



Australian Capital Territory

Public Instruction Act 1880 (repealed)

A1880-23

Republication No 3

Effective: 1 January 2005

Republication date: 1 January 2005

As repealed by A2004-17 s 173

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Public Instruction Act 1880* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 January 2005.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

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
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

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R3
01/01/05

Public Instruction Act 1880 (repealed)
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Australian Capital Territory

Public Instruction Act 1880 (repealed)

An Act to make more adequate provision for public education

7 Secular instruction

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.

17 Hours for secular instruction

- (1) In every school, 4 hours during each school day shall be devoted to secular instruction exclusively and a part 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 a religious persuasion but, in all cases, the pupils receiving the religious instruction shall be separated from the other pupils of the school.
- (2) And the hour during which the religious instruction may be given shall be fixed by mutual agreement between the school board in consultation with the principal of the school and the clergy of the district or the other person that may be duly authorised to act in his or her place and any classroom of a school may be used for the religious instruction by like agreement:
 - (a) provided that the religious instruction to be so given shall in every case be the religious instruction authorised by the church to which the clergy or other religious teacher may belong; and
 - (b) provided further that in case of the nonattendance of any clergy or religious teacher during any part of the period agreed to be set apart for religious instruction the period shall be devoted to the ordinary secular instruction in the school.

18 Objection to religious instruction

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 the pupil object to the religious instruction being given.

39 Interpretation for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

guardian means 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 exercising the duties of, the office of principal of the school.

school means a primary school, high school or secondary college conducted in the ACT 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*.

40 Name of Act

This Act is the *Public Instruction Act 1880*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

This Act was originally a NSW Act—the *Public Instruction Act 1880* No 23 (NSW).

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former NSW laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

NSW legislation

Public Instruction Act 1880 No 23

assented to 16 April 1880

commenced 16 April 1880

as amended by

Free Education Act 1906 No 12

assented to 5 October 1906

commenced 8 October 1906 (s 1 (2))

Commonwealth legislation

New South Wales Acts Application Ordinance 1985 No 25 sch 2 pt 4

notified 28 June 1985

commenced 28 June 1985

disallowed by senate 28 November 1985

New South Wales Acts Ordinance 1986 No 91 sch 2 pt 4

notified 12 January 1987

commenced 12 January 1987

Endnotes

4 Amendment history

Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

as repealed by

Legislation after becoming Territory enactment

Education Act 2004 A2004-17 s 173

notified LR 8 April 2004

s 1, s 2 commenced 8 April 2004 (LA s 75 (1))

s 173 commenced 1 January 2005 (s 2)

4 Amendment history

The *New South Wales Acts Act 1986*, sch 2, pt 4 sets out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. (The 1986 Act omitted sections 1 to 6, 8 to 16, 19 to 38 and schedule A) This endnote, therefore, only details amendments made after the enactment of the 1986 Act.

Definitions for Act

s 39 def ***school*** am 1989 No 38 sch 1

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	ord 1989 No 38	31 August 1992
2	ord 1989 No 38	22 August 2002

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