

Education Act 1928, Western Australia

1928 – 1999

URL: https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_a239.html

Details

The Education Act 1928 (033 of 1928 (19 Geo. V No. 33)) consolidated and modernised educational legislation that had developed in Western Australia since 1871. It governed the education of children and young people in Western Australia for the remainder of the twentieth century. The Act gave a lot of attention to developing mechanisms to ensure children attended school, to track 'truants' and to penalise parents and guardians for keeping children away from school. The Act brought children and their parents and guardians into the child welfare or juvenile justice systems via the education system. The Education Act 1928 was repealed by the School Education Act 1999 (Act no. 036 of 1999).

Section 15 of the *Education Act 1928* allowed officers to be appointed to 'accost' children in public places so as to enforce their attendance at school. Section 18 dealt with 'habitual truants' and enabled the Children's Court to send a child who was an 'habitual truant' to an institution (for a term ranging from 6 months ordinarily or, if the child was beyond the parent's control, until the child was 14). The Act also allowed the court to send a child to an institution if his/her behaviour at school was found, through 'immorality or gross misconduct' to be 'harmful to other children'. These provisions stayed in the Act until 1962, when the child was committed to the care of the Child Welfare Department rather than directly to an institution. By 1992, children were no longer 'incorrigible' but a provision was retained so that 'children with severe disorders' could be refused entry to a government school.

The 1928 Act enabled a school that was not a government school to apply to be an 'efficient' school under the Act. That school would be inspected to determine whether it efficiently taught 'English, arithmetic, history, geography, and drawing.' The names of students in these schools were to be recorded and forwarded to the Education Department at regular intervals. Absences of named students were also to be recorded on the 'Compulsory Form' as per the Third Schedule of the Act.

The Act also required parents of children who were 'blind, deaf, or mute' to ensure they had 'efficient and suitable education' between the ages of 6 and 16 years. If it wasn't possible for those parents to find suitable education, they were required to notify the Minister and the child would then be sent to 'such (if any) institution as the Minister directs', with the parents paying maintenance for the child while she/he remained there. The Children's Court also had the power to commit these children to an institution, even against the parents' wishes, until the child was 16 years old and move him/her from one institution to another. It was the Minister's right to decide whether a child was sufficiently blind, deaf or mute to warrant this type of action, and the Minister's decision was 'conclusive'.

More info

Chronology

- Public Education Act 1899, Western Australia (1899 - 1928)
 - **Education Act 1928, Western Australia (1928 – 1999)**

Related Entries

Related Organisations

- [Education Department \[Western Australia\] \(13 October 1893 - 1 July 1988\)](#)
- [Child Welfare Department, State of Western Australia \(22 December 1927 - 15 June 1972\)](#)

The Education Act was one mechanism for bringing school-related events and behaviours into the scope of the child welfare or juvenile justice systems.

Is amended by

- [Education Act Amendment Act 1952, Western Australia \(1952 - 1999\)](#)
- [Education Act Amendment Act 1962, Western Australia \(1962 - 1999\)](#)

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