Minister may, upon receiving a request under section 36(1) or (2), by order in writing, make such special arrangements for or in relation to the education of the child as he considers necessary or desirable and as are -

Minister's  
power to  
make special  
arrange-  
ments

(a) in the case of a request under section 36(1) -

(i) agreed to by the parent who has the actual custody of the child; or

(ii) authorized under section 38; or

(b) in the case of a request under section 36(2) -  
agreed to by the parent who has the actual custody of the child.

38.(1) Where the Minister and the parent who has actual custody of a handicapped child of compulsory school age cannot reach agreement in relation to proposed special arrangements for or in relation to the education of the child, the Minister may refer the proposed arrangements to the Supreme Court.

Referral  
to  
Supreme  
Court

(2) Subject to this Act, the Supreme Court may, in relation to any proposed arrangements referred to it under sub-section (1) -

- (a) authorize the making of the arrangements;
- (b) vary the arrangements in such manner as it thinks fit, and authorize the making of the arrangements so varied;
- (c) substitute such arrangements as it considers necessary or desirable for the arrangements, and authorize the making of the arrangements so substituted; or
- (d) refuse to authorize the arrangements.

## Education

(3) In exercising the jurisdiction conferred by this section, the Supreme Court shall have regard to the responsibility of parents to educate their children and give due weight to the wishes of a parent who has the actual custody of a child who is the subject of a referral to the Court under this section.

(4) Rules made under the Supreme Court Act may include Rules for or with respect to referrals to the Supreme Court under this section.

(5) Unless the Supreme Court otherwise orders, the costs of and incidental to a referral to that Court under this section shall be paid by the Territory.

Special  
arrange-  
ments to  
include  
provision  
for  
visits

39. The Minister shall not make special arrangements under section 37 for or in relation to the education of a child which require the child to reside at a place other than the usual place of residence of the parent who has actual custody of the child unless those arrangements include provision for visits of reasonable frequency and duration by that parent to the child or by the child to that parent.

### PART VI - DARWIN COMMUNITY COLLEGE

Definitions

40. In this Part, unless the contrary intention appears -

"Chairman" means the Chairman of the Council appointed under section 50(1)(a);

"College" means the Darwin Community College constituted under section 41;

"Council" means the Council of the Darwin Community College constituted under section 44;

"Deputy Chairman" means the Deputy Chairman of the Council appointed under section 50(1)(b);

"member" means a member of the Council within the meaning of section 45(1);

"Principal" means the Principal of the College;

"Rule" means a Rule made by the Council in accordance with section 58.

Darwin  
Community  
College

41.(1) There shall be a college to be known as the Darwin Community College.

## Education

(2) The College shall be a body corporate with perpetual succession and a common seal and may acquire, hold and dispose of real and personal property and shall be capable of suing and being sued in its corporate name.

(3) The College is a statutory corporation to which Divisions 1 and 2 of Part IV of the Financial Administration and Audit Act apply.

(4) The design of the seal of the College shall be as determined by the Council.

(5) The seal of the College shall be kept in such custody as the Council directs and shall not be used except as authorized by the Council.

(6) All courts, judges and persons acting judicially shall take judicial notice of the seal of the College affixed to a document and shall presume that it was duly affixed.

42. The functions of the College are -

Functions  
of  
College

- (a) to conduct an institution for the provision for Darwin and such other parts of the Northern Territory as the Minister considers necessary or desirable of education and training of such kinds and in such fields of science, technology and trades, the arts, administration, commerce and other fields of knowledge or the application of knowledge, as the Council, with the approval of the Minister, determines or as the Minister requires; and
- (b) to use the facilities and resources of the College to advance knowledge and skills in the fields in which the College is concerned.

43.(1) The College has power to do all things that are necessary or convenient to be done in, or in connection with, the performance of its functions.

Powers  
of  
College

(2) Without limiting the generality of sub-section (1), the power of the College referred to in that sub-section includes power -

- (a) to enter into an arrangement with one or more universities or institutions of advanced, technical or further education, whether in or outside Australia, or with one or more of the States that administer education services, for the establishment in the College of courses of lectures or studies for degrees, diplomas, trade certificates or otherwise;

## Education

- (b) to co-operate with other institutions that provide facilities for teaching or research;
  - (c) to conduct such courses of study and instruction, and at such levels, in the kinds and fields of education and training provided by the College as the Council determines or as the Minister requires;
  - (d) to make such awards in relation to the passing of examinations or otherwise in relation to the education and training provided by the College as may be provided for by the Rules;
  - (e) subject to sub-section (3), to enter into contracts;
  - (f) to purchase, take on lease or otherwise acquire and to sell, grant leases of or otherwise dispose of, real or personal property;
  - (g) to erect buildings;
  - (h) to occupy, use and control any land or building owned or held under lease and made available for the purpose of the College;
  - (j) to employ such persons as are necessary;
  - (k) to establish committees for the carrying out of any of its functions and appoint persons (including persons who are not members of the Council) to be members of such a committee;
  - (m) to accept gifts, devises, bequests and assignments made to the College, whether on trust or otherwise, and to act as trustees of moneys or other property vested in the College upon trust;
  - (n) to establish halls of residence in association or affiliation with the College; and
  - (p) to provide and maintain libraries, laboratories and museum facilities in connection with the College.
- (3) The College shall not, except with the approval of the Minister, enter into a contract involving the payment by the College of an amount exceeding \$100,000.



## Education

(4) Notwithstanding anything contained in this Part or the Financial Administration and Audit Act, any moneys or property held by the College upon trust shall be dealt with in accordance with the powers and duties of the College as trustee.

44.(1) The governing body of the College is a Council of the Darwin Community College. Council

(2) The Council shall be subject to any directions of the Minister in the exercise of its powers and the performance of its functions.

(3) All acts and things done in the name of, or on behalf of, the College with the authority of the Council shall be deemed to have been done by the College.

45.(1) The Council shall consist of -

Constitution of  
Council

- (a) the Principal;
- (b) one member of the staff of the College elected by that staff;
- (c) 2 full-time members of the teaching staff of the College elected by that teaching staff;
- (d) 2 students of the College elected by the students of the College;
- (e) persons, not exceeding 12 in number, appointed by the Administrator; and
- (f) where a person other than a person who is already a member of the Council is appointed in accordance with section 50 to be the Chairman, the person so appointed.

(2) Where a person other than the Principal is for the time being performing the duties of the office of Principal, that person may attend meetings of the Council and, for the purposes of those meetings, shall be deemed to be a member of the Council.

(3) The term of office of a member other than the Principal shall be as provided by this Part, but such a member is, subject to this Part, eligible for reappointment or re-election.

46.(1) A member elected by the staff or the teaching staff of the College shall hold office, subject to this Part, for a period of one year.

Member  
elected  
by teaching  
staff

## Education

(2) If a member elected by the staff or the teaching staff of the College has ceased to hold office before the expiration of his term of office, the Chairman may, having regard to the length of the unexpired part of that term of office, direct that a member of that staff or teaching staff be elected by that staff or teaching staff, as the case requires, to hold office from the date of his election until the expiration of that term.

(3) A member elected by the staff or the teaching staff of the College ceases to be a member if he ceases to be a member of that staff or teaching staff, as the case may be.

Member  
elected by  
students

47.(1) A member of the Council elected by the students of the College shall hold office, subject to this Part, for a period of one year.

(2) If a member elected by the students of the College has ceased to hold office the Chairman may, having regard to the length of the unexpired part of that term of office, direct that a student of the College be elected by the students of the College, to hold office from the date of his election until the expiration of that term.

(3) Except as otherwise provided by the Rules, a member elected by the students of the College ceases to be a member if the Council determines that he has ceased to be a student of the College.

Members  
appointed  
by Admin-  
istrator

48. A member appointed by the Administrator in accordance with section 45(1)(e) shall be appointed to hold office, subject to this Part, for such period, not exceeding 4 years, as the Administrator thinks fit.

Members  
appointed by  
Council

49. A member appointed by the Council in accordance with section 45(1) shall be appointed to hold office, subject to this Part, for such period, not exceeding 4 years, as the Council thinks fit.

Chairman  
and  
Deputy  
Chairman of  
Council

50.(1) The Council shall, from time to time, as the occasion requires -

(a) appoint a member of the Council referred to in section 45(1)(e), or another person, to be the Chairman of the Council; and

(b) appoint a member of the Council referred to in those paragraphs to be the Deputy Chairman of the Council.

## Education

(2) If the Council appoints as Chairman a person who is not a member, the Council shall specify a period, not exceeding 4 years, as the term for which he is appointed, and the person so appointed -

- (a) becomes a member on the date on which his appointment as Chairman takes effect and continues to be a member, subject to this Part, for the period so specified;
- (b) ceases to be Chairman at the end of the period so specified or if he sooner ceases to be a member; and
- (c) may resign his office as Chairman by writing under his hand delivered to the Administrator, in which event he also ceases to be a member.

(3) A member of the Council appointed as Chairman or Deputy Chairman holds office as Chairman or Deputy Chairman -

- (a) for the period, if any, fixed by the Council at the time of his appointment; or
- (b) if no period is so fixed, until the expiration of his term of office as a member that is current at the time of his appointment,

but ceases to be the Chairman or Deputy Chairman if he ceases to be a member, and may resign his office as Chairman by writing under his hand delivered to the Deputy Chairman or resign his office as Deputy Chairman by writing under his hand delivered to the Chairman, as the case requires.

(4) A person is eligible to be reappointed as the Chairman or Deputy Chairman.

51. A person who -

Disquali-  
fications

- (a) is an undischarged bankrupt or a person in respect of whom there is in operation a composition, deed of arrangement or deed of assignment with his creditors under a law relating to bankruptcy; or
- (b) is under sentence of imprisonment for an offence,

is not capable of becoming a member.

## Education

Vacation of  
office

52.(1) If a member other than the Principal -

- (a) becomes a person referred to in section 51(a) or (b);
- (b) is absent without leave of the Council from 3 consecutive meetings of the Council; or
- (c) without reasonable excuse, fails to comply with his obligations under sub-section (2),

the Administrator shall terminate the appointment of the member.

(2) A member who is directly or indirectly interested in a contract made or proposed to be made by the College, otherwise than as a member of, and in common with the other members of, an incorporated company consisting of not less than 25 persons, shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Council.

(3) A disclosure under sub-section (2) shall be recorded in the minutes of the Council and the member -

- (a) shall not take part after the disclosure in any deliberation or decision of the Council with respect to the contract; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Council for any such deliberations or decision.

(4) If an interest referred to in sub-section (2) is patent, that sub-section does not apply but sub-section (3) applies as if there had been a disclosure in accordance with sub-section (2).

(5) The Administrator may terminate the appointment of a member from office other than the Principal on the ground of misbehaviour or physical or mental incapacity.

(6) A member other than the Principal may resign from membership of the Council by writing under his hand delivered to the Chairman or the Deputy Chairman.

Fees and  
allowances

53. A member, other than the Principal, shall be paid such fees, allowances and expenses and at such rates as the Administrator determines.

## Education

54.(1) The Chairman or, if for any reason the Chairman is not available, the Deputy Chairman -

Meetings  
of  
Council

(a) may convene meetings of the Council, and shall comply with any resolution of the Council with respect to the convening of meetings; and

(b) shall, within 7 days after receipt of a written request signed by not less than 4 members, convene a meeting of the Council.

(2) If neither the Chairman nor the Deputy Chairman is available, the Minister may convene a meeting of the Council.

(3) The Chairman shall preside at all meetings of the Council at which he is present.

(4) At a meeting of the Council at which the Chairman is not present, the Deputy Chairman shall preside.

(5) At a meeting of the Council at which neither the Chairman nor the Deputy Chairman is present, the members present shall appoint one of their number to preside.

(6) At a meeting of the Council, one-half of the members for the time being of the Council constitutes a quorum.

(7) Subject to sub-section (8), all questions arising at a meeting of the Council shall be decided by a majority of the votes of the members present and voting, and for that purpose, the member presiding at the meeting has a deliberative vote only.

(8) In the event of an equality of votes on a resolution proposed at a meeting of the Council, the resolution shall be taken not to be passed, but, if the same resolution is proposed at the next meeting of the Council held on a subsequent day and there is again an equality of votes, the member presiding at that meeting has a casting vote on the proposed resolution.

55. No act or proceeding of the Council, or of the members of any committee of the Council, is invalidated by reason of -

Validity  
of  
proceedings

(a) a defect in the appointment or election of a member;

(b) a disqualification of a member;

## Education

- (c) a defect in the convening of a meeting; or
- (d) a vacancy or vacancies in the membership of the Council.

### Principal of College

56. There shall be an office of Principal of the College in the service of the College.

### Terms and conditions of service of staff

57. Subject to any other law in force in the Territory, persons employed by the College shall be employed on such terms and conditions, including conditions with respect to the duration of the employment or with respect to dismissal from employment, as the Council, with the approval of the Administrator, determines.

### Rules

58.(1) The Council may make Rules, not inconsistent with this Part, with respect to any of the following matters:

- (a) the management, good government and discipline of the College and of the institution conducted by the College;
- (b) the imposition, by or on behalf of the College, of penalties upon students of the College or persons employed by the College for contravention of, or failure to comply with, a Rule with respect to a matter referred to in paragraph (a);
- (c) the elections of members of the Council by the teaching staff and students of the College;
- (d) admission of persons to courses of study or instruction of the College;
- (e) the courses of study or instruction of the College;
- (f) the holding of examinations of the College and the admission of persons to examinations of the College;
- (g) the awards of the College and the requirements for the making of the awards;
- (h) the granting by the College of scholarships, bursaries and prizes; and
- (j) any other matter necessary or convenient for giving effect to this Part.

## Education

(2) A Rule made by the Council shall be sealed with the seal of the College and transmitted by the Council for the approval of the Administrator.

(3) A Rule approved by the Administrator shall be notified in the Gazette and, upon notification, has the force of law.

(4) The Rules shall be numbered consecutively in the order in which they are notified in the Gazette, and a notice in the Gazette of the fact that a Rule has been made, specifying the number of the Rule and a place at which copies of the Rule may be purchased, is sufficient compliance with the requirement that the Rule is to be notified in the Gazette.

(5) A copy of every Rule notified in the Gazette shall be laid before the Legislative Assembly within 10 sitting days of the Legislative Assembly after it is so notified.

(6) The production of a document purporting to be a copy of a Rule and to be sealed with the seal of the College or to have been printed by the Government Printer is, in all proceedings, evidence of the Rule.

59.(1) A contract to be made by the College, being a contract that, if made by a person other than a body corporate, would by law be required to be in writing under the seal of that person, may be made on behalf of the College in writing under the seal of the College.

Contracts  
by  
College

(2) A contract to which sub-section (1) does not apply -

- (a) is not invalid by reason only that it is not executed under the seal of the College;
- (b) may be made on behalf of the College by a person acting with the authority of the College, express or implied; and
- (c) if made in writing, may be executed on behalf of the College by that person.

60.(1) Subject to this section, fees are payable to the College, at such rates as, subject to any directions of the Minister, the Council determines for such courses of study or instruction of the College, for admission to such examinations conducted by the College, and for such other facilities or privileges of the College as the Council determines or the Minister directs.

Fees

## Education

(2) A student who has been granted by the College, in accordance with the Rules, a scholarship or bursary is exempt from payment of fees to the extent of the exemption applicable under the scholarship or bursary.

(3) The Council may grant exemption from the payment of the whole or any part of any fees otherwise payable by a student if it considers that the payment of the whole or part of the fees, as the case may be, would cause substantial hardship for the student.

### PART VII - NON-GOVERNMENT EDUCATIONAL INSTITUTIONS

Applica-  
tion for  
registrat-  
ion of  
education-  
al instit-  
ution

61.(1) Subject to this Part, the person who has the management or control of the affairs of an educational institution that is -

- (a) a non-Government school;
- (b) a pre-school, other than a pre-school wholly established and wholly maintained by the Minister; or
- (c) a post-school institution, other than the Darwin Community College constituted under section 41 or a post-school institution wholly established and wholly maintained by the Minister,

may apply to the Minister for registration of that institution.

(2) Where, in relation to an institution, there is more than one person of a description referred to in sub-section (1), a person, authorized by a resolution of the governing authority of the institution may make an application under sub-section (1).

Form of  
application

62.(1) An application under section 61 for registration of an educational institution referred to in that section shall be in writing and shall contain particulars of -

- (a) the name and address of the institution;
- (b) the method of management of the affairs of the institution;
- (c) the minimum educational qualifications of teachers or lecturers to be employed at the institution;



## Education

- (d) the curriculum in accordance with which instruction is to be provided at the institution;
- (e) the maximum and minimum ages of and the maximum number of children or students to be enrolled at the institution;
- (f) the buildings and facilities to be used by or available to the institution; and
- (g) the name and designation of a person (in this Part referred to as a "public officer") nominated by the institution for the service of notices under this Act.

(2) An applicant shall furnish to the Minister such further particulars of the matters referred to in sub-section (1) as the Minister may specify in a written request delivered to the applicant.

63.(1) Subject to this Part, the Minister may, by notice in writing delivered to the applicant, determine an application under section 61 for registration of an educational institution -

Determin-  
ation of  
application

- (a) by registering the institution; or
- (b) by refusing to register the institution.

(2) Subject to section 65, the Minister may register an educational institution subject to such conditions as may be specified in the notice referred to in sub-section (1).

(3) Where the Minister refuses to register an institution or registers an institution subject to conditions, the Minister shall, in the notice referred to in sub-section (1), set out details of the reasons for the refusal or the imposition of the conditions, as the case may be.

64.(1) The Minister may, on an application made to him in writing by the public officer of a registered educational institution -

Cancellat-  
ion, &c.,  
of registr-  
ation

- (a) cancel;
- (b) suspend, for the period specified in the application; or
- (c) vary, in the manner specified in the application, a condition of,

## Education

the registration of the institution by notice in writing delivered to that public officer.

(2) The Minister may, by notice in writing delivered to the public officer of a registered educational institution, require that public officer to show cause why -

(a) the registration of the institution should not be -

(i) cancelled; or

(ii) suspended for the period specified in the notice;

(b) a condition of the registration of the institution should not be varied in the manner specified in the notice; or

(c) the registration of the institution should not be subject to a condition specified in the notice.

(3) Subject to section 65, the Minister may, not less than 3 months after the date of delivery of a notice under sub-section (2), by notice in writing delivered to the public officer of the educational institution which is the subject of that first-mentioned notice -

(a) cancel the registration of that institution;

(b) suspend the registration of that institution for the period specified in the first-mentioned notice;

(c) vary a condition of the registration of that institution in the manner specified in the first-mentioned notice; or

(d) impose a condition on the registration of that institution in the manner specified in the first-mentioned notice.

(4) Subject to section 66(6), the cancellation or suspension of the registration of an educational institution under sub-section (1) or (3) or the variation or imposition of a condition of such registration under sub-section (1) or (3) shall have effect on and from such date as the Minister may specify in the notice delivered under sub-section (1) or (3), as the case may be.

## Education

### 65. The Minister -

- (a) shall not refuse to register an educational institution under section 63;
- (b) shall not cancel, under section 64(3)(a), or suspend, under section 64(3)(b), the registration of an educational institution; or
- (c) shall not impose, under section 63(2) or 64(3)(d), a condition on, or vary, under section 64(3)(c), a condition of, the registration of an educational institution,

Minister  
not to  
cancel &c.,  
registration  
in certain  
circumstances

if the education provided or to be provided at the institution is efficient and suitable education, having regard to the ages and capabilities of the children or students who are or will be enrolled in the institution.

66.(1) An applicant for registration of an educational institution who is dissatisfied with a decision of the Minister under section 63 may appeal to the Supreme Court.

Appeal to  
Supreme  
Court

(2) The public officer of a registered educational institution who is dissatisfied with a decision of the Minister under section 64(1) or (3) may appeal to the Supreme Court.

(3) A person intending to appeal under sub-section (1) or (2) shall, within 28 days after the day on which he receives the notice referred to in section 63(1), 64(1) or (3), as the case may be, serve on or post to the Master of the Supreme Court and the Minister a notice in writing of his intention to appeal.

(4) The Supreme Court has jurisdiction to hear and determine an appeal under this section and for the purposes of that jurisdiction, has the same powers and duties as the Minister has under this Part.

(5) The Minister shall be the respondent on an appeal under this section.

(6) The making of an appeal under this section operates as a stay of action to implement the decision which is the subject of the appeal.

(7) The Supreme Court in determining an appeal under this section may -

- (a) affirm, set aside or vary the decision of the Minister; and

## Education

(b) make such other order as it thinks fit.

(8) Where the Supreme Court sets aside or varies a decision of the Minister, the Court shall set out in its decision the reasons for its decision.

(9) Subject to this Part, an appeal under this section shall be brought as if it were an appeal from a Local Court to the Supreme Court under the Local Courts Act and the Supreme Court may exercise all the powers and perform all the functions that it may exercise and perform under that Act in relation to an appeal from a Local Court to the Supreme Court.

### Records

67.(1) The head teacher of a registered non-Government school shall keep such records in relation to the attendance of children enrolled at the school as may be prescribed or as the Minister may determine.

(2) The head teacher of a registered non-Government school shall furnish the Minister with such returns in relation to the attendance of children enrolled at the school and at such times as may be prescribed or as the Minister may determine.

Penalty: \$200.

### Inspection by request

68.(1) The Minister may, at the request of the governing authority or head teacher of any registered non-Government school, cause the school to be visited by an authorized person for the purpose of advising the governing authority or head teacher in relation to any matter connected with the administration of the school.

(2) In sub-section (1), "authorized person" means a person authorized in writing by the Minister for the purposes of that sub-section.

(3) The Minister may, at the request of the governing authority or head teacher of any registered non-Government school, cause the school to be visited by a medical practitioner, nurse, dentist or dental therapist for the purpose of medical or dental examination of the children who attend the school or for the purpose of advising the governing authority or head teacher of the school on any matter relating to the health or welfare of the children who attend the school.

## Education

### PART VIII - COURSES OF INSTRUCTION

69.(1) Subject to this section, the Secretary shall be responsible to the Minister for -

General  
powers of  
Secretary

(a) the curricula in accordance with which instruction is provided in Government schools and post-school institutions wholly established and wholly maintained by the Minister; and

(b) the standards of education in those schools and post-school institutions.

(2) Without limiting the generality of sub-section (1), the Secretary may provide either generally or in relation to a particular educational institution -

(a) such examination or assessment systems or arrangements as he considers necessary or desirable; and

(b) in the case of a Government school - such curriculum guidelines and directions as to the content, methods and evaluation of teaching and learning as he considers appropriate.

(3) For the purposes of sub-section (2)(a), the Secretary may make arrangements with one or more educational institutions in Australia, or with one or more of the States that administer education services, for the provision in the Territory of examination systems provided by such an educational institution or in such a State.

(4) This Part does not apply to or in relation to the Darwin Community College constituted under section 41.

### PART IX - COUNCILS

70.(1) The Minister may establish or facilitate the establishment of a council for any Government educational institution.

Establish-  
ment of  
councils

(2) For the purposes of sub-section (1) and subject to this Act, the Minister may publish guidelines with respect to the establishment, composition and operation of councils for Government educational institutions in any manner that is, in his opinion, convenient.

## Education

(3) In exercising his discretion under sub-section (1), the Minister shall have regard to a request to establish the council from members of the community served by the institution.

Operation  
of  
councils

71. A council established under section 70(1) for any Government educational institution shall -

- (a) have such powers, functions, duties and obligations as may be conferred, imposed or prescribed by or under this Act; and
- (b) be governed by and conduct its affairs in accordance with terms of reference determined by the Minister.

## PART X - MISCELLANEOUS

Medical  
and  
dental  
inspections

72. The Minister may cause any Government school to be visited by a medical practitioner, nurse, dentist or dental therapist for the purpose of medical or dental examination of the children who attend the school or for the purpose of advising the head teacher of the school on any matter relating to the health or welfare of the children who attend the school.

Religious  
instruction  
in Govern-  
ment  
schools

73.(1) Subject to this section, the Secretary may make regular provision for religious instruction to be given to the children in attendance at a Government school under such conditions and at such times during which the school is open for instruction as he thinks fit.

(2) Upon the request, in writing, of the parents of a child or children in attendance at a Government school, the Secretary shall, where he considers it practicable, permit a person who is a minister of religion and is nominated by those parents or a person authorized by such a minister of religion, during school hours, to give to the children in attendance at that Government school whose parents wish them to receive religious instruction from that minister of religion or a person authorized by that minister of religion, religious instruction during not less than half an hour in every week when instruction is provided at the school for children, on such days and at such times as the Secretary determines.

Offences

74.(1) Proceedings for an offence against this Act shall not be commenced without the consent of the Minister.

## Education

(2) In any proceedings for an offence against this Act, an apparently genuine document purporting to be under the hand of the Minister and to record his consent to the commencement of the proceedings shall be accepted as proof of that consent in the absence of proof to the contrary.

75.(1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for giving effect to this Act.

Regulations

(2) Without limiting the generality of sub-section (1), the regulations may provide for penalties not exceeding \$200 for offences against the regulations.

## PART XI - TRANSITIONAL AND SAVINGS

76.(1) Notwithstanding the repeal effected by section 3, any school or institution administered under the repealed Education Acts or the repealed Education Ordinance immediately before the commencement of this Act, shall be deemed to be a school or institution established under this Act.

Transitional and savings

(2) Notwithstanding the repeal effected by section 3, the Darwin Community College established by the repealed Darwin Community College Ordinance shall continue in existence under Part VI of this Act, subject to this Act.

(3) Notwithstanding the repeal effected by section 3, and unless or until the Minister otherwise determines, a school committee constituted under the repealed School Committee Ordinance shall continue in existence, upon the same terms and conditions and subject to the same restrictions as were applicable to that school committee under the repealed School Committee Ordinance immediately before the date of commencement of this Act, under Part IX of this Act as if that school committee were a council constituted under section 70 of this Act.

(4) An appointment duly made, or other action duly taken or done before the commencement of this Act under or for the purposes of a provision of the repealed Education Acts, the repealed Education Ordinance, the repealed Darwin Community College Ordinance or the repealed School Committee Ordinance and having effect immediately before the commencement of this Act is as valid and effectual as if duly made, taken or done under or for the purposes of this Act, but any action that may be taken or done under or for

## Education

the purposes of this Act may be taken or done in respect of that first-mentioned appointment or action.

(5) Notwithstanding the repeal effected by section 3, the Darwin Community College Regulations made under section 31 of the repealed Darwin Community College Ordinance shall continue in force after the commencement of this Act unless or until -

- (a) the Administrator otherwise determines; or
- (b) the Administrator makes a determination under section 53,

whichever is the earlier.

(6) Notwithstanding the repeal effected by section 3, a Rule made by the Council of the Darwin Community College under section 22 of the repealed Darwin Community College Ordinance and in force immediately before the commencement of this Act shall continue in force after the commencement of this Act but may be amended or repealed by a Rule made under section 58 of this Act.

(7) Notwithstanding the repeal effected by section 3, the accounts and records of financial transactions of the Darwin Community College with respect to the period from the day after those accounts and records were last audited until the date of commencement of this Act shall be audited in accordance with section 29 of the repealed Darwin Community College Ordinance and the Council of the Darwin Community College shall prepare and furnish, in accordance with section 30 of that repealed Ordinance, a report of the operation of the College during the period from 31 December 1978 to the date of commencement of this Act.

(8) A reference in section 21(2) to a registered non-Government school shall be read as a reference to a non-Government school until the expiration of 6 months after the date of commencement of Part VII.

(9) In this section -

"repealed Darwin Community College Ordinance" means the Darwin Community College Ordinance as in force immediately before the commencement of this Act;

"repealed Education Acts" means the Education Acts 1875 to 1905 of the State of South Australia in their application to the Territory immediately before the commencement of this Act;



## Education

"repealed Education Ordinance" means the Education Ordinance as in force immediately before the commencement of this Act;

"repealed School Committee Ordinance" means the School Committee Ordinance as in force immediately before the commencement of this Act.

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### SCHEDULE 1

#### Section 3(1)

#### ACTS OF THE STATE OF SOUTH AUSTRALIA

Education Act 1875 (No. 11 of 1875)

Education Amendment Act 1878 (No. 122 of 1878)

Education Further Amendment Act 1879 (No. 154 of 1879)

Education Acts Amendment Act 1891 (No. 507 of 1891)

Education Acts Amendment Act 1905 (No. 892 of 1905)

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### SCHEDULE 2

#### Section 3(2)

#### ORDINANCES

Darwin Community College Ordinance 1973 (No. 42 of 1973)

Darwin Community College Ordinance (No. 2) 1973 (No. 74 of 1973)

Education Ordinance 1957 (No. 43 of 1957)

Education Ordinance 1962 (No. 42 of 1962)

Education Ordinance 1965 (No. 13 of 1965)

Education Ordinance (No. 2) 1965 (No. 66 of 1965)

Education Ordinance 1973 (No. 57 of 1973)

School Committee Ordinance 1934 (No. 26 of 1934)

School Committee Ordinance 1956 (No. 30 of 1956)

School Committee Ordinance 1962 (No. 1 of 1963)

School Committee Ordinance 1963 (No. 4 of 1964)

School Committee Ordinance 1972 (No. 27 of 1972)



1. The first part of the report is a general

introduction to the subject.

2. The second part is a detailed

description of the methods used.

3. The third part is a discussion

of the results obtained.

4. The fourth part is a conclusion

and a list of references.

5. The fifth part is a summary

of the main points.

6. The sixth part is a list of

the authors' addresses.

7. The seventh part is a list of

the authors' acknowledgments.

8. The eighth part is a list of

the authors' references.

9. The ninth part is a list of

the authors' conclusions.

10. The tenth part is a list of

the authors' references.

11. The eleventh part is a list of

the authors' acknowledgments.

12. The twelfth part is a list of

the authors' references.

13. The thirteenth part is a list of

the authors' conclusions.

14. The fourteenth part is a list of

the authors' references.

15. The fifteenth part is a list of

the authors' acknowledgments.

16. The sixteenth part is a list of

the authors' references.

17. The seventeenth part is a list of

the authors' conclusions.

18. The eighteenth part is a list of