



Australian Capital Territory

Public Instruction Act 1880

A1880-23

Republication No 1 (RI)

Effective: 11 May 1989 – 21 August 2002

Republication date of printed version: 31 August 1992
Reissued electronically: 4 May 2011

Last amendment made by Ord1989-38
(republication for initial republication
since self-government)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Public Instruction Act 1880* effective 11 May 1989 to 21 August 2002.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
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Australian Capital Territory

PUBLIC INSTRUCTION ACT 1880 (NEW SOUTH WALES)

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Reprinted as at 31 August 1992

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An Act to make more adequate provision for public education

Secular instruction

7. In all schools, the teaching shall be strictly non-sectarian but the words “secular instruction” shall be held to include general religious teaching as distinguished from dogmatical or polemical theology.

Hours for secular instruction

17. In every school, 4 hours during each school-day shall be devoted to secular instruction exclusively and a portion of each day, not more than 1 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 but, in all cases, the pupils receiving such religious instruction shall be separated from

the other pupils of the school. And the hour during which such religious instruction may be given shall be fixed by mutual agreement between the School Board in consultation with the principal of such school and the clergyman of the district or such other person as may be duly authorized to act in his stead and any class-room of a school may be used for such religious instruction by like agreement:

Provided that the religious instruction to be so given shall in every case be the religious instruction authorized by the Church to which the clergyman or other religious teacher may belong:

Provided further that in case of the non-attendance of any clergyman or religious teacher during any portion of the period agreed to be set apart for religious instruction such period shall be devoted to the ordinary secular instruction in such school.

Objection to religious instruction

18. Notwithstanding anything to the contrary in section 17, no pupil in a school shall be required to receive any general or special religious instruction if the parents or guardians of such pupil object to such religious instruction being given.

Interpretation of terms

39. In the construction and for the purposes of this Act, the following terms shall, if not inconsistent with the context or subject matter, have the respective meanings hereby assigned to them that is to say—

“Guardian” shall mean any person legally appointed as such or any person known to have habitual charge of a child;

“Principal”, in relation to a school, means the person occupying, or performing the duties of, the office of principal of the school;

“School” means a primary school, high school or secondary college conducted in the Territory by the Australian Capital Territory Schools Authority;

“School board”, in relation to a school, means the board established for the school under the *Schools Authority Act 1976*.

Short title

40. This Act may be cited as the Public Instruction Act 1880.¹

NOTE

1. The Public Instruction Act 1880 of the State of New South Wales (43 Vic. No. 23) as shown in this reprint was one of the laws in force in the Australian Capital Territory before 1 January 1911 and was therefore continued in force by the *Seat of Government Acceptance Act 1909* of the Commonwealth.

The text of the Public Instruction Act 1880 of the State of New South Wales in its application in the Territory as at 12 January 1987 comprises Part 4 of Schedule 2 to the *New South Wales Acts Act 1986* (No. 91, 1986) as amended, for details of those amendments, see (a).

The Public Instruction Act 1880 of the State of New South Wales in its application in the Territory has been amended since 12 January 1987 as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

- (a) The Public Instruction Act 1880 of the State of New South Wales in its application in the Territory comprises the Public Instruction Act 1880 as amended before 1 January 1911 by the Free Education Act 1906, as repealed in part after that date by the *New South Wales Acts Application Ordinance 1985* and as amended by the *New South Wales Acts Act 1986*. The amendments made by the *New South Wales Acts Application Ordinance 1985* ceased to have effect by reason of its subsequent disallowance.

Sections 1-6, 8-16 and 19-38 and Schedule A were repealed by the *New South Wales Acts Application Ordinance 1985*.

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 39	am. No. 38, 1989