

EDUCATION ORDINANCE, 1914.⁽¹⁾

No. 17 of 1914.

An Ordinance relating to Education.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

PART I.—INTRODUCTORY.

1.—(1.) This Ordinance may be cited as the *Education Ordinance, 1914.*⁽¹⁾ Citation and commencement.

(2.) This Ordinance shall commence on a day to be fixed by the Lieutenant-Governor by proclamation published in the *Gazette.*⁽¹⁾

2.—(1.) This Ordinance is divided into parts as follows:—

Part I.—General Provisions.

Part II.—Primary Education.

Part III.—Compulsory Education.

(2.) This Ordinance shall apply only to Europeans.

3. In this Ordinance the following terms shall unless the contrary appears from the context have the meanings next hereinafter assigned to them that is to say— Interpretation.

“Parent” means and includes parent guardian and any person who is liable to maintain or has the actual custody of any child.

“Provisional School” means any school to be hereafter established in which temporary provision is made for the primary instruction of children and not being a State school.

“Regulations” means the regulations made by the Lieutenant-Governor with the advice of the Executive Council under the authority of this Ordinance.

(1) Particulars of this Ordinance are as follows:—

| Date of assent by Lieut.-Gov. | Date notified in Papua Govt. Gaz. as not disallowed by Gov.-Gen. in Council. | Date on which came into operation. |
|-------------------------------|--|---|
| 21. 8. 1914 | 7. 4. 1915 | 4. 11. 1914 (Papua Govt. Gaz. of 4. 11. 1914) |

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“Standard Education” means a competent knowledge of reading writing and arithmetic to the satisfaction of an inspector of schools.

“State School” includes primary schools training schools rural schools night schools and any other schools for which special regulations may be made.

“Teacher” includes assistant teacher pupil teacher sewing mistress and every person who forms part of the educational staff of any State school.

Secretary for
Public
Instruction
may be appointed.
Cf. Q. 39 Vic.
No. 11, s. 3.

4. It shall be lawful for the Lieutenant-Governor⁽²⁾ to appoint from time to time a Secretary for Public Instruction.

Lieutenant-
Governor may
make regulations.
Cf. Q. 1b. s. 4.

5. The Lieutenant-Governor in Council⁽²⁾ may from time to time make and promulgate regulations⁽³⁾ not being contrary to the provisions of this Ordinance for the due and effectual execution of this Ordinance and the objects thereof and respecting any matters of⁽⁴⁾ things necessary to give effect to such objects and such regulations may from time to time revoke and alter.⁽⁵⁾

Regulations to
be published.

All such regulations shall be published in the *Gazette* and when so published shall have the force of law and shall be judicially noticed by all courts.

Use of schools.
Cf. Q. 1b. s. 5.

6. Nothing in this Ordinance contained shall prevent State school buildings from being used for any purpose permitted by the regulations at such times (other than those set apart for giving instruction therein) and subject to such conditions as may be prescribed by the regulations.

Department of
Public
Instruction.
Q. 1b. s. 6.

7. There shall be a department of the Public Service to be called the Department of Public Instruction which shall be presided over by the Secretary for Public Instruction and shall consist of such of⁽⁶⁾ so many officers teachers and servants as may be required for the due execution of the provisions of this Ordinance whose salaries together with the whole expenses of the department shall be defrayed out of such moneys as may be lawfully appropriated for that purpose.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(3) See the *Education Regulations*, printed on p. 1780.

(4) The word “of” appeared in the original Ordinance. It has now been omitted and the word “or” inserted in its stead by the Second Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

(5) The words “such regulations may from time to time revoke and alter” appeared in the original Ordinance. They have now been omitted and the words “may from time to time revoke and alter such regulations” inserted in their stead by the Second Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

(6) The word “of” appeared in the original Ordinance. It has now been omitted and the word “and” inserted in its stead by the Second Schedule of the *Ordinances Reprint and Revision Ordinance* 1947 of the Territory of Papua-New Guinea.

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8. The Lieutenant-Governor⁽²⁾ may from time to time make provision for the establishment of training schools rural schools night schools and such other State schools as may be authorised by the regulations and deemed expedient.

Training and other schools may be established.
Q. 39 Vic.
No. 11, s. 14.

9. Any State school may be discontinued and the property used in connection therewith sold or otherwise disposed of.

State schools may be discontinued.
Q. *Ib.* s. 15.

10. All fees and other moneys received under the authority of this Ordinance shall be paid into the Consolidated Revenue.

Fees to be paid into Consolidated Revenue.
Q. *Ib.* s. 16.

PART II.—PRIMARY EDUCATION.

11. Primary schools shall be established in such places as shall from time to time be deemed expedient by the Lieutenant-Governor:⁽²⁾

Establishment of primary schools.
Q. *Ib.* s. 17.

Provided that before the establishment of a primary school in a new locality the Lieutenant-Governor⁽²⁾ may require that one-fifth part of the estimated cost of erecting or purchasing the necessary school buildings shall be raised by subscription or donation and paid to the Secretary for Public Instruction to be applied by him towards such erection or purchase.

Part of the cost of new schools to be raised by subscription.

12. In places where there is no primary State school and no suitable building for a primary school can be obtained it shall be lawful for the Secretary for Public Instruction to make temporary provision for the free primary instruction of children in a provisional school and for payment to be made for such instruction at a sum to be agreed upon at a capitation rate not exceeding the average cost of such instruction in the nearest State school.

Temporary provision in places where no school building.
Cf. Q. *Ib.* s. 18.

13. Where a primary State school or provisional school exists in a place where the population is scattered it shall be lawful for the Secretary for Public Instruction to make provision for the establishment of boarding houses for the reception of children attending such school and the residence of whose parents is distant not less than three miles therefrom.

Boarding houses.
Q. *Ib.* s. 19.

But the cost of the board of children residing in any such boarding house shall be paid by the parents at a rate to be fixed by the Secretary for Public Instruction: Provided that such boarding houses shall be subject to inspection and approval by the District School Boards.

14. In places where the population is scattered and it is impossible to assemble in one place a sufficient number of children

Itinerant teachers may be employed.
Q. *Ib.* s. 20.

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

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to justify the establishment of a State school it shall be lawful for the Secretary for Public Instruction to employ itinerant teachers whose duty it shall be to travel from place to place and give instruction in such manner and at such times as shall be determined by the Secretary for Public Instruction.

Primary instruction to be free.
Q. 39 Vic.
No. 11, s. 21.

15. The whole cost of instruction in the primary schools shall be defrayed by the State and no fees shall be charged to any child attending the same.

Subjects of primary education.
Q. Ib. s. 22.

16. The subjects of instruction in the primary schools shall be as follows that is to say:—

| | |
|-----------------|----------------------------|
| Reading | Elementary mechanics |
| Writing | Object lessons |
| Arithmetic | Drill and gymnastics |
| English grammar | Vocal music |
| Geography | and (in the case of girls) |
| History | Sewing and needlework. |

Power to limit subjects or prescribe others.

Provided that the Lieutenant-Governor in Council⁽²⁾ may from time to time—

- (1) Order⁽⁷⁾ that any one or more of the above-mentioned subjects shall for the time being be omitted from the subjects of instruction in any primary school or schools where only one teacher is employed;
- (2) Order⁽⁷⁾ that any other subject or subjects of secular instructions in addition to the above-mentioned subjects or any of them shall be subjects of instruction in primary schools or in any one or more of such schools.

Hours of primary instruction.
Cf. Q. Ib. s. 23.

17. In every State primary school four hours at the least in each school day shall be set apart for secular instruction.

School districts may be constituted.
Q. Ib. s. 24.

18.—(1.) The Lieutenant-Governor in Council⁽²⁾ may constitute and define school districts containing one or more primary schools.

School Boards.

(2.) School Boards may be elected for each district by such persons and in such manner as shall be provided by regulations. Such Boards shall consist of not less than three nor more than five persons one of whom shall be the correspondent and the members

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance*, 1911-1940.

(7) No Order in Council has been published in *Papua Govt. Gaz.*

of every such Board shall hold office for a period of three years but any member may at any time be removed by the Lieutenant-Governor.⁽²⁾

(3.) The duties of such district school boards shall be—

Duties of
School Board.

- (a) To direct with the sanction of the Secretary for Public Instruction what use shall be made of primary school buildings at times not set apart for secular instruction.
- (b) To report on the condition of the school premises books and furniture and whether any and what new school books furniture and appliances are required.
- (c) To visit the primary schools in their district from time to time and to record the number of children present and their opinion as to the general condition and management of the schools.
- (d) To endeavour to induce parents to send their children regularly to school to compare the attendance of children at school with the school rolls and to report to the Secretary for Public Instruction the names of parents who fail to cause their children to attend school or otherwise educate them and the causes of such failure or refusal.
- (e) To report to the Secretary for Public Instruction whether any and what new schools are required in the district.

19. When any child shall have been educated in a State school up to the standard of education such child shall be entitled to receive a certificate setting forth that he has been so educated and the degree of competency attained by him.

Children educated up to the standard to receive a certificate.

Cf. Q. 39 Vic. No. 11, s. 26.

PART III.—COMPULSORY EDUCATION.

20. The parent of every child of not less than six nor more than twelve years of age shall unless there be some valid excuse cause such child to attend a State school or provisional school for sixty days at least in each half year.

Parents to send children between 6 and 12 years of age to school unless there is valid excuse.

Q. Ib. s. 28.

For the purpose of this part of this Ordinance a half year shall be deemed to include all school days between the first school day in January and the last school day in June or between the first school day in July and the last school day in December as the case may be.

Any of the following reasons shall be deemed a valid excuse that is to say—

Definition of valid excuse.

- (1) That the child is under efficient instruction in some other manner.

(2) See Section 19(2) of the Ordinance Interpretation Ordinance, 1911-1940.

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- (2) That the child has been prevented from attending school by sickness fear of infection temporary or permanent infirmity or any unavoidable cause.
- (3) That there is no State school or provisional school which the child can attend within a distance of two miles measured according to the nearest road ordinarily used in travelling from the residence of such child.
- (4) That the child has been educated up to the standard of education.

Penalty for neglecting to send child to school.

Cf. Q. 39 Vic. No. 11, s. 29.

21. Any parent who shall neglect or refuse to cause any such child to attend school for the time aforesaid in any half year shall on conviction of such offence forfeit and pay any sum not exceeding Twenty shillings for a first offence and not exceeding Five pounds for a second or subsequent offence and in default of payment shall be liable to be imprisoned for any period not exceeding seven days for a first offence and not exceeding thirty days for a second or subsequent offence.

Provisions as to prosecutions.
Q. *Ib.* s. 30.

22. The following rules shall apply to prosecutions under the⁽⁸⁾ part of this Ordinance that is to say—

- (1) No such prosecution shall be instituted without the express direction of the Secretary for Public Instruction testified under his hand.
- (2) The averment in any information under this part of this Ordinance that the age of any child therein mentioned is within the aforesaid limits shall be sufficient proof of the age of such child unless the defendant shall prove to the contrary.
- (3) That proof of the existence of any valid excuse shall be upon the defendant.
- (4) The production of a certificate in the form of the Schedule hereto or to the like effect signed by the principal teacher of any school shall be *primâ facie* evidence of the statements contained therein.

This part of the Ordinance only to be in force where proclaimed.
Cf. Q. *Ib.* s. 31.

23. The provisions of this Part of this Ordinance shall be in force in such parts or districts only of the Territory as the Lieutenant-Governor in Council⁽²⁾ shall from time to time notify and declare by proclamation.⁽⁹⁾

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

(8) The word "the" appeared in the original Ordinance. *Semle*, "this" was intended.

(9) No proclamation has been published in *Papua Govt. Gaz.*

