

No. 63 of 1977

AN ORDINANCE

To amend the Education Ordinance 1937

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the Seat of Government (Administration) Act 1910.

Dated this ninth day of December 1977.

ZELMAN COWEN
Governor-General

By His Excellency's Command,

J. L. CARRICK
Minister of State for Education

EDUCATION (AMENDMENT) ORDINANCE 1977

1. This Ordinance may be cited as the Education (Amendment) Ordinance 1977.\* Short title

2. In this Ordinance, "Principal Ordinance" means the Education Ordinance 1937.† Principal Ordinance

3. Section 5 of the Principal Ordinance is amended by inserting before the definition of "authorized person" the following definition: Definitions

" 'appropriate government school' means—

- (a) in relation to a child who has completed his high school education—a secondary college conducted on behalf of the Commonwealth;
(b) in relation to a child who has completed his primary education but has not completed his high school education—a high school conducted on behalf of the Commonwealth; and
(c) in relation to any other child—a primary school conducted on behalf of the Commonwealth;"

4. Section 10 of the Principal Ordinance is amended—

- (a) by omitting "It shall be" and substituting "Subject to sub-section (2), it shall be"; Defence in prosecutions under sections 8 and 9

\* Notified in the Commonwealth of Australia Gazette on 14 December 1977.

† Ordinance No. 25, 1937 as amended by No. 23, 1938; No. 6, 1942; No. 12, 1947; No. 5, 1952; No. 11, 1956; No. 11, 1958; No. 21, 1959; No. 4, 1964; Nos. 3 and 19, 1966; No. 28, 1971; and No. 13, 1976.

(b) by omitting paragraph (d) and substituting the following paragraph:

“ (d) there was not an appropriate government school situated—

(i) where the child was under 12 years of age—within 3 kilometres; or

(ii) where the child was 12 years of age or over—within 5 kilometres,

of the place of residence of the child by the nearest practicable route.”; and

(c) by inserting at the end thereof the following subsection:

“ (2) The defence referred to in paragraph (1)(d) is not available where, at the date of the alleged offence—

(a) the child could have travelled to an appropriate government school by means of a motor omnibus without the need to travel in more than one such omnibus; and

(b) the aggregate of the distance from the nearest picking-up place of that motor omnibus to the place of residence of the child and the distance from the nearest stopping-place of that motor omnibus to the appropriate government school did not exceed—

(i) where the child was under 12 years of age—3 kilometres; or

(ii) where the child was 12 years of age or over—5 kilometres.”.

Repeal of  
Section 34

5. Section 34 of the Principal Ordinance is repealed.