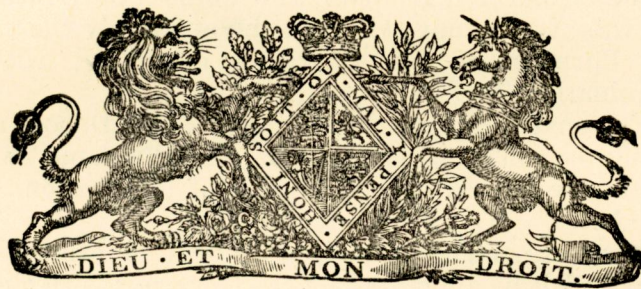


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 1 November, 1866, .AM. }

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. .

An Act to make better provision for Public Education.

WHEREAS it is expedient to make better provision for the administration of the Public Funds devoted to Education Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Five persons shall be appointed as hereinafter provided who together with the Colonial Secretary for the time being shall constitute a Council of Education of which the Colonial Secretary shall *ex officio* be President And such Council shall be a body politic and corporate and shall by the style and title of "The Council of Education" have perpetual succession and be able and capable to sue and be sued in all Courts of Law and Equity and shall have and use as occasion may require a Common Seal And shall and may accept purchase and hold to them and their successors as Members of the said Corporation to and for the uses thereof Real and Personal Estate and Property of every kind.

Council of Education to be constituted.

2. The Acts eleven Victoria number forty-eight sixteen Victoria number sixteen and twenty-second Victoria number eleven shall be and the same are hereby repealed and The Board of National Education incorporated by the first recited Act shall be and the same is hereby dissolved And all Lands Moneys Securities and Personal Property vested in or held in trust for or belonging to the said Board shall

Acts 11 Vic. No. 48
16 Vic. No. 16 and
22 Vic. No. 11 re-
pealed and Board of
National Education
dissolved.

Public Schools.

shall by virtue of this Act become the property of and be vested in The Council of Education subject to the Contracts Liabilities and Claims then existing under The Board of National Education.

3. The Denominational School Board created by the Governor
5 of New South Wales in the year One thousand eight hundred and
forty-eight shall be and the same is hereby dissolved And all
Lands and School Buildings held by Trustees under Grants from
the Crown and used for Educational Purposes under the Regulation
and Inspection of the said Board shall subject to the then subsisting
10 Trusts remain vested in such Trustees respectively Provided that in
any such case with the consent in writing of the Religious Denomina-
tion with which the School is connected under the Hand of its Head
or Authorized Representative and the approval of the Governor with
the advice of the Executive Council a majority of the Trustees may
15 either transfer the School and Land to The Council of Education for
the purposes of this Act or may sell the same and apply the proceeds
to Educational Purposes of like character connected with such
Religious Denomination.

Denominational
Board dissolved.

4. All Personal Property belonging to The Denominational
20 School Board shall become the property of and the same is hereby
transferred to and vested in The Council of Education for the
purposes of this Act.

Personalty of
Denominational
Board transferred
to Council of
Education.

5. The Members of The Council of Education other than the
Colonial Secretary shall be appointed by the Governor with the advice
25 of the Executive Council and shall hold Office for the term of Four
Years but each Member shall be liable to removal at any time by the
Governor with the like advice Provided however that of the first Five
Members so appointed Two shall be appointed for Two years instead
of Four And provided further that any Member may resign Office by
30 writing under his Hand addressed to the Governor in which case or in
the case of his death or removal of any Member the appointment
to supply the vacancy so arising shall be for the remaining fractional
part of the term for which such Member so resigning dying or
removed was appointed.

Council of Education
how Members thereof
to be appointed.

6. The Council of Education shall be intrusted with the
35 expenditure of all sums of Money appropriated by Parliament for
Elementary Instruction and shall have authority to establish and
maintain Public Schools to grant aid to Certified Denominational
Schools to appoint and remove Teachers and School Inspectors and to
40 frame Regulations for holding their own Meetings and the perform-
ance of their duties under this Act for defining the Course of Secular
Instruction the Training Examination and Classification of Teachers
the Examination of Scholars the Discipline to be enforced and observed
and to do all other matters necessary to be done in carrying out the
45 provisions of this Act And any Three Members of the said Council
shall form a Quorum and shall be competent to transact business at
any Meeting thereof regularly convened.

Power of Council of
Education.

7. All Regulations framed by The Council of Education shall
be laid before both Houses of Parliament within one month if Parlia-
50 ment be then sitting and if Parliament be not then sitting then within
one month after the commencement of the next ensuing Session thereof
and if not disallowed by express Resolution of both Houses within
one month from their being so laid before Parliament such Regulations
shall have the force of Law and shall be published in the *Government*
55 *Gazette* for general information And two copies of such Regulations
shall within ten days after their publication be sent to each Teacher
and one of such copies shall be by such Teacher posted in a conspicuous
place in the School for public inspection Provided that if Parliament
be not in Session at the commencement of this Act all Regulations made

Regulations to have
the force of law.

as

Public Schools.

as aforesaid shall until the expiration of one month after the next Meeting thereof or until disallowance have the force of Law on publication thereof in the *Government Gazette*.

8. A Public School may be established in any locality where
5 after due inquiry The Council of Education shall be satisfied that there are at least Twenty-five children who will regularly attend such School on its establishment. Public Schools to be established.

9. It shall be lawful for The Council of Education in any locality where a Public School may be established which has in attendance
10 thereat not less than Seventy children to certify as a Denominational School any School situated not more than Five miles from such Public School on such Council being satisfied after due inquiry that there are at least Thirty children in regular attendance at such School Provided that no School shall be so certified in any case where such School shall be
15 within Two miles by the shortest Highway of any Public School unless there shall be in regular attendance at such School and at the nearest Public School together not less than Two hundred children Provided also that all Certified Denominational Schools shall be subject to the same Course of Secular Instruction the same Regulations and the same
20 Inspection as may be prescribed in reference to Public Schools with such modifications as may be judged to be expedient by The Council of Education.

10. In all such Certified Denominational Schools unless application be made from the authorized Heads of the Denomination to the
25 contrary Teachers of the same Religious Denomination as that to which such Schools shall belong respectively shall be appointed and such Teachers shall be subject to such Examination and Approval as may be prescribed for the Teachers in Public Schools. Teachers of same Persuasion to be appointed to Denominational Schools.

11. In all Certified Denominational Schools the Religious
30 Instruction shall be left entirely under the control of the Heads of the Denomination to which any such School may belong. Religious Instruction not interfered with.

12. In Districts where from the scattered state of the Population or other causes it is not practicable to establish a Public School
The Council of Education may appoint Itinerant Teachers under such
35 Regulations as may be framed by them for that purpose. Itinerant teachers to be appointed.

13. In remote and thinly populated Districts where no Public
School may exist the Council of Education may grant assistance to other Schools established by private persons under Regulations to be framed by such Council for that purpose notwithstanding that the
40 children in attendance at any such School do not number Twenty-five Provided that all such Schools shall be subject to the inspection prescribed by the Council of Education. Private Schools may be assisted.

14. It shall be lawful for the Council of Education to authorize
provision to be made in any Public School building for the boarding
45 and lodging either weekly or monthly of such children as by reason of the remoteness of their homes may not otherwise be able to attend at any such school Provided that a sum be charged for such board and lodging which shall in no case exceed the estimated cost thereof. Provision may be made in Public Schools for boarders.

15. The Council of Education shall establish a Training
50 School or Schools for the Education of Teachers both Male and Female and shall prescribe the Course of Studies and the Examinations in such School or Schools and the Teachers so educated shall be classified according to their attainments and skill in Teaching and shall receive Certificates which shall qualify them for corresponding
55 grades in the School Service Provided that the course of training in every such School shall be secular. Training Schools to be established.

16. The Salaries of Teachers in all cases shall be fixed and not
supplemented by Fees shall be regulated by the Number of Pupils and
shall be increased by every addition of Ten to the average attendance
60 over a period of three months. Fixed salaries to be paid to Teachers.

Public Schools.

17. The Council of Education shall authorize a Scale of Fees School fees.
to be paid for Pupils alike in Public Schools and in Certified Denomi-
national Schools and the amount of all Fees as collected by the Teacher
shall be remitted to the said Council at the close of every month.
- 5 18. Notwithstanding any Regulation for the payment of School Education free in
certain cases.
Fees any Child between Five and Fourteen years of Age whose Parents
or Guardians shall refuse or neglect to pay such Fees shall not on that
account be refused admission into a Public School or Certified
Denominational School but shall be received and instructed in the
10 same manner as the other Pupils attending such School.
19. In every Public School Four Hours during each School- Provision for Secular
and Religious
Teaching.
day shall be devoted to Secular Instruction exclusively and of such
Four Hours Two shall be in the morning and Two in the afternoon and
a portion of each day not less than One Hour shall be set apart when
15 the Children of any one Religious Persuasion may be instructed by the
Clergyman or other Religious Teacher of such Persuasion Provided
that in case of the non-attendance of any Clergyman or Religious
Teacher during any portion of the period hereby set apart for Religious
Instruction such period shall be devoted to the ordinary Secular
20 Instruction in such School.
20. No applicant shall be refused admission into any Public No religious dis-
ability.
or Certified Denominational School on account of the Religious
Persuasion of such Applicant or of either of his Parents.
21. Notwithstanding anything to the contrary contained in this Present Teachers
may be continued in
charge of Schools.
25 Act The Council of Education may dispense with any Examination or
Attendance at the Training School in the case of Teachers already
appointed to Schools by The Board of National Education or The
Denominational School Board should it be considered expedient to
continue such Teachers in charge of such Schools.
- 30 22. In every locality where a Public School is established Public School
Boards to be ap-
pointed.
the Governor with the advice of the Executive Council may appoint a
Public School Board to consist of not fewer than Three persons whose
names shall be submitted for that purpose by The Council of Education
and in like manner shall appoint persons to vacancies that may from time
35 to time occur in such Board from death resignation or otherwise and
the said Board shall in order to its more efficient maintenance
regularly visit inspect and report upon the School placed under
their supervision and Three Members thereof where such Board shall
consist of Five or more shall form a Quorum Provided that any
40 Member of such Board shall be liable to removal by the authority
aforesaid.
23. No money shall be appropriated under this Act in aid of Aid to building.
building or repairing School Premises unless the site of such Premises
shall be vested for the promotion of Public Schools in The Council
45 of Education.
24. Notices of all proposals for the establishment of Public New Schools.
Schools and of all applications for aid in the maintenance of Certified
Denominational Schools shall be published four times in the *Govern-
ment Gazette* previous to the final decision thereon of The Council of
50 Education.
25. It shall be lawful for The Council of Education to sell or Council of Education
may dispose of
School Property.
otherwise dispose of all School Property which shall be or become
vested in them and to re-invest the proceeds of such sale or disposal
in the purchase of Land or in the erection of Buildings for Educational
55 Purposes under the provisions of this Act.
26. The Council of Education shall on or before the thirty-first Annual Reports.
day of March in every year lay before the Governor in Council
separate Reports of the condition of the Public Schools and the
Certified Denominational Schools and a General Statement of
Accounts

Public Schools.

Accounts and copies of such Reports and Statements of Accounts shall be laid before both Houses of Parliament within one month if Parliament be then sitting and if Parliament be not sitting then within one month after the commencement of the next ensuing Session thereof.

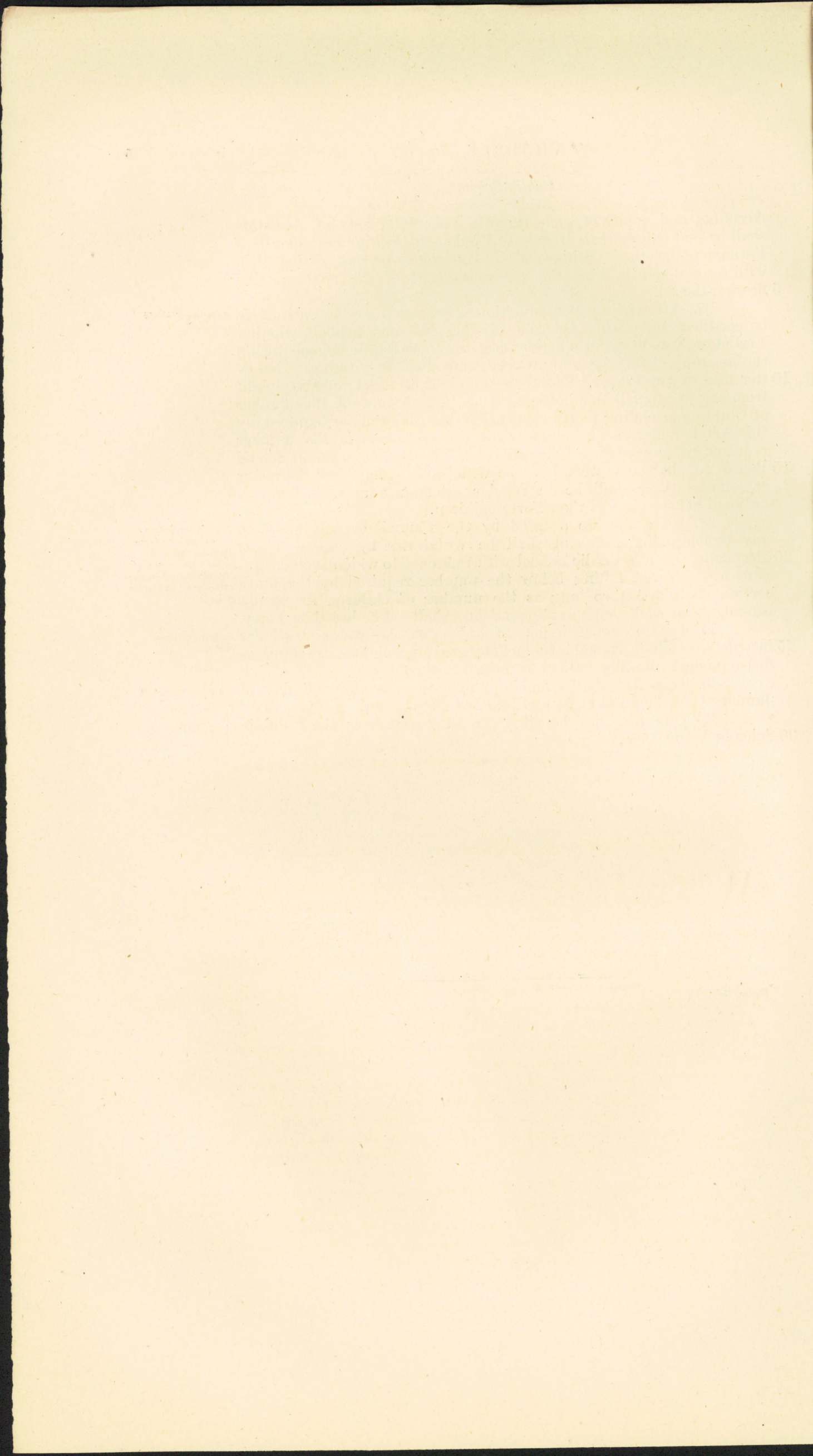
27. All existing Denominational Schools shall be entitled to be certified under this Act and existing National Schools whether Vested or Non-Vested are hereby declared to be Public Schools within the meaning of this Act and no Certificate shall be withdrawn before the first day of January One thousand eight hundred and sixty-eight from any existing Denominational School on account of the number of Children attending thereat being less than the number required by this Act so long as such number shall not be less than the number required by any existing Regulations of The Denominational School Board nor shall such Certificate be withdrawn at any time thereafter so long as there shall be in regular attendance at such Denominational School not less than Forty children.

28. No certificate granted by the Council of Education to any Denominational School shall be withdrawn by reason of the attendance at the Public School with reference to which such certificate was granted falling below the number required by the ninth section of this Act so long as the number of children in regular attendance at such Denominational School shall not be less than Forty.

29. In the construction of this Act the words "secular instruction" shall be held to include general religious teaching as distinguished from dogmatical or polemical theology.

30. This Act shall come into operation on the first day of January One thousand eight hundred and sixty-seven.

31. This Act may be cited for all purposes as the "Public Schools Act of 1866."



1866.

Legislative Council.

PUBLIC SCHOOLS BILL.

SCHEDULE of Amendments to be proposed in Committee of the Whole Council by
MR. DEAS THOMSON.

- Page 1, clause 1, line 8. Omit "together with the Colonial Secretary for the time being"
- " " lines 9 and 10. Omit "of which the Colonial Secretary shall *ex officio* be President"
- Page 2, clause 3, line 8. After "Crown" insert "or otherwise"
- " clause 5, lines 23 and 24. Omit "other than the Colonial Secretary"
- " clause 6, line 36. After "~~maintain~~" insert "and subject to the provisions hereinafter contained" *schools*
- " " " After "certified" insert "non-vested and"
- " " line 40. After "Regulations" insert "for appointing their own President"
- Page 3, clause 8, line 7. After "establishment" add "The property of every such School shall be vested in the said Council and whenever the designation 'Public School' is used it shall signify vested Public School unless otherwise distinguished expressly or by context"
- " clause 9, lines 8 to 10. Omit "in any locality where a Public School may be established which has in attendance thereat not less than seventy children"
- " " line 10. Before "Denominational" insert "non-vested or"
- " " line 11. After "any" insert "such"
- " " lines 11 and 12. Omit "situated not more than five miles from such Public School on such Council" insert "upon"
- " " line 17. Omit "Two hundred" insert
- " " line 18. After "certified" insert "non-vested and"
- " " " After "shall" insert "except as herein excepted"
- " " line 21. After "modifications" insert "not being inconsistent with any express provision of this Act."
- " clause 10. Omit clause 10, substitute the following new clause:—
- " 10. The owners or promoters of every certified non-vested and Denomina-
tional school hereafter established shall nominate and maintain as trustees
thereof two or more persons to be approved of by the Council of Education who
shall be accountable for the due fulfilment of the regulations applicable to such
school and such trustees shall be entitled to appoint the teacher thereof subject
to the like approval and to such examination as may be prescribed for teachers
of Public Schools and such teacher shall be subject to removal either by the
trustees or the said Council on failure to give satisfaction to either respectively."
- " clause 15, line 51. Omit "shall" insert "may also assist any training
school or schools connected with any religious denomination and the said
Council shall in all such cases."
- " " line 56. After "School" insert "established by the Council"
- " " line 16. Omit clause 16.
- Page 4, clause 17, line 2. After "certified" insert "non-vested and"
- " " line 3. Omit "by the Teacher"
- " " line 4. Omit "remitted to the said Council at the close of
of every month" insert "collected in any school shall be paid to the teacher
thereof for his own use or if there be more than one teacher in such
school then in such proportion between the said teachers as the Council
of Education may determine. Provided that it shall be in the discretion
of the said Council to authorize a distinct scale of fees in any case in
which the general scale may appear to them inapplicable"
- " clause 18, line 6. Omit "between five and fourteen years of age"
- " " line 7. Omit "refuse or neglect" insert "be unable"
- " " line 9. After "shall" insert "on such inability being shewn in
such manner as to the Council of Education shall seem reasonable"

Trustees to be named for non-vested schools.

Who may appoint the teacher subject to approval.

Page

School fees may
be recovered.

Page 4. *After* clause 18, *insert* the following new clause:—

“ 19. No child shall be refused admission into a public school or a certified non-vested or Denominational school on account of the refusal or neglect of the parent or guardian of such child to pay the fees due for the education of such child but all fees so due may be recovered by a proceeding in the name of the Council of Education before any Justice or Justices of the Peace in a summary way.”

” clause 20, line 22. *After* “certified” *insert* “non-vested or”

” clause 23, line 45. *After* “Education” *add* “or shall be permanently vested in Trustees in trust for school purposes exclusively.”

” clause 24, line 48. *Before* “Denominational” *insert* “non-vested and”

” *After* clause 25 *insert* the following new clause:—

“ 26. The proceeds of the sale of any property acquired either wholly or in part by means of local contributions which shall be effected by virtue of the preceding sections three and twenty-five shall be expended in the township or neighbourhood in which the property sold or disposed of may be situated. But no person claiming title in virtue of such sale shall be bound to see to this application.”

” clause 26, line 59. *After* “certified” *insert* “non-vested and”

Page 5, clause 27, line 6. *After* “existing” *insert* “non-vested National and”

” line 9. *After* “Act” *insert* “subject nevertheless in the case of non-vested schools to the same trusts and to the same Regulations which have been hitherto applicable to them as National Schools”

” line 11. *Before* “Denominational” *insert* “non-vested or”

” line 14. *Before* “Denominational” *insert* “Board of National Education and”

” line 15. *After* “Board” *insert* “respectively”

” line 16. *Before* “Denominational” *insert* “non-vested or”

” line 17. *Omit* “Forty” *insert* “Thirty”

” clause 28, line 19. *Before* “Denominational” *insert* “non-vested or”

” line 23. *Before* “Denominational” *insert* “non-vested or”

” “ “ “ *Omit* “Forty” *insert* “Thirty.”

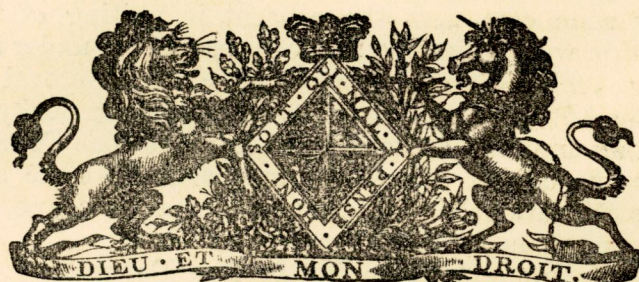
Proceeds of pro-
perty sold under
sections 3 and 25
how disposed of.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 1 November, 1866, A.M. }

CHA. TOMPSON,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. .

(As Amended in Committee of the Whole Council.)

An Act to make better provision for Public Education.

WHEREAS it is expedient to make better provision for the Preamble.
administration of the Public Funds devoted to Education Be it
therefore enacted by the Queen's Most Excellent Majesty by and with
the advice and consent of the Legislative Council and Legislative
5 Assembly of New South Wales in Parliament assembled and by the
authority of the same as follows:—

1. Five persons shall be appointed as hereinafter provided who Council of Education
to be constituted.
~~together with the Colonial Secretary for the time being shall constitute~~
a Council of Education of which the Colonial Secretary shall ~~ex officio~~
10 ~~be President~~ And such Council shall be a body politic and corporate
and shall by the style and title of "The Council of Education"
have perpetual succession and be able and capable to sue and be sued
in all Courts of Law and Equity and shall have and use as occasion
may require a Common Seal And shall and may accept purchase and
15 hold to them and their successors as Members of the said Corporation
to and for the uses thereof Real and Personal Estate and Property of
every kind.

2. The Acts eleven Victoria number forty-eight sixteen Victoria Acts 11 Vic. No. 48
16 Vic. No. 16 and
22 Vic. No. 11 re-
pealed and Board of
National Education
dissolved.
number sixteen and twenty-second Victoria number eleven shall be
20 and the same are hereby repealed and The Board of National Educa-
tion incorporated by the first recited Act shall be and the same is
hereby dissolved And all Lands Moneys Securities and Personal Pro-
perty vested in or held in trust for or belonging to the said Board
120—A shall

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

Public Schools.

shall by virtue of this Act become the property of and be vested in The Council of Education subject to the Contracts Liabilities and Claims then existing under The Board of National Education.

3. The Denominational School Board created by the Governor
5 of New South Wales in the year One thousand eight hundred and
forty-eight shall be and the same is hereby dissolved And all
Lands and School Buildings held by Trustees under Grants from
the Crown or otherwise and used for Educational Purposes under
the Regulation and Inspection of the said Board shall subject to the
10 then subsisting Trusts remain vested in such Trustees respectively
Provided that in any such case with the consent in writing of the
Religious Denomination with which the School is connected under the
Hand of its Head or Authorized Representative and the approval of
the Governor with the advice of the Executive Council a majority of
15 the Trustees may either transfer the School and Land to The Council
of Education for the purposes of this Act or may sell the same and
apply the proceeds to Educational Purposes of like character connected
with such Religious Denomination.

Denominational
Board dissolved.

4. All Personal Property belonging to The Denominational
20 School Board shall become the property of and the same is hereby
transferred to and vested in The Council of Education for the
purposes of this Act.

Personalty of
Denominational
Board transferred
to Council of
Education.

5. The Members of The Council of Education ~~other than the~~
Colonial Secretary shall be appointed by the Governor with the advice
25 of the Executive Council and shall hold Office for the term of Four
Years but each Member shall be liable to removal at any time by the
Governor with the like advice Provided however that of the first Five
Members so appointed Two shall be appointed for Two years instead
of Four And provided further that any Member may resign Office by
30 writing under his Hand addressed to the Governor in which case or in
the case of the death or removal of any Member the appointment
to supply the vacancy so arising shall be for the remaining fractional
part of the term for which such Member so resigning dying or
removed was appointed.

Council of Education
how Members thereof
to be appointed.

35 6. The Council of Education shall be intrusted with the
expenditure of all sums of Money appropriated by Parliament for
Elementary Instruction and shall have authority to establish and
maintain Public Schools to grant aid to Certified Non-vested and
Denominational Schools and subject to the provisions hereinafter
40 contained to appoint and remove Teachers and School Inspectors and
to frame Regulations for appointing their own President for holding
their own Meetings and the performance of their duties under this Act
for defining the Course of Secular Instruction the Training Examina-
tion and Classification of Teachers the Examination of Scholars the
45 Discipline to be enforced and observed and to do all other matters
necessary to be done in carrying out the provisions of this Act And
any Three Members of the said Council shall form a Quorum and
shall be competent to transact business at any Meeting thereof
regularly convened Provided always and it is hereby declared that
50 the Council of Education shall in all matters be subject to the like
control by the Governor and Executive Council as any other Depart-
ment of the Public Service.

Power of Council of
Education.

Quorum.

Subject to Govern-
nor in Council.

7. All Regulations framed by The Council of Education shall
be laid before both Houses of Parliament within one month if Parlia-
55 ment be then sitting and if Parliament be not then sitting then within
one month after the commencement of the next ensuing Session thereof
and if not disallowed by express Resolution of both Houses within
one month from their being so laid before Parliament such Regulations
shall have the force of Law and shall be published in the *Government
Gazette* for general information And two copies of such Regulations
shall

Regulations to have
the force of law.

Public Schools.

shall within ten days after their publication be sent to each Teacher and one of such copies shall be by such Teacher posted in a conspicuous place in the School for public inspection. Provided that if Parliament be not in Session at the commencement of this Act all Regulations made
5 as aforesaid shall until the expiration of one month after the next Meeting thereof or until disallowance have the force of Law on publication thereof in the *Government Gazette*.

8. A Public School may be established in any locality where
after due inquiry The Council of Education shall be satisfied that
10 there are at least Twenty-five children who will regularly attend such School on its establishment. Public Schools to be established.

9. It shall be lawful for The Council of Education ~~in any locality where a Public School may be established which has in attendance thereat not less than Seventy children~~ to certify as a **Non-vested or**
15 **Denominational School** any **such School** situated ~~not more than Five miles from such Public School~~ on such Council being satisfied after due inquiry that there are at least Thirty children in regular attendance at such School. Provided that no School shall be so certified in any case where such School shall be within Two miles by the
20 shortest Highway of any Public School unless there shall be in regular attendance at such School and at the nearest Public School together not less than **Two One hundred and twenty** children. Provided also that all Certified **Non-vested and Denominational Schools** shall **except as is herein excepted** be subject to the same Course of Secular Instruction the same Regulations and the same Inspection as may be
25 prescribed in reference to Public Schools with such modifications **not being inconsistent with any express provision of this Act** as may be judged to be expedient by The Council of Education.

~~10. In all such Certified Denominational Schools unless application be made from the authorized Heads of the Denomination to the contrary Teachers of the same Religious Denomination as that to which such Schools shall belong respectively shall be appointed and such Teachers shall be subject to such Examination and Approval as may be prescribed for the Teachers in Public Schools.~~ Teachers of same Persuasion to be appointed to Denominational Schools.

35 **10. The owners or promoters of every certified Non-vested and Denominational school** hereafter established shall nominate and maintain as Trustees thereof two or more persons to be approved of by the Council of Education who shall be accountable for the due fulfilment of the regulations applicable to such school and such Trustees shall be
40 entitled to appoint the Teacher thereof subject to the like approval and to such examination as may be prescribed for Teachers of Public Schools and such Teacher shall be subject to removal either by the Trustees or the said Council on failure to give satisfaction to either respectively. Trustees to be named for non-vested schools. Who may appoint the teacher subject to approval.

45 **11. In all Certified Denominational Schools the Religious Instruction** shall be left entirely under the control of the Heads of the Denomination to which any such School may belong. Religious Instruction not interfered with.

12. In Districts where from the scattered state of the Population or other causes it is not practicable to establish a Public School The Council of Education may appoint Itinerant Teachers under such
50 Regulations as may be framed by them for that purpose. Itinerant teachers to be appointed.

13. In remote and thinly populated Districts where no Public School may exist the Council of Education may grant assistance to other Schools established by private persons under Regulations to be framed by such Council for that purpose notwithstanding that the
55 **children in attendance at any such School do not number Twenty-five** Provided that all such Schools shall be subject to the inspection prescribed by the Council of Education. Private Schools may be assisted.

14. It shall be lawful for the Council of Education to authorize provision to be made in any Public School building for the boarding
and Provision may be made in Public Schools for boarders.

Public Schools.

and lodging either weekly or monthly of such children as by reason of the remoteness of their homes may not otherwise be able to attend at any such school Provided that a sum be charged for such board and lodging which shall in no case exceed the estimated cost thereof.

5 15. The Council of Education shall establish a Training School or Schools for the Education of Teachers both Male and Female and shall prescribe the Course of Studies and the Examinations in such School or Schools and the Teachers so educated shall be classified according to their attainments and skill in Teaching and shall receive Certificates which shall qualify them for corresponding grades in the School Service Provided that the course of training in every such School shall be secular.

Training Schools to be established.

16. ~~The Salaries of Teachers in all cases shall be fixed and not supplemented by Fees shall be regulated by the Number of Pupils and shall be increased by every addition of Ten to the average attendance over a period of three months.~~

Fixed salaries to be paid to Teachers.

17. 16. The Council of Education shall authorize a Scale of Fees to be paid for Pupils alike in Public Schools and in Certified Non-vested and Denominational Schools and the amount of all Fees as collected by the Teacher shall be remitted to the said Council at the close of every month collected in any School shall be paid to the Teacher thereof for his own use or if there be more than one Teacher in such School then in such proportion between the said Teachers as the Council of Education may determine Provided that it shall be in the discretion of the said Council to authorize a distinct scale of Fees in any case in which the general scale may appear to them inapplicable.

School fees.

18. 17. Notwithstanding any Regulation for the payment of School Fees any Child between Five and Fourteen years of Age whose Parents or Guardians shall refuse or neglect to pay such Fees shall not on that account be refused admission into a Public School or Certified Non-vested or Denominational School but shall on such inability being shewn in such manner as to the Council of Education shall seem reasonable be received and instructed in the same manner as the other Pupils attending such School.

Education free in certain cases.

18. No child shall be refused admission into a Public School or a Certified Non-vested or Denominational School on account of the refusal or neglect of the Parent or Guardian of such Child to pay the Fees due for the Education of such Child but all Fees so due may be recovered by a proceeding in the name of the Council of Education before any Justice or Justices of the Peace in a summary way.

School fees may be recovered.

19. In every Public School Four Hours during each School-day shall be devoted to Secular Instruction exclusively and of such Four Hours Two shall be in the morning and Two in the afternoon and a portion of each day not less than One Hour shall be set apart when the Children of any one Religious Persuasion may be instructed by the Clergyman or other Religious Teacher of such Persuasion Provided that in case of the non-attendance of any Clergyman or Religious Teacher during any portion of the period hereby set apart for Religious Instruction such period shall be devoted to the ordinary Secular Instruction in such School.

Provision for Secular and Religious Teaching.

20. No applicant shall be refused admission into any Public or Certified Non-vested or Denominational School on account of the Religious Persuasion of such Applicant or of either of his Parents.

No religious disability.

21. Notwithstanding anything to the contrary contained in this Act The Council of Education may dispense with any Examination or Attendance at the Training School in the case of Teachers already appointed to Schools by The Board of National Education or The Denominational School Board should it be considered expedient to continue such Teachers in charge of such Schools.

Present Teachers may be continued in charge of Schools.

Public Schools.

22. In every locality where a Public School is established the Governor with the advice of the Executive Council may appoint a Public School Board to consist of not fewer than Three persons whose names shall be submitted for that purpose by The Council of Education and in like manner shall appoint persons to vacancies that may from time to time occur in such Board from death resignation or otherwise and the said Board shall in order to its more efficient maintenance regularly visit inspect and report upon the School placed under their supervision and Three Members thereof where such Board shall consist of Five or more shall form a Quorum Provided that any Member of such Board shall be liable to removal by the authority aforesaid.

Public School Boards to be appointed.

23. No money shall be appropriated under this Act in aid of building or repairing School Premises unless the site of such Premises shall be vested for the promotion of Public Schools in The Council of Education or shall be permanently vested in Trustees in trust for School purposes exclusively.

Aid to building.

24. Notices of all proposals for the establishment of Public Schools and of all applications for aid in the maintenance of Certified Non-vested or Denominational Schools shall be published four times in the *Government Gazette* previous to the final decision thereon of The Council of Education.

New Schools.

25. It shall be lawful for The Council of Education to sell or otherwise dispose of all School Property which shall be or become vested in them and to re-invest the proceeds of such sale or disposal in the purchase of Land or in the erection of Buildings for Educational Purposes under the provisions of this Act.

Council of Education may dispose of School Property.

26. The proceeds of the sale of any property acquired either wholly or in part by means of local contributions which shall be effected by virtue of the preceding sections three and twenty-five shall be expended in the township or neighbourhood in which the property sold or disposed of may be situated But no person claiming title in virtue of such sale shall be bound to see to this application.

Proceeds of property sold under sections 3 and 25 how disposed of.

27. The Council of Education shall on or before the thirty-first day of March in every year lay before the Governor in Council separate Reports of the condition of the Public Schools and the Certified Non-vested and Denominational Schools and a General Statement of Accounts and copies of such Reports and Statements of Accounts shall be laid before both Houses of Parliament within one month if Parliament be then sitting and if Parliament be not sitting then within one month after the commencement of the next ensuing Session thereof.

Annual Reports.

28. All existing Non-vested and Denominational Schools shall be entitled to be certified under this Act and existing National Schools whether Vested or Non-Vested are hereby declared to be Public Schools within the meaning of this Act subject nevertheless in the case of Non-vested Schools to the same trusts and to the same Regulations which have been hitherto applicable to them as National Schools and no Certificate shall be withdrawn before the first day of January One thousand eight hundred and sixty-eight from any existing Non-vested or Denominational School on account of the number of Children attending thereat being less than the number required by this Act so long as such number shall not be less than the number required by any existing Regulations of The Board of National Education and Denominational School Board respectively nor shall such Certificate be withdrawn at any time thereafter so long as there shall be in regular attendance at such Non-vested or Denominational School not less than Forty Three children.

Existing Schools preserved.

Public Schools.

29. The Trustees of any existing Denominational School certified Powers and duties as hereinbefore mentioned shall be accountable for the due fulfilment of Trustees of of the regulations applicable to such School and shall be entitled to existing Denomi- national Schools. appoint the Teachers thereof subject to the approval of the Council of Education and to such examination as may be prescribed for the Teachers of Public Schools And every Teacher so appointed shall be subject to removal by the said Council on failure to give satisfaction to the said Trustees or to the said Council respectively.
28. 30. No certificate granted by the Council of Education to Certificate not to be withdrawn from any Non-vested or Denominational School shall be withdrawn by Denominational reason of the attendance at the Public School with reference to School by reason of which such certificate was granted falling below the number required the falling off in the by the ninth section of this Act so long as the number of children attendance at Public School. in regular attendance at such Non-vested or Denominational School shall not be less than ~~Ferty~~ **Thirty**.
29. 31. In the construction of this Act the words "secular Interpretation instruction" shall be held to include general religious teaching as clause. distinguished from dogmatical or polemical theology.
30. 32. This Act shall come into operation on the first day of Commencement of January One thousand eight hundred and sixty-seven. Act.
31. 33. This Act may be cited for all purposes as the "Public Short Title. Schools Act of 1866."

PUBLIC SCHOOLS BILL.

*SCHEDULE of the Amendments made by the Legislative Council in the Bill, intituled
"An Act to make better provision for Public Education," returned to the Legislative
Assembly, with Message of 12th December, 1866.*

R. O'CONNOR,
Clerk of the Parliaments.

- Page 1, clause 1, line 8. *Omit* "together with the Colonial Secretary for the time being"
" " lines 9 and 10. *Omit* "of which the Colonial Secretary shall *ex officio*
be President"
- Page 2, clause 3, line 8. *After* "Crown" *insert* "or otherwise"
" clause 5, lines 23 and 24. *Omit* "other than the Colonial Secretary"
" clause 6, line 38. *After* "Certified" *insert* "Non-vested and"
" " line 39. *After* "Schools" *insert* "and subject to the provisions
hereinafter contained"
" " line 41. *After* "Regulations" *insert* "for appointing their own
President"
" " line 49. *After* "convened" *add* "Provided always and it is hereby Subject to Governor
in Council.
"declared that the Council of Education shall in all matters be subject
"to the like control by the Governor and Executive Council as any other
"Department of the Public Service"
- Page 3, clause 9, lines 12 to 14. *Omit* "in any locality where a Public School may be
established which has in attendance thereat not less than Seventy children"
" " line 15. *Before* "Denominational" *insert* "Non-vested or"
" " " *After* "any" *insert* "such"
" " lines 15 and 16. *Omit* "situated not more than five miles from such
Public School"
" " line 22. *Omit* "Two" *insert* "One"
" " " *After* "hundred" *insert* "and twenty"
" " line 23. *After* "Certified" *insert* "Non-vested and"
" " " *After* "shall" *insert* "except as is herein excepted"
" " line 26. *After* "modifications" *insert* "not being inconsistent with
any express provision of this Act"
" clause 10. *Omit* clause 10 *substitute* new clause 10.
- Page 4, clause 16. *Omit* clause 16.
" clause ~~17~~ 16, line 18. *After* "Certified" *insert* "Non-vested and"
" " line 19. *Omit* "as collected by the Teacher shall be remitted to the
"said Council at the close of every month" *insert* "collected in any School
"shall be paid to the Teacher thereof for his own use or if there be
"more than one Teacher in such School then in such proportion between
"the said Teachers as the Council of Education may determine Pro-
"vided that it shall be in the discretion of the said Council to authorize
"a distinct scale of Fees in any case in which the general scale may
"appear to them inapplicable"

- Page 4, clause ~~18~~ 17, line 28. Omit "between Five and Fourteen years of age"
- " " line 29. Omit "refuse or neglect" insert "be unable"
- " " line 31. After "Certified" insert "Non-vested or"
- " " " After "shall" insert "on such inability being shewn in such manner as to the Council of Education shall seem reasonable"
- After clause ~~18~~ 17 insert new clause 18.
- " clause 20, line 52. After "certified" insert "Non-vested or"
- Page 5, clause 23, line 16. After "Education" add "or shall be permanently vested in Trustees in trust for School purposes exclusively"
- " clause 24, line 20. Before "Denominational" insert "Non-vested or"
- After clause 25 insert new clause 26.
- " clause ~~26~~ 27, line 37. Before "Denominational" insert "Non-vested and"
- " clause ~~27~~ 28, line 43. After "existing" insert "Non-vested and"
- " " line 46. After "Act" insert "subject nevertheless in the case of "Non-vested Schools to the same trusts and to the same Regulations "which have been hitherto applicable to them as National Schools"
- " " line 51. Before "Denominational" insert "Non-vested or"
- " " line 55. Before "Denominational" insert "Board of National Education and"
- " " " After "Board" insert "respectively"
- " " line 57. Before "Denominational" insert "Non-vested or"
- " " line 58. Omit "Forty" insert "Thirty"
- Page 6. After clause ~~27~~ 28 insert new clause 29.
- " clause ~~28~~ 30, line 10. Before "Denominational" insert "Non-vested or"
- " " line 14. Before "Denominational" insert "Non-vested or"
- " " line 15. Omit "Forty" insert "Thirty"
-

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 1 November, 1866, A.M. }*

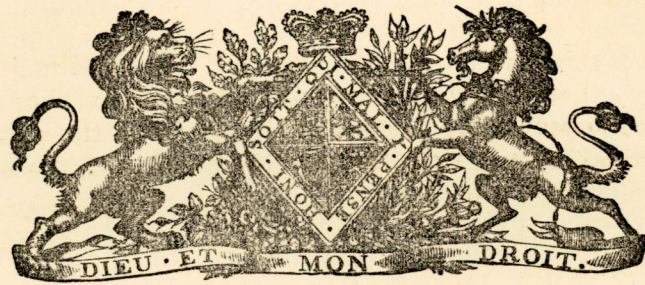
CHA. TOMPSON,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

*Legislative Council Chamber,
Sydney, 12th December, 1866. }*

R. O'CONNOR,
Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. .

An Act to make better provision for Public Education.

WHEREAS it is expedient to make better provision for the ^{Preamble.} administration of the Public Funds devoted to Education Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. Five persons shall be appointed as hereinafter provided who ^{Council of Education to be constituted.} together with the Colonial Secretary for the time being shall constitute a Council of Education of which the Colonial Secretary shall ex officio be President And such Council shall be a body politic and corporate and shall by the style and title of "The Council of Education" have perpetual succession and be able and capable to sue and be sued in all Courts of Law and Equity and shall have and use as occasion may require a Common Seal And shall and may accept purchase and hold to them and their successors as Members of the said Corporation to and for the uses thereof Real and Personal Estate and Property of every kind.

2. The Acts eleven Victoria number forty-eight sixteen Victoria number sixteen and twenty-second Victoria number eleven shall be ^{Acts 11 Vic. No. 48 16 Vic. No. 16 and 22 Vic. No. 11 repealed and Board of National Education dissolved.} and the same are hereby repealed and The Board of National Education incorporated by the first recited Act shall be and the same is hereby dissolved And all Lands Moneys Securities and Personal Property vested in or held in trust for or belonging to the said Board shall

120—A

NOTE.—The words to be omitted are ruled through; the words to be inserted are printed in black letter.

Public Schools.

shall by virtue of this Act become the property of and be vested in The Council of Education subject to the Contracts Liabilities and Claims then existing under The Board of National Education.

3. The Denominational School Board created by the Governor of New South Wales in the year One thousand eight hundred and forty-eight shall be and the same is hereby dissolved And all Lands and School Buildings held by Trustees under Grants from the Crown or otherwise and used for Educational Purposes under the Regulation and Inspection of the said Board shall subject to the then subsisting Trusts remain vested in such Trustees respectively Provided that in any such case with the consent in writing of the Religious Denomination with which the School is connected under the Hand of its Head or Authorized Representative and the approval of the Governor with the advice of the Executive Council a majority of the Trustees may either transfer the School and Land to The Council of Education for the purposes of this Act or may sell the same and apply the proceeds to Educational Purposes of like character connected with such Religious Denomination.

Denominational Board dissolved.

4. All Personal Property belonging to The Denominational School Board shall become the property of and the same is hereby transferred to and vested in The Council of Education for the purposes of this Act.

Personalty of Denominational Board transferred to Council of Education.

5. The Members of The Council of Education other than the Colonial Secretary shall be appointed by the Governor with the advice of the Executive Council and shall hold Office for the term of Four Years but each Member shall be liable to removal at any time by the Governor with the like advice Provided however that of the first Five Members so appointed Two shall be appointed for Two years instead of Four And provided further that any Member may resign Office by writing under his Hand addressed to the Governor in which case or in the case of the death or removal of any Member the appointment to supply the vacancy so arising shall be for the remaining fractional part of the term for which such Member so resigning dying or removed was appointed.

Council of Education how Members thereof to be appointed.

6. The Council of Education shall be intrusted with the expenditure of all sums of Money appropriated by Parliament for Elementary Instruction and shall have authority to establish and maintain Public Schools to grant aid to Certified Non-vested and Denominational Schools and subject to the provisions hereinafter contained to appoint and remove Teachers and School Inspectors and to frame Regulations for appointing their own President for holding their own Meetings and the performance of their duties under this Act for defining the Course of Secular Instruction the Training Examination and Classification of Teachers the Examination of Scholars the Discipline to be enforced and observed and to do all other matters necessary to be done in carrying out the provisions of this Act And any Three Members of the said Council shall form a Quorum and shall be competent to transact business at any Meeting thereof regularly convened Provided always and it is hereby declared that the Council of Education shall in all matters be subject to the like control by the Governor and Executive Council as any other Department of the Public Service.

Power of Council of Education.

Quorum.

Subject to Governor in Council.

7. All Regulations framed by The Council of Education shall be laid before both Houses of Parliament within one month if Parliament be then sitting and if Parliament be not then sitting then within one month after the commencement of the next ensuing Session thereof and if not disallowed by express Resolution of both Houses within one month from their being so laid before Parliament such Regulations shall have the force of Law and shall be published in the *Government Gazette* for general information And two copies of such Regulations shall

Regulations to have the force of law.

Public Schools.

shall within ten days after their publication be sent to each Teacher and one of such copies shall be by such Teacher posted in a conspicuous place in the School for public inspection Provided that if Parliament be not in Session at the commencement of this Act all Regulations made
 5 as aforesaid shall until the expiration of one month after the next Meeting thereof or until disallowance have the force of Law on publication thereof in the *Government Gazette*.

8. A Public School may be established in any locality where
 after due inquiry The Council of Education shall be satisfied that
 10 there are at least Twenty-five children who will regularly attend such School on its establishment. Public Schools to be established.

9. It shall be lawful for The Council of Education ~~in any locality where a Public School may be established which has in attendance thereat not less than Seventy children~~ to certify as a **Non-vested or**
 15 **Denominational School** any such School situated not more than Five miles from such Public School on such Council being satisfied after due inquiry that there are at least Thirty children in regular attendance at such School Provided that no School shall be so certified in any case where such School shall be within Two miles by the
 20 shortest Highway of any Public School unless there shall be in regular attendance at such School and at the nearest Public School together not less than ~~Two~~ **One hundred and twenty** children Provided also that all Certified **Non-vested and Denominational Schools** shall **except**
 25 **as is herein excepted** be subject to the same Course of Secular Instruction the same Regulations and the same Inspection as may be prescribed in reference to Public Schools with such modifications **not being inconsistent with any express provision of this Act** as may be judged to be expedient by The Council of Education.

~~10. In all such Certified Denominational Schools unless application be made from the authorized Heads of the Denomination to the contrary Teachers of the same Religious Denomination as that to which such Schools shall belong respectively shall be appointed and such Teachers shall be subject to such Examination and Approval as may be prescribed for the Teachers in Public Schools.~~ Teachers of same Persuasion to be appointed to Denominational Schools.

10. The owners or promoters of every certified Non-vested and
 35 **Denominational school** hereafter established shall nominate and maintain as Trustees thereof two or more persons to be approved of by the Council of Education who shall be accountable for the due fulfilment of the regulations applicable to such school and such Trustees shall be
 40 entitled to appoint the Teacher thereof subject to the like approval and to such examination as may be prescribed for Teachers of Public Schools and such Teacher shall be subject to removal either by the Trustees or the said Council on failure to give satisfaction to either respectively. Trustees to be named for non-vested schools. Who may appoint the teacher subject to approval.

11. In all Certified Denominational Schools the Religious
 45 Instruction shall be left entirely under the control of the Heads of the Denomination to which any such School may belong. Religious Instruction not interfered with.

12. In Districts where from the scattered state of the Popula-
 tion or other causes it is not practicable to establish a Public School
 The Council of Education may appoint Itinerant Teachers under such
 50 Regulations as may be framed by them for that purpose. Itinerant teachers to be appointed.

13. In remote and thinly populated Districts where no Public
 School may exist the Council of Education may grant assistance to
 other Schools established by private persons under Regulations to be
 framed by such Council for that purpose notwithstanding that the
 55 children in attendance at any such School do not number Twenty-five Provided that all such Schools shall be subject to the inspection prescribed by the Council of Education. Private Schools may be assisted.

14. It shall be lawful for the Council of Education to authorize
 provision to be made in any Public School building for the boarding
 and Provision may be made in Public Schools for boarders.

Public Schools.

and lodging either weekly or monthly of such children as by reason of the remoteness of their homes may not otherwise be able to attend at any such school Provided that a sum be charged for such board and lodging which shall in no case exceed the estimated cost thereof.

5 15. The Council of Education shall establish a Training School or Schools for the Education of Teachers both Male and Female and shall prescribe the Course of Studies and the Examinations in such School or Schools and the Teachers so educated shall be classified according to their attainments and skill in Teaching and shall receive Certificates which shall qualify them for corresponding grades in the School Service Provided that the course of training in every such School shall be secular. Training Schools to be established.

10 16. ~~The Salaries of Teachers in all cases shall be fixed and not supplemented by Fees shall be regulated by the Number of Pupils and shall be increased by every addition of Ten to the average attendance over a period of three months.~~ Fixed salaries to be paid to Teachers.

15 17. 16. The Council of Education shall authorize a Scale of Fees to be paid for Pupils alike in Public Schools and in Certified Non-vested and Denominational Schools and the amount of all Fees as collected by the Teacher shall be remitted to the said Council at the close of every month collected in any School shall be paid to the Teacher thereof for his own use or if there be more than one Teacher in such School then in such proportion between the said Teachers as the Council of Education may determine Provided that it shall be in the discretion of the said Council to authorize a distinct scale of Fees in any case in which the general scale may appear to them inapplicable. School fees.

20 18. 17. Notwithstanding any Regulation for the payment of School Fees any Child between Five and Fourteen years of Age whose Parents or Guardians shall refuse or neglect to pay such Fees shall not on that account be refused admission into a Public School or Certified Non-vested or Denominational School but shall on such inability being shewn in such manner as to the Council of Education shall seem reasonable be received and instructed in the same manner as the other Pupils attending such School. Education free in certain cases.

25 18. No child shall be refused admission into a Public School or a Certified Non-vested or Denominational School on account of the refusal or neglect of the Parent or Guardian of such Child to pay the Fees due for the Education of such Child but all Fees so due may be recovered by a proceeding in the name of the Council of Education before any Justice or Justices of the Peace in a summary way. School fees may be recovered.

30 19. In every Public School Four Hours during each School-day shall be devoted to Secular Instruction exclusively and of such Four Hours Two shall be in the morning and Two in the afternoon and a portion of each day not less than One Hour shall be set apart when the Children of any one Religious Persuasion may be instructed by the Clergyman or other Religious Teacher of such Persuasion Provided that in case of the non-attendance of any Clergyman or Religious Teacher during any portion of the period hereby set apart for Religious Instruction such portion shall be devoted to the ordinary Secular Instruction in such School. Provision for Secular and Religious Teaching.

35 20. No applicant shall be refused admission into any Public or Certified Non-vested or Denominational School on account of the Religious Persuasion of such Applicant or of either of his Parents. No religious disability.

40 21. Notwithstanding anything to the contrary contained in this Act The Council of Education may dispense with any Examination or Attendance at the Training School in the case of Teachers already appointed to Schools by The Board of National Education or The Denominational School Board should it be considered expedient to continue such Teachers in charge of such Schools. Present Teachers may be continued in charge of Schools.

Public Schools.

22. In every locality where a Public School is established the Governor with the advice of the Executive Council may appoint a Public School Board to consist of not fewer than Three persons whose names shall be submitted for that purpose by The Council of Education and in like manner shall appoint persons to vacancies that may from time to time occur in such Board from death resignation or otherwise and the said Board shall in order to its more efficient maintenance regularly visit inspect and report upon the School placed under their supervision and Three Members thereof where such Board shall consist of Five or more shall form a Quorum Provided that any Member of such Board shall be liable to removal by the authority aforesaid. Public School Boards to be appointed.
23. No money shall be appropriated under this Act in aid of building or repairing School Premises unless the site of such Premises shall be vested for the promotion of Public Schools in The Council of Education or shall be permanently vested in Trustees in trust for School purposes exclusively. Aid to building.
24. Notices of all proposals for the establishment of Public Schools and of all applications for aid in the maintenance of Certified Non-vested or Denominational Schools shall be published four times in the *Government Gazette* previous to the final decision thereon of The Council of Education. New Schools.
25. It shall be lawful for The Council of Education to sell or otherwise dispose of all School Property which shall be or become vested in them and to re-invest the proceeds of such sale or disposal in the purchase of Land or in the erection of Buildings for Educational Purposes under the provisions of this Act. Council of Education may dispose of School Property.
26. The proceeds of the sale of any property acquired either wholly or in part by means of local contributions which shall be effected by virtue of the preceding sections three and twenty-five shall be expended in the township or neighbourhood in which the property sold or disposed of may be situated But no person claiming title in virtue of such sale shall be bound to see to this application. Proceeds of property sold under sections 3 and 25 how disposed of.
- 26- 27. The Council of Education shall on or before the thirty-first day of March in every year lay before the Governor in Council separate Reports of the condition of the Public Schools and the Certified Non-vested and Denominational Schools and a General Statement of Accounts and copies of such Reports and Statements of Accounts shall be laid before both Houses of Parliament within one month if Parliament be then sitting and if Parliament be not sitting then within one month after the commencement of the next ensuing Session thereof. Annual Reports.
27. 28. All existing Non-vested and Denominational Schools shall be entitled to be certified under this Act and existing National Schools whether Vested or Non-vested are hereby declared to be Public Schools within the meaning of this Act subject nevertheless in the case of Non-vested Schools to the same trusts and to the same Regulations which have been hitherto applicable to them as National Schools and no Certificate shall be withdrawn before the first day of January One thousand eight hundred and sixty-eight from any existing Non-vested or Denominational School on account of the number of Children attending thereat being less than the number required by this Act so long as such number shall not be less than the number required by any existing Regulations of The Board of National Education and Denominational School Board respectively nor shall such Certificate be withdrawn at any time thereafter so long as there shall be in regular attendance at such Non-vested or Denominational School not less than Forty Three children. Existing Schools preserved.

Public Schools.

29. The Trustees of any existing Denominational School certified as hereinbefore mentioned shall be accountable for the due fulfilment of the regulations applicable to such School and shall be entitled to appoint the Teachers thereof subject to the approval of the Council of Education and to such examination as may be prescribed for the Teachers of Public Schools. And every Teacher so appointed shall be subject to removal by the said Council on failure to give satisfaction to the said Trustees or the said Council respectively.

28. 30. No certificate granted by the Council of Education to any Non-vested or Denominational School shall be withdrawn by reason of the attendance at the Public School with reference to which such certificate was granted falling below the number required by the ninth section of this Act so long as the number of children in regular attendance at such Non-vested or Denominational School shall not be less than Forty ~~Forty~~ Thirty.

29. 31. In the construction of this Act the words "secular instruction" shall be held to include general religious teaching as distinguished from dogmatical or polemical theology.

30. 32. This Act shall come into operation on the first day of January One thousand eight hundred and sixty-seven.

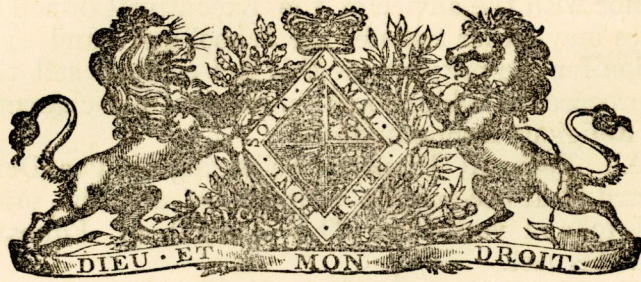
31. 33. This Act may be cited for all purposes as the "Public Schools Act of 1866."

PUBLIC SCHOOLS BILL.

SCHEDULE shewing the Legislative Assembly's Disagreements from and Amendments upon the Legislative Council's Amendments in this Bill :—

- Page 2, clause 6, line 38. *After* "Certified" *omit* "Non-vested and"
- Page 3, " 9, lines 12 to 14. *Re-insert* "in any locality where a Public School may be established which has in attendance thereat not less than Seventy children."
- " " line 15. *Before* "Denominational" *omit* "Non-vested or"
- " " " *After* "any" *omit* "such"
- " " lines 15 and 16. *Re-insert* "situated not more than five miles from such Public School."
- " " line 22. *Re-insert* "Two" *omit* "One"
- " " " *After* "hundred" *omit* "and Twenty"
- " " line 23. *After* "Certified" *omit* "Non-vested and"
- " " " *After* "shall" *omit* "except as is herein excepted"
- " clause 10. *Re-insert* clause, *omit* new clause 10.
- Page 4, clause ~~17~~ 16, line 18. *After* "Certified" *omit* "Non-vested and"
- " " ~~18~~ 17, line 31. *After* "Certified" *omit* "Non-vested or"
- " " 18, line 36. *After* "Certified" *omit* "Non-vested or"
- " " 20, line 52. *After* "Certified" *omit* "Non-vested or"
- Page 5, clause 23, line 16. *After* "Education" *omit* "or shall be permanently vested in Trustees in trust for School purposes exclusively."
- " clause 24, line 20. *Before* "Denominational" *omit* "Non-vested or"
- " clause ~~26~~ 27, line 37. *Before* "Denominational" *omit* "Non-vested and"
- " clause ~~27~~ 28, line 43. *After* "existing" *omit* "Non-vested and"
- " " line 47. *After* "trusts" *omit* "and to the same Regulations"
- " " lines 50 and 51. *After* "existing" *omit* "Non-vested or"
- " " line 54. *After* "The" *omit* "Board of National Education and"
- " " line 55. *After* "Board" *omit* "respectively"
- " " line 57. *Before* "Denominational" *omit* "Non-vested or"
- " " line 58. *Re-insert* "Forty" *omit* "Thirty"
- Page 6, clause 29. *Omit* new Clause.
- " clause ~~28~~ 30, line 10. *Before* "Denominational" *omit* "Non-vested or"
- " " line 14. *Before* "Denominational" *omit* "Non-vested or"
- " " line 15. *Re-insert* "Forty" *omit* "Thirty"

New South Wales.



ANNO TRICESIMO

VICTORIÆ REGINÆ.

No. XXII.

An Act to make better provision for Public Education.
[Assented to, 22nd December, 1866.]

WHEREAS it is expedient to make better provision for the administration of the Public Funds devoted to Education Be it therefore enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

Preamble.

1. Five persons shall be appointed as hereinafter provided who shall constitute a Council of Education And such Council shall be a body politic and corporate and shall by the style and title of "The Council of Education" have perpetual succession and be able and capable to sue and be sued in all Courts of Law and Equity and shall have and use as occasion may require a Common Seal And shall and may accept purchase and hold to them and their successors as Members of the said Corporation to and for the uses thereof Real and Personal Estate and Property of every kind.

Council of Education to be constituted.

2. The Acts eleven Victoria number forty-eight sixteen Victoria number sixteen and twenty-second Victoria number eleven shall be and the same are hereby repealed and The Board of National Education incorporated by the first recited Act shall be and the same is hereby dissolved And all Lands Moneys Securities and Personal Property vested in or held in trust for or belonging to the said Board shall by virtue of this Act become the property of and be vested in The Council of Education subject to the Contracts Liabilities and Claims then existing under The Board of National Education.

Acts 11 Vic. No. 48 16 Vic. No. 16 and 22 Vic. No. 11 repealed and Board of National Education dissolved.

Public Schools.

Denominational
Board dissolved.

3. The Denominational School Board created by the Governor of New South Wales in the year One thousand eight hundred and forty-eight shall be and the same is hereby dissolved And all Lands and School Buildings held by Trustees under Grants from the Crown or otherwise and used for Educational Purposes under the Regulation and Inspection of the said Board shall subject to the then subsisting Trusts remain vested in such Trustees respectively Provided that in any such case with the consent in writing of the Religious Denomination with which the School is connected under the Hand of its Head or Authorized Representative and the approval of the Governor with the advice of the Executive Council a majority of the Trustees may either transfer the School and Land to The Council of Education for the purposes of this Act or may sell the same and apply the proceeds to Educational Purposes of like character connected with such Religious Denomination.

Personalty of
Denominational
Board transferred
to Council of
Education.

4. All Personal Property belonging to The Denominational School Board shall become the property of and the same is hereby transferred to and vested in The Council of Education for the purposes of this Act.

Council of Education
how Members thereof
to be appointed.

5. The Members of The Council of Education shall be appointed by the Governor with the advice of the Executive Council and shall hold Office for the term of Four Years but each Member shall be liable to removal at any time by the Governor with the like advice Provided however that of the first Five Members so appointed Two shall be appointed for Two years instead of Four And provided further that any Member may resign Office by writing under his Hand addressed to the Governor in which case or in the case of the death or removal of any Member the appointment to supply the vacancy so arising shall be for the remaining fractional part of the term for which such Member so resigning dying or removed was appointed.

Power of Council of
Education.

6. The Council of Education shall be intrusted with the expenditure of all sums of Money appropriated by Parliament for Elementary Instruction and shall have authority to establish and maintain Public Schools to grant aid to Certified Denominational Schools and subject to the provisions hereinafter contained to appoint and remove Teachers and School Inspectors and to frame Regulations for appointing their own President for holding their own Meetings and the performance of their duties under this Act for defining the Course of Secular Instruction the Training Examination and Classification of Teachers the Examination of Scholars the Discipline to be enforced and observed and to do all other matters necessary to be done in carrying out the provisions of this Act And any Three Members of the said Council shall form a Quorum and shall be competent to transact business at any Meeting thereof regularly convened Provided always and it is hereby declared that the Council of Education shall in all matters be subject to the like control by the Governor and Executive Council as any other Department of the Public Service.

Quorum.

Subject to Governor
in Council.

Regulations to have
the force of law.

7. All Regulations framed by The Council of Education shall be laid before both Houses of Parliament within one month if Parliament be then sitting and if Parliament be not then sitting then within one month after the commencement of the next ensuing Session thereof and if not disallowed by express Resolution of both Houses within one month from their being so laid before Parliament such Regulations shall have the force of Law and shall be published in the *Government Gazette* for general information And two copies of such Regulations shall within ten days after their publication be sent to each Teacher and one of such copies shall be by such Teacher posted in a conspicuous place in the School for public inspection Provided that if Parliament

be

Public Schools.

be not in Session at the commencement of this Act all Regulations made as aforesaid shall until the expiration of one month after the next Meeting thereof or until disallowance have the force of Law on publication thereof in the *Government Gazette*.

8. A Public School may be established in any locality where after due inquiry The Council of Education shall be satisfied that there are at least Twenty-five children who will regularly attend such School on its establishment.

Public Schools to be established.

9. It shall be lawful for The Council of Education in any locality where a Public School may be established which has in attendance thereat not less than Seventy children to certify as a Denominational School any School situated not more than Five miles from such Public School on such Council being satisfied after due inquiry that there are at least Thirty children in regular attendance at such School Provided that no School shall be so certified in any case where such School shall be within Two miles by the shortest Highway of any Public School unless there shall be in regular attendance at such School and at the nearest Public School together not less than One hundred and twenty children Provided also that all Certified Denominational Schools shall be subject to the same Course of Secular Instruction the same Regulations and the same Inspection as may be prescribed in reference to Public Schools with such modifications not being inconsistent with any express provision of this Act as may be judged to be expedient by The Council of Education.

Denominational Schools may be certified.

10. In all such Certified Denominational Schools unless application be made from the authorized Heads of the Denomination to the contrary Teachers of the same Religious Denomination as that to which such Schools shall belong respectively shall be appointed and such Teachers shall be subject to such Examination and Approval as may be prescribed for the Teachers in Public Schools.

Teachers of same persuasion to be appointed to Denominational Schools.

11. In all Certified Denominational Schools the Religious Instruction shall be left entirely under the control of the Heads of the Denomination to which any such School may belong.

Religious Instruction not interfered with.

12. In Districts where from the scattered state of the Population or other causes it is not practicable to establish a Public School The Council of Education may appoint Itinerant Teachers under such Regulations as may be framed by them for that purpose.

Itinerant teachers to be appointed.

13. In remote and thinly populated Districts where no Public School may exist the Council of Education may grant assistance to other Schools established by private persons under Regulations to be framed by such Council for that purpose notwithstanding that the children in attendance at any such School do not number Twenty-five Provided that all such Schools shall be subject to the inspection prescribed by the Council of Education.

Private Schools may be assisted.

14. It shall be lawful for the Council of Education to authorize provision to be made in any Public School building for the boarding and lodging either weekly or monthly of such children as by reason of the remoteness of their homes may not otherwise be able to attend at any such school Provided that a sum be charged for such board and lodging which shall in no case exceed the estimated cost thereof.

Provision may be made in Public Schools for boarders.

15. The Council of Education shall establish a Training School or Schools for the Education of Teachers both Male and Female and shall prescribe the Course of Studies and the Examinations in such School or Schools and the Teachers so educated shall be classified according to their attainments and skill in Teaching and shall receive Certificates which shall qualify them for corresponding grades in the School Service Provided that the course of training in every such School shall be secular.

Training Schools to be established.

Public Schools.

School fees.

16. The Council of Education shall authorize a Scale of Fees to be paid for Pupils alike in Public Schools and in Certified Denominational Schools and the amount of all Fees collected in any School shall be paid to the Teacher thereof for his own use or if there be more than one Teacher in such School then in such proportion between the said Teachers as the Council of Education may determine Provided that it shall be in the discretion of the said Council to authorize a distinct scale of Fees in any case in which the general scale may appear to them inapplicable.

Education free in certain cases.

17. Notwithstanding any Regulation for the payment of School Fees any Child whose Parents or Guardians shall be unable to pay such Fees shall not on that account be refused admission into a Public School or Certified Denominational School but shall on such inability being shewn in such manner as to the Council of Education shall seem reasonable be received and instructed in the same manner as the other Pupils attending such School.

School fees may be recovered.

18. No child shall be refused admission into a Public School or a Certified Denominational School on account of the refusal or neglect of the Parent or Guardian of such Child to pay the Fees due for the Education of such Child but all Fees so due may be recovered by a proceeding in the name of the Council of Education before any Justice or Justices of the Peace in a summary way.

Provision for Secular and Religious Teaching.

19. In every Public School Four Hours during each School-day shall be devoted to Secular Instruction exclusively and of such Four Hours Two shall be in the morning and Two in the afternoon and a portion of each day not less than One Hour shall be set apart when the Children of any one Religious Persuasion may be instructed by the Clergyman or other Religious Teacher of such Persuasion Provided that in case of the non-attendance of any Clergyman or Religious Teacher during any portion of the period hereby set apart for Religious Instruction such period shall be devoted to the ordinary Secular Instruction in such School.

No religious disability.

20. No applicant shall be refused admission into any Public or Certified Denominational School on account of the Religious Persuasion of such Applicant or of either of his Parents.

Present Teachers may be continued in charge of Schools.

21. Notwithstanding anything to the contrary contained in this Act The Council of Education may dispense with any Examination or Attendance at the Training School in the case of Teachers already appointed to Schools by The Board of National Education or The Denominational School Board should it be considered expedient to continue such Teachers in charge of such Schools.

Public School Boards to be appointed.

22. In every locality where a Public School is established the Governor with the advice of the Executive Council may appoint a Public School Board to consist of not fewer than Three persons whose names shall be submitted for that purpose by The Council of Education and in like manner shall appoint persons to vacancies that may from time to time occur in such Board from death resignation or otherwise and the said Board shall in order to its more efficient maintenance regularly visit inspect and report upon the School placed under their supervision and Three Members thereof where such Board shall consist of Five or more shall form a Quorum Provided that any Member of such Board shall be liable to removal by the authority aforesaid.

Aid to building.

23. No money shall be appropriated under this Act in aid of building or repairing School Premises unless the site of such Premises shall be vested for the promotion of Public Schools in The Council of Education.

New Schools.

24. Notices of all proposals for the establishment of Public Schools and of all applications for aid in the maintenance of Certified Denominational

Public Schools.

Denominational Schools shall be published four times in the *Government Gazette* previous to the final decision thereon of The Council of Education.

25. It shall be lawful for The Council of Education to sell or otherwise dispose of all School Property which shall be or become vested in them and to re-invest the proceeds of such sale or disposal in the purchase of Land or in the erection of Buildings for Educational Purposes under the provisions of this Act.

Council of Education may dispose of School Property.

26. The proceeds of the sale of any property acquired either wholly or in part by means of local contributions which shall be effected by virtue of the preceding sections three and twenty-five shall be expended in the township or neighbourhood in which the property sold or disposed of may be situated. But no person claiming title in virtue of such sale shall be bound to see to this application.

Proceeds of property sold under sections 3 and 25 how disposed of.

27. The Council of Education shall on or before the thirty-first day of March in every year lay before the Governor in Council separate Reports of the condition of the Public Schools and the Certified Denominational Schools and a General Statement of Accounts and copies of such Reports and Statements of Accounts shall be laid before both Houses of Parliament within one month if Parliament be then sitting and if Parliament be not sitting then within one month after the commencement of the next ensuing Session thereof.

Annual Reports.

28. All existing Denominational Schools shall be entitled to be certified under this Act and existing National Schools whether Vested or Non-vested are hereby declared to be Public Schools within the meaning of this Act subject nevertheless in the case of Non-vested Schools to the same trusts which have been hitherto applicable to them as National Schools and no Certificate shall be withdrawn before the first day of January One thousand eight hundred and sixty-eight from any existing Denominational School on account of the number of Children attending thereat being less than the number required by this Act so long as such number shall not be less than the number required by any existing Regulations of The Denominational School Board nor shall such Certificate be withdrawn at any time thereafter so long as there shall be in regular attendance at such Denominational School not less than Thirty children.

Existing Schools preserved.

29. No certificate granted by the Council of Education to any Denominational School shall be withdrawn by reason of the attendance at the Public School with reference to which such certificate was granted falling below the number required by the ninth section of this Act so long as the number of children in regular attendance at such Denominational School shall not be less than Thirty.

Certificate not to be withdrawn from Denominational School by reason of the falling off in the attendance at Public School.

30. In the construction of this Act the words "secular instruction" shall be held to include general religious teaching as distinguished from dogmatical or polemical theology.

Interpretation clause.

31. This Act shall come into operation on the first day of January One thousand eight hundred and sixty-seven.

Commencement of Act.

32. This Act may be cited for all purposes as the "Public Schools Act of 1866."

Short Title.

