

**EDUCATION AND PUBLIC INSTRUCTION
(AMENDMENT) ACT 1988 No. 28**

NEW SOUTH WALES



TABLE OF PROVISIONS

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2. Amendment of Education and Public Instruction Act 1987 No. 62
3. Saving of existing delegations

SCHEDULE 1—AMENDMENTS



**EDUCATION AND PUBLIC INSTRUCTION (AMENDMENT) ACT
1988 No. 28**

NEW SOUTH WALES



Act No. 28, 1988

An Act to amend the Education and Public Instruction Act 1987 to restore the school certificate and for other purposes. [Assented to 6 July 1988]

Education and Public Instruction (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Education and Public Instruction (Amendment) Act 1988.

Amendment of Education and Public Instruction Act 1987 No. 62

2. The Education and Public Instruction Act 1987 is amended as set out in Schedule 1.

Saving of existing delegations

3. A delegation under section 39 of the Education and Public Instruction Act 1987 and in force immediately before the commencement of this Act shall be taken to be a delegation under that section, as substituted by this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

(1) Long title—

Omit “certificates of secondary education”, insert instead “school certificates”.

(2) Section 3 (**Definitions**)—

Section 3 (1), definition of “secondary certificate”—

Omit “certificate of secondary education”, insert instead “school certificate”.

(3) Section 14 (**Discipline in State schools**)—

Omit section 14 (2), insert instead:

(2) The Director-General (but not the Minister) may suspend or expel a child of any age from a State school.

(4) Section 30 (**Functions of the Board**)—

Section 30 (1) (a)—

Omit “certificates of secondary education” wherever occurring, insert instead “school certificates”.

(5) Section 32 (**School certificates**)—

(a) Section 32 (1)—

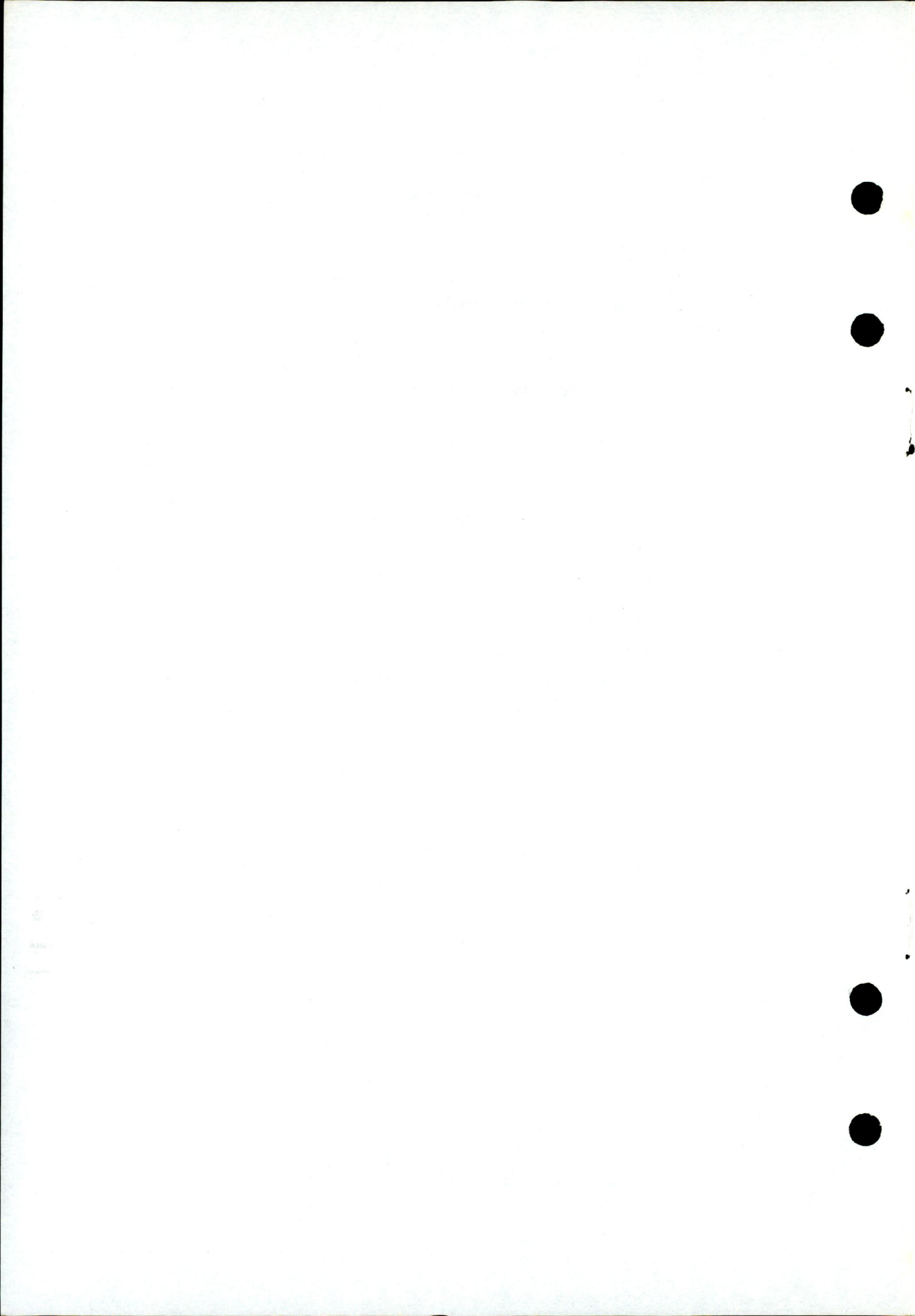
Omit “Certificates of secondary education”, insert instead “School certificates”.

(b) Section 32 (1) (a)—

After “have attended”, insert “, for a prescribed period,”.

SCHEDULE 1—AMENDMENTS—*continued*

- (c) Section 32 (1) (b), (2)—
Omit “certificate of secondary education” wherever occurring, insert instead “school certificate”.
- (d) Section 32 (1) (c)—
Omit “or an approved stage of those courses”.
- (6) Section 33 (**Higher school certificates**)—
Section 33 (1) (a)—
Omit “who are qualified for the grant of a certificate of secondary education”, insert instead “who have been granted a school certificate”.
- (7) Section 35 (**Reconsideration of decisions**)—
Section 35 (1)—
Omit “certificate of secondary education”, insert instead “school certificate”.
- (8) Section 39—
Omit the section, insert instead:
Delegation by the Minister, the Director-General or the Board
39. The Minister, the Director-General or the Board may delegate to any person or body (including, in the case of a delegation by the Board, any committee of the Board) the exercise of any of their respective functions under this Act (other than the power of delegation conferred by this section).





**EDUCATION AND PUBLIC INSTRUCTION
(AMENDMENT) BILL 1988**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Education and Public Instruction Act 1987 No. 62
3. Saving of existing delegations

SCHEDULE 1—AMENDMENTS

EDUCATION AND PUBLIC INSTRUCTION
(AMENDMENT) BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to abolish the certificate of secondary education and to restore the school certificate;
- (b) to give the Director-General of Education, rather than the Minister, power to suspend or expel students from State schools; and
- (c) to allow the functions of the Director-General to be performed by delegates authorised under the Principal Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Clause 3 saves existing delegations under the Principal Act.

SCHEDULE 1—AMENDMENTS

Restoration of the school certificate

Schedule 1 (5) amends section 32 of the Principal Act so as to abolish the certificate of secondary education and restore the system of granting school certificates.

The amended section 32 will read as follows:

32. (1) [*Certificates of secondary education*] **School certificates** shall be granted by the Board to students—

- (a) who have attended, **for a prescribed period**, a State secondary or composite school, a school registered by the Board or a school outside New South Wales recognised by the Board;

Education and Public Instruction (Amendment) 1988

- (b) who have participated, to the Board's satisfaction, in courses of studies which the Board has determined or approved under section 30 (1) (a) as appropriate to be undertaken by candidates for the [*certificate of secondary education*] **school certificate**;
- (c) who have been accepted by the Board as having satisfactorily completed those courses of studies [*or an approved stage of those courses*];
- (d) who have, to the satisfaction of the Board, undertaken any requisite examinations or other forms of assessment; and
- (e) who have complied with any prescribed requirements or any requirements imposed by the Minister or the Board.

(2) The Board may refuse to grant a [*certificate of secondary education*] **school certificate** to a student whose attendance or application at school has been of such an unsatisfactory character that the grant of the certificate would not, in the opinion of the Board, be justified.

Matter to be omitted is shown in italics and matter to be inserted is shown in bold type.

The amendments made by Schedule 1 (1), (2), (4), (6) and (7) are consequential on the amendment made by Schedule 1 (5).

Student discipline

Schedule 1 (3) amends section 14 of the Principal Act so as to give the Director-General of Education, rather than the Minister, power to suspend or expel students from State schools.

The amended section 14 will read as follows:

14. (1) The Minister may control and regulate student discipline at State schools.

[*(2) Without limiting the generality of subsection (1), the Minister may suspend or expel from a State school a child of any age.*]

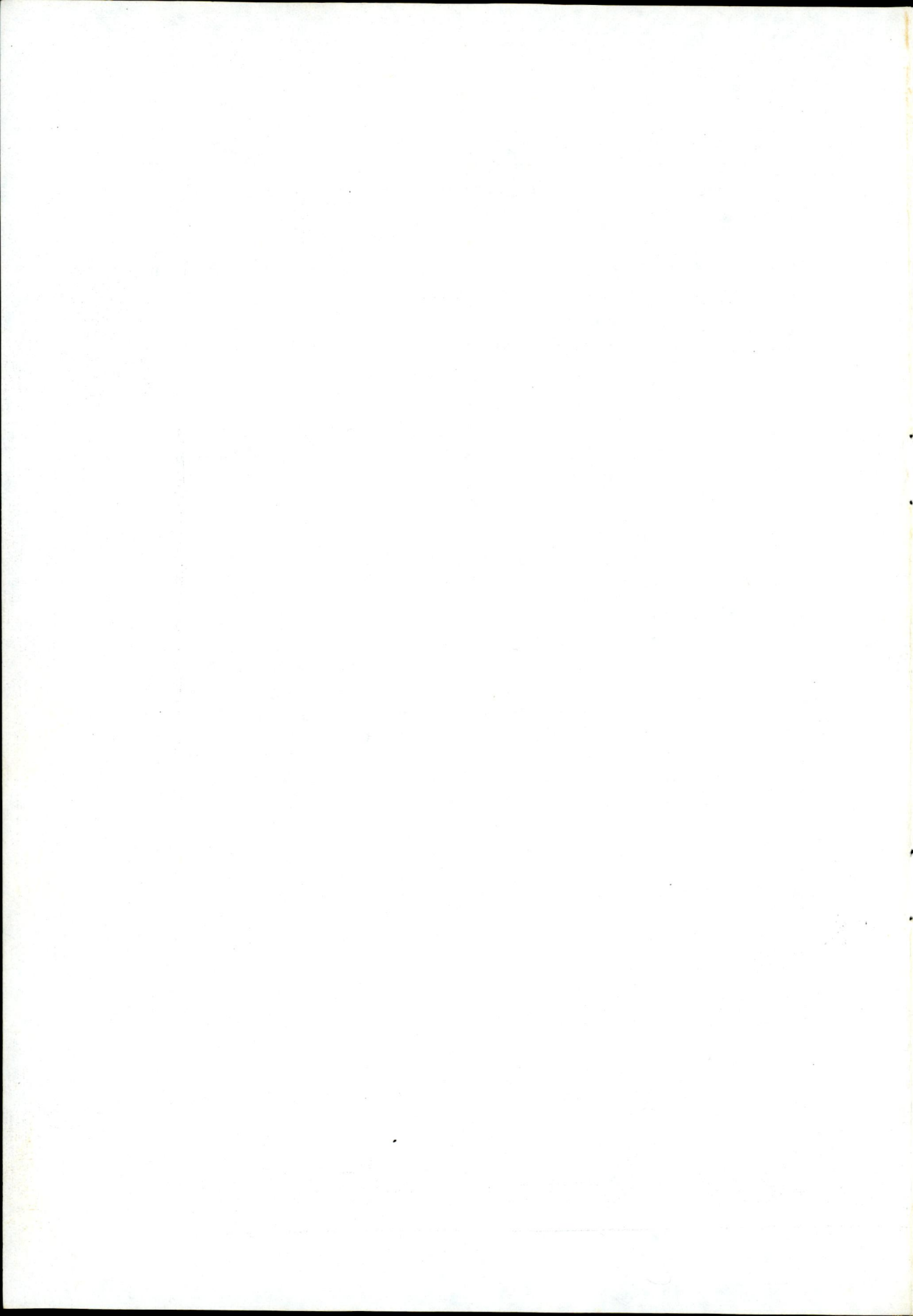
(2) The Director-General (but not the Minister) may suspend or expel a child of any age from a State school.

Delegation of functions of the Director-General

Schedule 1 (8) substitutes section 39 of the Principal Act. The new section allows the delegation of the functions of the Director-General of Education under the Principal Act, as well as those of the Minister and the Board of Secondary Education. It also omits certain provisions contained in the old section in relation to delegations, as these provisions are now contained in section 49 of the Interpretation Act 1987.

SCHEDULE 1—AMENDMENTS—*continued*

- (c) Section 32 (1) (b), (2)—
Omit “certificate of secondary education” wherever occurring, insert instead “school certificate”.
- (d) Section 32 (1) (c)—
5 Omit “or an approved stage of those courses”.
- (6) Section 33 (**Higher school certificates**)—
Section 33 (1) (a)—
Omit “who are qualified for the grant of a certificate of secondary
10 education”, insert instead “who have been granted a school
certificate”.
- (7) Section 35 (**Reconsideration of decisions**)—
Section 35 (1)—
Omit “certificate of secondary education”, insert instead “school
certificate”.
- 15 (8) Section 39—
Omit the section, insert instead:
Delegation by the Minister, the Director-General or the Board
39. The Minister, the Director-General or the Board may
20 delegate to any person or body (including, in the case of a
delegation by the Board, any committee of the Board) the exercise
of any of their respective functions under this Act (other than the
power of delegation conferred by this section).



**EDUCATION AND PUBLIC INSTRUCTION
(AMENDMENT) BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend the Education and Public Instruction Act 1987 to restore the school certificate and for other purposes.

Education and Public Instruction (Amendment) 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Education and Public Instruction (Amendment) Act 1988.

5 Amendment of Education and Public Instruction Act 1987 No. 62

2. The Education and Public Instruction Act 1987 is amended as set out in Schedule 1.

Saving of existing delegations

3. A delegation under section 39 of the Education and Public Instruction Act 1987 and in force immediately before the commencement of this Act shall be taken to be a delegation under that section, as substituted by this Act.

SCHEDULE 1—AMENDMENTS

(Sec. 2)

15 (1) Long title—

Omit “certificates of secondary education”, insert instead “school certificates”.

(2) Section 3 (**Definitions**)—

Section 3 (1), definition of “secondary certificate”—

20 Omit “certificate of secondary education”, insert instead “school certificate”.

(3) Section 14 (**Discipline in State schools**)—

Omit section 14 (2), insert instead:

25 (2) The Director-General (but not the Minister) may suspend or expel a child of any age from a State school.

(4) Section 30 (**Functions of the Board**)—

Section 30 (1) (a)—

Omit “certificates of secondary education” wherever occurring, insert instead “school certificates”.

30 (5) Section 32 (**School certificates**)—

(a) Section 32 (1)—

Omit “Certificates of secondary education”, insert instead “School certificates”.

(b) Section 32 (1) (a)—

35 After “have attended”, insert “, for a prescribed period,”.