

SOUTH AUSTRALIA

EDUCATION REGULATIONS, 1976

REGULATIONS UNDER THE EDUCATION ACT, 1972

Education Regulations, 1976

being

Gaz. 26 August 1976, p. 669¹

as varied by

- Gaz.* 4 November 1976, p. 1560
Gaz. 13 January 1977, p. 56
Gaz. 18 August 1977, p. 432
Gaz. 24 November 1977, p. 1571
Gaz. 27 July 1978, p. 299
No. 9 of 1979: *Gaz.* 1 February 1979, p. 262
No. 58 of 1979: *Gaz.* 24 May 1979, p. 1512
No. 68 of 1979: *Gaz.* 14 June 1979, p. 1836
No. 83 of 1979: *Gaz.* 5 July 1979, p. 10
No. 3 of 1980: *Gaz.* 17 January 1980, p. 106
No. 40 of 1980: *Gaz.* 10 April 1980, p. 968
No. 196 of 1980: *Gaz.* 21 August 1980, p. 591
No. 197 of 1980: *Gaz.* 21 August 1980, p. 592²
No. 256 of 1980: *Gaz.* 23 December 1980, p. 2410
No. 44 of 1981: *Gaz.* 26 March 1981, p. 814
No. 154 of 1981: *Gaz.* 17 September 1981, p. 931
No. 169 of 1981: *Gaz.* 8 October 1981, p. 1169
No. 210 of 1981: *Gaz.* 17 December 1981, p. 2402
No. 53 of 1982: *Gaz.* 29 April 1982, p. 1362
No. 96 of 1982: *Gaz.* 10 June 1982, p. 1938
No. 140 of 1982: *Gaz.* 8 July 1982, p. 96
No. 143 of 1982: *Gaz.* 15 July 1982, p. 181
No. 186 of 1982: *Gaz.* 7 October 1982, p. 1062
No. 211 of 1982: *Gaz.* 25 November 1982, p. 1697
No. 6 of 1983: *Gaz.* 20 January 1983, p. 154
No. 40 of 1983: *Gaz.* 17 March 1983, p. 660
No. 234 of 1984: *Gaz.* 29 November 1984, p. 1701
No. 14 of 1986: *Gaz.* 30 January 1986, p. 209
No. 75 of 1986: *Gaz.* 8 May 1986, p. 1191
No. 97 of 1986: *Gaz.* 5 June 1986, p. 1461
No. 169 of 1987: *Gaz.* 30 July 1987, p. 285
No. 302 of 1987: *Gaz.* 23 December 1987, p. 1977
No. 239 of 1988: *Gaz.* 1 December 1988, p. 1886
No. 25 of 1989: *Gaz.* 23 February 1989, p. 550
No. 210 of 1989: *Gaz.* 16 November 1989, p. 1521
(Republished *Gaz.* 23 November 1989, p. 1566)
No. 223 of 1989: *Gaz.* 21 December 1989, p. 1859³
No. 211 of 1990: *Gaz.* 25 October 1990, p. 1307
No. 28 of 1991: *Gaz.* 21 March 1991, p. 975
No. 65 of 1991: *Gaz.* 30 May 1991, p. 1712
No. 19 of 1992: *Gaz.* 27 February 1992, p. 586
No. 164 of 1992: *Gaz.* 23 July 1992, p. 678
No. 208 of 1992: *Gaz.* 19 November 1992, p. 1583⁴
No. 15 of 1993: *Gaz.* 18 February 1993, p. 633⁵
No. 232 of 1993: *Gaz.* 21 October 1993, p. 1786⁶
No. 2 of 1994: *Gaz.* 20 January 1994, p. 87⁷
No. 219 of 1996: *Gaz.* 26 September 1996, p. 1233⁸

No. 250 of 1996: *Gaz.* 5 December 1996, p. 1832⁹

No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262¹⁰

¹ Came into operation 26 August 1976: reg. 1.

² Came into operation 1 September 1980.

³ Came into operation 1 January 1990: reg. 2.

⁴ Came into operation (except reg. 4) 19 November 1992: reg. 2; reg. 4 came into operation 1 January 1993: reg. 4.

⁵ Came into operation 1 March 1993: reg. 2.

⁶ Came into operation 27 January 1994: reg. 2.

⁷ Came into operation 20 January 1994: reg. 2.

⁸ Came into operation 14 October 1996: reg. 2.

⁹ Came into operation 5 December 1996: reg. 2.

¹⁰ Came into operation 3 February 1997: reg. 2.

N.B. The following regulations have been disallowed:

No. 47 of 1997: *Gaz.* 17 April 1997, p. 1600 see *Gaz.* 31 July 1997, p. 237.

Note: Asterisks indicate repeal or deletion of text. For further explanation see Appendix.

2.

**PART 1
PRELIMINARY**

Short Title

1. These regulations may be cited as the *Education Regulations, 1976*, and shall come into operation on and from 26 August 1976.

Revocation

2. All regulations previously in force made or expressed to be made under and pursuant to the repealed *Education Act, 1910-1971*, and/or the *Education Act, 1972-1975*, are hereby revoked, except the *Teachers Registration Regulations, 1975*, made on 26 June 1975, and published in the *Government Gazette* on the same day at page 2469.

Saving Provisions

3. (1) The said repeal shall not:

- (a) affect the operation of any of the regulations hereby repealed prior to such repeal;
- (b) alter the past or future effect of the doing, suffering or omission of anything prior to such repeal;
- (c) affect any right, title, interest, privilege, power, duty, obligation, liability, charge or penalty created, acquired, accrued, exercisable, incurred or imposed by or under or liable to be imposed prior to such repeal.

(2) All matters and things mentioned in subregulation (1) of this regulation are, to the extent that they were respectively in force immediately before the coming into effect of these regulations, hereby preserved and continued and declared to be of the same force and effect as if these regulations had been in force when they were respectively done, suffered or omitted, and they respectively had been done, suffered or omitted under these regulations.

Arrangement

4. These regulations are arranged as follows:

Part 1—Preliminary.

Part 2—School Buildings and Grounds.

Part 3—The Teaching Service.

Division 1—Pre-Service Education of Teachers.

Division 2—Appointment to the Teaching Service.

Division 3—Classification and Promotion of Teachers.

Division 4—Leave of Absence for Teachers.

Division 5—Salaries and Allowances for Teachers.

Division 6—Appeals and Disciplinary Provisions for Teachers.

Division 7—Duties of Teachers.

Division 8—Resignation and Retirement of Teachers.

Part 4—Students.

Division 1—Attendance Provisions.

Division 2—School Books and Materials, Homework.

Division 3—School Terms, Vacations and Holidays.

Division 4—Allowances and Scholarships for Students.

Part 5—Religious Education in Government Schools.

Part 6—School Councils and Affiliated Organisations.

Part 7—Accounting Provisions for Government Schools.

Part 8—Miscellaneous.

Interpretation

5. In these regulations, unless the context otherwise requires, words and phrases shall have the same meaning respectively as they have in the *Education Act, 1972-1975* as amended from time to time and:

"approved" means approved by the Minister or by the Director-General;

"head teacher" includes principal;

"medical certificate" means a medical certificate from a legally qualified medical practitioner, or where a teacher does not reside in the vicinity of a medical practitioner, such other evidence as the Director-General requires;

"requirements" in Division 3 of Part 3 of the regulations means such requirements as are determined by the Director-General for appointment and promotion purposes;

"responsible officer" means a person employed in the Department from time to time directed by the Director-General to carry out a duty ascribed to the responsible officer under these regulations;

"school council" means a school council established under Part VIII of the Act;

"school premises" means the grounds and/or buildings and structures on and appurtenances to the grounds of a Government school;

"special school, centre or class" means a school, centre or class for the education and training of handicapped children;

"student teacher" means a person taking an approved course of teacher education with the approval of the Minister;

"the Act" means the *Education Act, 1972-1975* and any Act amending that Act;

"the repealed regulations" means those regulations revoked in regulation 2 of these regulations;

"transport route" in relation to any school means a route followed by vehicles provided by the Minister for the purpose of conveying students to that school partially or wholly at the expense of the Government.

PART 2
SCHOOL BUILDINGS AND GROUNDS

Expenditure by Schools on Urgent Minor Repairs

11. (1) The school council or the head teacher may incur expenditure up to \$250 at any one time for urgent minor repairs (but not for additions or alterations) to school buildings or to furniture or equipment that are the property of the Minister.

(2) For all urgent minor repairs estimated to cost over \$250 at any one time and for all work other than urgent minor repairs to a school building or furniture or equipment that are the property of the Minister, the approval of the Director-General must first be obtained.

Use of School Premises for Other than School Purposes

12. The head teacher shall have power to grant the use of school premises to school bodies and, after consultation and agreement with the school council, to organisations not connected with the school, under such conditions as the Director-General may determine.

Regulation of Traffic on Departmental Property

13. (1) The head teacher in consultation and agreement with the school council may, subject to the approval in writing of the Director-General, set aside a portion of the school grounds for the parking of vehicles.

(2) No person driving a vehicle shall enter school grounds except for a purpose connected with the business and operation of the school.

(3) A person driving a vehicle on school grounds shall, where there is an area in the grounds reserved for the parking of vehicles and defined by appropriate markings and/or a notice erected in that area, park the vehicle in that defined area and in no other place.

(4) Any person parking a vehicle anywhere on school premises shall do so at his own risk or where such person is not the owner of the vehicle then at the risk of the owner of the vehicle.

(5) A person shall not drive a vehicle within the school grounds without due care or attention or without reasonable consideration for other persons who are on the school premises. He shall drive at a speed no greater than 20 kilometres per hour, except where notices indicate otherwise.

(6) The driver of a vehicle when on school grounds shall obey all signs erected for controlling vehicular traffic on those grounds and shall comply with any reasonable instruction given to him by the head teacher or a person authorised by the head teacher for the purpose of regulating vehicular or pedestrian traffic or otherwise maintaining order within the school grounds.

(7) The driver and/or the registered owner of a vehicle shall make good any damage caused by the use of that vehicle to property of the Minister and shall indemnify and keep harmless the Minister against any claim for damages for injuries to a student or any person caused by the driver's negligent driving of that vehicle on the school premises.

(8) A person who contravenes any provision of this regulation whether by act or omission, shall be guilty of an offence.

Penalty: \$100.

Expiation fee: \$25.

Trespassing on departmental property

14. (1) A person who is on school premises between the hours of 12.00 midnight and 7.00 a.m. is guilty of an offence unless that person—

- (a) carries a security pass issued by the Director-General authorizing that person to be on those premises at that time;
- (b) is authorized by the Chief Executive Officer of the Department of Housing and Construction to be on those premises at that time and carries an identity card issued by that Chief Executive Officer;
- (c) is licensed as a security agent under the *Commercial and Private Agents Act, 1972*, and carries a security pass issued by the Director-General authorizing that person to be on those premises at that time;

or

- (d) carries the written permission of the head teacher to be on the premises at that time.

Penalty: \$200.

(2) A person must not remain on school premises after having been requested to leave the premises by—

- (a) a member of the police force;
- (b) an officer of the Department or of the teaching service;
- (c) a member of the school council;
- (d) the head teacher;

or

- (e) a person authorized by the Minister or the head teacher to protect school property.

Penalty: for a first offence—\$100;
for a subsequent offence—\$200.

PART 3
THE TEACHING SERVICE

DIVISION I—PRE-SERVICE EDUCATION OF TEACHERS

General Conditions for Appointment as a Student Teacher

21. (1) The Minister may appoint student teachers on a scale fixed by him and pay them such allowances, if any, as he shall determine.

(2) There shall be two categories of student teachers:

- (a) student teachers who enter into an agreement with the Minister;
- (b) student teachers who receive a scholarship.

(3) A person seeking an appointment under this regulation shall apply in writing to the Minister at such time and in such form as the Minister shall determine, and shall furnish true and complete information in answer to all matters required by that form.

(4) An applicant who has been appointed as a student teacher under this regulation shall enter upon such course of study in such tertiary institution as the Director-General shall determine on a date fixed by the Director-General.

Student Teachers Entering into an Agreement with the Minister

22. (1) A student teacher receiving an allowance contingent upon his entry into an approved agreement with the Minister shall sign that agreement at such time within the three months following the commencement of his allowance as the Director-General may determine, and if he fails to enter into the said agreement at the time determined by the Director-General, the Minister may require the student teacher to repay the whole or any part of an allowance received by him, and may recover the money by action in a court of competent jurisdiction.

(2) The Minister may require that a guarantor approved by him shall be a party to the agreement.

(3) The student teacher shall undertake to complete the course of study and to serve as a teacher in any school to which he is appointed by the Minister for a period of:

- (a) one year, if the course of study is for one year;
- (b) three years, if the course of study is for more than one year.

(4) Where the course of study extends over more than one year and that course commences:

- (a) within the first three months of any year, the student teacher may resign at any time between 1 April and 30 September, inclusive, of that year;

7.

- (b) in June or July of any year, the student teacher may resign at any time between 1 October of that year and 31 March of the next succeeding year, inclusive,

without repayment to the Minister of any part of any allowance received by that student teacher.

(5) The student teacher shall, not later than a date to be determined by the Director-General and published in the *Education Gazette*, apply to the Teachers Registration Board for registration as a teacher pursuant to the provisions of the Act and shall use his best endeavours to obtain such registration.

(6) The Minister may require the student teacher and/or his guarantor to repay the whole or any part of an allowance received by him if the student teacher:

- (a) fails to enter into the agreement at the time referred to in sub-regulation (1) of this regulation;
- (b) is in breach of any terms of the agreement;
- (c) does not apply to the Teachers Registration Board for registration as a teacher on or before the date determined pursuant to subregulation (5) of this regulation;
- (d) resigns except as provided in subregulation (4) of this regulation, either as a student teacher or as a teacher at any time during the period which commences on the day on which his allowance begins and which ends on the last day on which he has undertaken to serve as a teacher pursuant to the provisions of subregulation (3) of this regulation; or
- (e) refuses or neglects to accept or remain in employment as a teacher when the Minister, pursuant to the provision of subregulation (3) of this regulation requires him to do so;

and the money may be recovered by the Minister by action in any court of competent jurisdiction.

23. (1) The Minister may require a student teacher receiving a scholarship to repay the whole or any part of the scholarship allowance received by him if the student teacher should for any reason absent himself from his approved course of study without consent in writing of the Director-General before—

- (a) 31 March of the year of commencement of the scholarship where the scholarship commenced within the first three months of that year;
- (b) 31 August of the year of commencement of the scholarship, where the scholarship commenced in June or July of that year;

and the money may be recovered by the Minister by action in a court of competent jurisdiction.

(2) Regulations 25—31 (inclusive) of this Division shall apply, *mutatis mutandis*, to student teachers receiving a scholarship.

Entry Requirements

24. Every applicant appointed under regulation 21 of this Division must hold such qualifications as the Minister may require.

Grounds for Termination of Appointment

25. (1) If a student teacher fails to attend the institution determined by the Director-General as and when required by him, or if the Minister is satisfied that the appointment of that person as a teacher is undesirable on any of the following grounds:

- (a) lack of aptitude for teaching;
- (b) unsatisfactory conduct or character;
- (c) unsatisfactory academic progress;
- (d) mental or physical unfitness;
- (e) any other reason deemed sufficient by the Minister;

the Minister may terminate the appointment of that student teacher.

(2) Where the appointment of a student teacher appointed under regulation 21 of this Division is terminated under this regulation the Minister may require that student teacher and/or his guarantor to repay the whole or any part of any allowance received by him and the money may be recovered by the Minister by action in any court of competent jurisdiction.

Power to Waive Indebtedness

26. Notwithstanding anything contained in these regulations or in any agreement entered into pursuant to these regulations the Minister may waive wholly or in part the payment of any indebtedness provided for in these regulations if the Minister is satisfied that circumstances justify such waiving.

Transfer from One Course to Another

27. (1) A student teacher who has entered upon a certain course of study may, on application in writing to the Director-General, transfer to another course of study in the same or another institution, provided that:

- (a) the institution or institutions concerned agree to the transfer; and
- (b) the Director-General approves of the transfer by notice in writing to the student teacher and to the institution or institutions concerned.

(2) Where a transfer from one course of study to another by a student teacher appointed under regulation 21 of this Division varies in any way any provision of the agreement referred to in regulation 22, the student teacher shall enter into a new agreement in accordance with the provisions of that regulation and, if the Minister so requires, a guarantor approved by him shall be a party to the new agreement. The student teacher and, when so required, a guarantor shall enter into such new agreement prior to or as soon as practicable after the transfer.

Fares Payable to Certain Student Teachers

28. (1) Any student teacher whose home is on Kangaroo Island or whose home is situated within the State and is more than 160 kilometres distant by the shortest practicable land route from the institution at which he is a student teacher shall be paid a return fare home once each year.

(2) A student teacher whose home is situated beyond the State shall be paid once each year a return fare from the town in which the said institution is situated to the South Australian town on the border nearest to the student teacher's home by the shortest practicable route.

(3) A "return fare" under this regulation means the return fare by rail, bus or other approved public transport, as determined by the Director-General.

Leave Conditions for Student Teachers

29. (1) A student teacher shall, notwithstanding any statutes, by-laws, directions or other rules of the educational institution to which he is appointed by the Minister, conform to such instructions as the Director-General may determine when the student teacher is for any cause absent from his studies at that institution.

(2) The Director-General may in his discretion grant leave to a student teacher with or without payment of allowances or scholarships as the case may be during any period of absence from his studies on such terms and conditions as the Director-General may determine.

Accouchement Leave for Student Teachers

30. (1) The Director-General may grant accouchement leave to a student teacher on her application in writing supported by:

- (a) a medical certificate stating the anticipated date of confinement; and
- (b) a statement signed by a responsible officer of the academic staff of the educational institution to which she has been appointed by the Minister that the leave sought prior to the anticipated date of confinement is realistic in terms of the course of study which she is undertaking.

(2) Such leave shall commence not later than four weeks prior to the anticipated date of confinement and the student teacher shall not be permitted to resume duty until at least eight weeks after the birth of the child, provided that the Director-General may, when reasonable cause exists, approve leave to commence later than and end earlier than the time specified in this regulation.

10.

(3) The Director-General may, for the purposes of this regulation, demand at any time immediately prior to or during the period of leave, a medical certificate from an approved legally qualified medical practitioner.

(4) Leave granted under this regulation shall not exceed twelve months and shall be without payment of allowances or scholarships, as the case may be.

(5) Where a student teacher fails to return to duty at the completion of her accouchement leave or any due extension thereof her appointment shall be deemed to be terminated by the Minister.

Saving Provisions

31. (1) Any agreement entered into by a student teacher with the Minister prior to the making of these regulations shall remain in force as if the repealed regulations had remained in force unless the student teacher with the consent of his guarantor, where applicable, enters into a new agreement in accordance with the provisions of this Division, or unless the Director-General requires that the student teacher shall enter into a new agreement with or without a guarantor.

(2) A student teacher who, prior to the making of these regulations was seeking an award of a Diploma in Teaching or an Advanced Diploma in Teaching under the provisions of the repealed regulations may continue to seek such award under the conditions of the repealed regulations as if they had not been repealed.

(3) A student teacher who prior to the making of these regulations was the holder of a Tertiary Teaching Scholarship under regulations 5 to 10 of Part XXI of the repealed regulations may continue to hold that scholarship under the provisions of those regulations as if such regulations had not been repealed.

DIVISION 2—APPOINTMENT TO THE TEACHING SERVICE

Application for Employment

41. (1) Every applicant for appointment to the teaching service must have undertaken a prescribed course of teacher education or have obtained such other qualifications as the Minister, on the recommendation of the Director-General, approves.

(2) A person who has not completed the requirements prescribed by subregulation (1) of this regulation may be employed as a temporary teacher on a yearly basis if the Director-General is satisfied that he has the educational attainment and teaching ability to justify the proposed appointment.

(3) The Minister may require any applicant to supply:

- (a) an approved certified birth extract from an official register of births or such other evidence as to his age as is satisfactory to the Minister;
- (b) documentary evidence of his experience and qualifications or other evidence satisfactory to the Minister as to his suitability to perform the duties he would be required to undertake if appointed;

- (c) a certificate from an approved legally qualified medical practitioner that the applicant is of sound health and free from any physical or mental defect likely to impair his efficiency in the performance of the duties he would be required to undertake if appointed.

(4) Every applicant shall furnish true and complete information in answer to all questions asked by the Minister, an officer of the Department or any approved medical practitioner, and where an applicant furnishes information which is false or misleading in any material particular he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(5) Before appointment as a teacher an applicant shall undertake in writing to serve if required in any part of the State at any period of his service.

First Appointment on Probation

42. (1) Except as provided in subregulation (2) of this regulation, the first appointment of a teacher to the teaching service shall be on probation for a period of twelve months, or such other period, not exceeding in all two years, as the Minister may, in any particular case, from time to time fix.

(2) If in any particular case it appears to the Minister that it is desirable or expedient in the public interest to appoint a teacher to the teaching service without probation, the Minister may so appoint that person.

Requirement for Certain Teachers

43. (1) A teacher—

- (a) who prior to his appointment as a teacher, was a student teacher receiving an allowance under the provisions of regulation 22 of Division 1 of this Part, or under regulation 12 of Part XXI of the repealed regulations; and
- (b) who had not, on 31 December 1975, completed his undertaking to serve as a teacher pursuant to the provisions of those regulations,

shall, no later than a date to be determined by the Director-General and published in the *Education Gazette*, apply to the Teachers Registration Board for registration as a teacher pursuant to the provisions of the Act, and shall use his best endeavours to obtain such registration.

(2) A teacher to whom this regulation applies who fails to apply for registration as a teacher as required by subregulation (1) of this regulation shall be guilty of an offence and liable to a penalty not exceeding fifty dollars and the provisions of subregulation (6) of regulation 22 of this Part shall apply to that teacher as if he were a student teacher.

DIVISION 3—CLASSIFICATION AND PROMOTION OF TEACHERS

Definition of Promotional Classification Levels

51. For the purposes of the definition of "**promotional level**" in section 5(1) of the Act, a classification level other than Teacher or Advanced Skills Teacher Level 1 is declared to be a promotional level for a position in the teaching service.

Limit on Reclassification Applications

52. For the purposes of section 28(1) of the Act, an officer may not make an application for reclassification to the classification Advanced Skills Teacher Level 1.

* * * * *

Categories of Government Schools

54. (1) The Director-General shall divide all schools into the following categories:

- (a) primary schools including aboriginal schools, correspondence schools, junior primary schools;
- (b) rural schools;
- (c) area schools;
- (d) community schools;

* * * * *

- (f) secondary schools;
- (g) schools administered by the Guidance and Special Education Branch of the Department.

(2) The Minister may on the recommendation of the Director-General declare that the lower grades of any primary school shall be organised as a junior primary school in charge of a separate teacher.

* * * * *

* * * * *

Number of AST Level 1 Officers and Promotional Level Positions

58.

* * * * *

(2) The number of officers classified at Advanced Skills Teacher Level 1 and the number of positions classified at promotional levels that are to be made available from time to time with respect to any category of school shall be determined by the Minister on the recommendation of the Director-General after consultation between the Director-General and the Institute of Teachers.

* * * * *

* * * * *

Appeals under section 53 of Act

60.

* * * * *

(2) Every appeal against a provisional recommendation made under section 53 of the Act shall be by notice in writing addressed to the Secretary of the Appeal Board and shall set out shortly the grounds of the appeal.

(3) The notice referred to in subregulation (2) of this regulation shall be received by the Appeal Board not later than fourteen days from the date on which notice of the provisional recommendation was posted to the last known address of the appellant, provided that the Board may, for sufficient and reasonable cause, extend the time by which the letter shall be received by the Board by not more than a further seven days.

(4) For the purpose of any appeal under section 53 of the Act and this regulation the Appeal Board shall consider the written submission of the appellant and may:

- (a) dismiss the appeal where, in the opinion of the Appeal Board, the written submission has not disclosed sufficient grounds for further enquiry; or
- (b) hear the appellant in person and the Director-General where, in the opinion of the Appeal Board, the written submission has disclosed sufficient grounds for further enquiry.

Acting Appointments

61. (1) A teacher appointed by the Director-General to a position classified at a promotional level in an acting capacity will, if the teacher occupies the position for a period of more than one week, be entitled to receive salary and increments, as from the date of the acting appointment and while the teacher occupies the position, as if the teacher had been appointed to the position by the Minister under Part 3 of the Act.

(2) If a teacher, while acting in a position as referred to in subregulation (1), is appointed to the position by the Minister under Part 3 of the Act, the period for which the teacher acted in the position up until the appointment by the Minister will, for all purposes, be added to and taken to form part of the period for which the teacher occupies the position as a result of the appointment by the Minister.

DIVISION 4—LEAVE OF ABSENCE FOR TEACHERS

Absence to be Reported

71. Every teacher absent from duty shall apply to the Director-General for leave of absence through the head teacher on the form provided by the Department for that purpose, provided that, where circumstances make it impossible for that teacher to apply for leave of absence, the head teacher shall make application on his behalf.

Leave of Absence on the Ground of Illness

72. (1) Subject to this Division the Director-General may grant leave of absence with pay on the ground of illness to a teacher for a period not exceeding the leave standing to the credit of that teacher.

(2) Subject to regulation 76 of this Part the leave standing to the credit of a teacher, whether appointed before or after the commencement of the Act, shall be:

- (a) ten school days on appointment; and
- (b) ten school days on each first day of January succeeding his day of appointment,

and in each case deducting from the total so obtained the number of school days in respect of which leave has been taken under this regulation or under the repealed regulations.

(3) For the purpose of this regulation where a teacher is retired under section 17 of the Act or any other corresponding enactment and is subsequently reappointed as a teacher, his continuous service before retirement and his continuous service after reappointment shall be taken into account as though that service was continuous.

(4) For the purpose of this regulation where a person, who has previously been in prescribed employment as defined in section 24 of the Act, is appointed a teacher under the Act and his service in the prescribed employment is continuous with his service as a teacher, the sick leave credit to which he shall be entitled under this regulation shall be determined on the basis that his service in the prescribed employment is service in the teaching service; provided that where the amount of sick leave taken by the teacher in the prescribed employment is not accurately known, the Minister shall determine the leave to stand to the credit of that teacher.

(5) If the period of absence of a teacher on the ground of illness exceeds three days at any time the application for leave shall be accompanied by a medical certificate.

(6) Notwithstanding subregulation (5) of this regulation the Director-General may, if he thinks it necessary, require a teacher to produce evidence satisfactory to the Director-General of the existence of the illness of that teacher where his leave of absence on the ground of illness is three days or less.

(7) Where a medical certificate or other evidence satisfactory to the Director-General is not produced by a teacher as required by this regulation the leave shall be without pay.

(8) Where a teacher who is on long-service leave produces a medical certificate satisfactory to the Director-General that he has been confined to a residence or to a hospital for a period of at least fourteen days while on that leave he may, with the approval of the Director-General, elect to convert that portion of his long-service leave during which he was so confined to a debit against his sick-leave credits; provided that no such conversion shall be granted to a teacher who has received payment for long-service leave on his retirement, resignation, retrenchment or termination of services.

Special Leave with Pay

73. (1) The Director-General may, where reasonable cause exists, grant to a teacher special leave with pay for any period or periods not exceeding a total of fifteen school days in any one year.

(2) The Minister may, on the recommendation of the Director-General, grant to a teacher special leave with pay or with part pay for such period and upon such conditions as he may determine.

(3) Special leave granted under this regulation shall be in addition to any other leave that a teacher may be entitled to under these regulations.

Infectious Diseases and Special Leave

74. (1) Where a teacher is absent from duty and produces a medical certificate that he is suffering from one of the diseases set out in subregulation (3) of this regulation, and that certificate is supported by a statement from the head teacher that in all probability the disease was contracted by the teacher while on duty, as a result of his contact with the children or staff of the school, the teacher will be granted special leave with pay not debited to sick leave credits.

(2) The leave granted under this regulation shall not exceed fifty-two weeks, either at one time or in broken periods, for a particular disease.

(3) The diseases accepted for the purpose of this regulation are: chicken pox, diphtheria, erysipelas, glandular fever, herpetic whitlow, infectious hepatitis, infectious mononucleosis, measles, meningitis, mumps, poliomyelitis, rubella, scarlet fever, staphylococcal infection, typhoid, whooping cough, and such other diseases as the Minister may determine by publication in the *Education Gazette*.

Special Leave without Pay

75. The Minister may, where reasonable cause exists, grant to a teacher special leave without pay for any period and upon such conditions as he may determine.

Absence from Duty

75A. (1) The Director-General shall have the power to direct that where a teacher has absented himself from his place of work during his ordinary hours of duty (or other hours as directed) or has not discharged his duties as a result of or in the furtherance of industrial action taken by that teacher, the salary of that teacher may be reduced by such an amount as is equal to:

- (a) one-tenth of the teacher's fortnightly salary for each full day of absence or failure to discharge duty;
- (b) one-twentieth of the teacher's fortnightly salary for each half day of absence or failure to discharge duty; or
- (c) one seventy-fifth of the teacher's fortnightly salary for each hour (or part thereof) of absence or failure to discharge duty where the absence or failure to discharge duty is less than one half day.

(2) Any direction made by the Director-General pursuant to subregulation (1) of this regulation shall be given effect to.

(3) For the purposes of this regulation, the fortnightly salary of a teacher who is appointed to the teaching service on a part-time basis is the fortnightly salary that teacher would be entitled to receive if he or she were appointed to the teaching service on a full-time basis.

Leave and Continuity of Service

76. (1) The continuity of service of a teacher shall not be deemed to be broken by leave under this Part and:

- (a) leave of absence in respect of which a teacher is paid his full salary shall count as service for sick leave entitlement; and
- (b) the Minister may determine to what extent, if any, leave of absence taken without pay or on part pay shall be counted as service for sick leave entitlement, and the determination shall have effect according to its terms.

(2) Where by the terms of the determination of the Minister a period of leave does not count as service for sick leave entitlements the credit of ten school days in each year provided for in regulation 72 of this Division shall be reduced by one day for each complete four weeks of that period of leave, to a maximum of ten school days in any one year.

Long Service Leave on Half Pay

77. Notwithstanding anything elsewhere contained in this Division, when a teacher takes a period of long-service leave on half pay under the provisions of section 19 of the Act he shall, for the purposes of long-service leave and sick-leave credits, be deemed to be on full pay for the first half of such period and on leave without pay for the remainder of that period.

Accouchement Leave

78. (1) Subject to this regulation the Director-General shall grant accouchement leave to women teachers.

(2) Application for such leave shall be made on the form provided by the Department for the purpose and be accompanied by a medical certificate which shall indicate the anticipated date of confinement.

(3) The application must comply with the requirements of subregulations (4) and (5) of this regulation.

(4) The teacher must commence leave at least six weeks before the anticipated date of confinement as shown on the medical certificate, and such leave may extend for a period of up to twelve months from the date of birth of the child.

(5) A teacher on accouchement leave shall not be permitted to resume duty for at least eight weeks following the birth of the child, provided that the Director-General may approve an earlier resumption of duty where reasonable cause exists.

(6) A teacher who has made application under subregulation (2) of this regulation may, at any time she is on leave make further application in accordance with this regulation so as to extend or reduce the period referred to in the original application, and the Director-General may vary the leave in accordance with the amended application.

(7) Subject to subregulations (8) and (9) of this regulation, accouchement leave granted in accordance with this regulation shall be without pay for the whole period; provided that a teacher entitled to long-service leave under the Act, may, at her discretion, use any or all of that entitlement during the period she is on accouchement leave.

(8) If the commencement of accouchement leave occurs:

(a) during the May or September vacation period, the whole of the vacation period in which such leave commences shall be with pay; and the provisions of subregulation (7) of this regulation shall not apply until the commencement of the first school day next after that vacation;

(b) during a Christmas vacation commencing in any one year, and:

(ba) the teacher was on duty on or before the first school day of the second term of that year and remained on duty until the last school day of that year, the leave shall be with pay up to and including 31 January of the next succeeding year, and thereafter the provisions of subregulation (7) of this regulation shall apply;

(bb) the teacher commenced duty after the first school day of the second term of that year and remained on duty until the last school day of that year the leave shall be with pay up to and including 31 December of that year, and thereafter the provisions of subregulation (7) of this regulation shall apply.

(9) A teacher on accouchement leave under this regulation may be granted sick leave with pay to the extent available to that teacher for significant abnormal medical conditions arising during pregnancy or following the birth of the child, or for other illnesses not connected with pregnancy which occur during the period she is on accouchement leave. Application for such leave must be accompanied by a medical certificate. Whether or not a condition is abnormal or an illness is not connected with pregnancy shall be a matter for the decision of the Director-General.

(10) (a) A teacher who has been granted accouchement leave shall give the Director-General at least four weeks notice in writing of the date on which she seeks to resume duty.

(b) If a suitable appointment cannot be offered to that teacher accouchement leave may be extended beyond the period previously approved and, if necessary, to the end of the vacation period following the end of the term during which notice of intention to return to duty was given. In this case the twelve months limit mentioned in subregulation (4) of this regulation shall not apply.

(c) If after the completion of the extension of leave mentioned in paragraph (a) of this subregulation, no position is available or no position offered is acceptable to the teacher, the Minister may terminate the services of that teacher under the provisions of section 16 of the Act. Termination of appointment in this situation may, in the case of a teacher still liable to serve as a teacher under the provisions of regulation 22 of Division 1 of this Part, cancel the remaining liability.

* * * * *

Recreation Leave for Certain Teachers

80. (1) The principal and academic staff of the following institutions in the teaching service:

- (a) Raywood Inservice Conference Centre;
- (b) Wattle Park Teachers Centre,

shall be entitled to twenty working days leave on full pay for recreation purposes for each year of service and such leave shall be in addition to non-public holidays occurring between Christmas Day and New Year's Day.

(2) The leave shall be taken under arrangements approved by:

- (a) the Principal of the Centre, for a member of the academic staff of that Centre; or
- (b) the Director of Educational Services and Resources, for a Principal of a Centre.

(3) No person shall accumulate recreation leave beyond two years entitlement without the approval of the Director-General and except with the approval of the Director-General recreation leave shall be taken in an unbroken period not exceeding twenty working days provided that, if the leave period includes the Christmas Day to New Year's Day period, the non-public holidays in that period may be additional to the twenty working days.

(4) Where a teacher is seconded to special duties by the Minister he shall, unless the Director-General otherwise determines, be subject to the same conditions in respect of hours during which he shall be on duty and recreation leave as applies to an officer governed by the *Public Service Act, 1967*, as amended.

War Service Sick Leave

81. War service sick leave may be granted by the Director-General to officers who submit evidence that they are absent because of a disability accepted by the Commonwealth Repatriation Board as due to war service in accordance with the following provisions:

(1) A non-accumulative credit of nine weeks:

As from 1 July 1955 or the date of joining the teaching service, whichever is the later, each ex-serviceman is granted a special non-accumulative war service sick leave credit of nine weeks, i.e., forty-five working days.

(2) An accumulative credit of three weeks annually—

- (a) On and from 1 July 1964 or the date of joining the teaching service, whichever is the later, each ex-serviceman may be granted an additional three weeks war service sick leave credit annually, i.e., fifteen working days.
- (b) This entitlement will accumulate for three years, i.e., forty-five working days, and re-accumulate if any portion thereof is used, so that the maximum credit which may be accumulated is forty-five working days inclusive of existing accumulated credit.
- (c) This accumulative credit can be utilised only when the non-accumulative credit in subregulation (1) of this regulation has been exhausted.

DIVISION 5—SALARIES AND ALLOWANCES FOR TEACHERS

Applications for Award

91. (1) Every application to the Salaries Board for an award shall be made in quadruplicate in a form approved by the Board.

(2) Where such application is made by the Institute of Teachers the said Institute shall deliver a copy of the application to the Minister within seven days after the form of application is delivered to the Board.

(3) Where such application for an award is made by the Minister, the Minister shall cause a copy to be delivered to the secretary of the Institute of Teachers within seven days after the form of application is delivered to the Board.

Commencing Salary above Minimum

92. Where an appointment is made which:

- (a) is the first appointment of a person as a teacher; or
- (b) involves transfer of a teacher from one position to another,

the Minister may, on the recommendation of the Director-General, approve a commencing salary within the range of the scale provided for the new position at a rate higher than the rate fixed for the minimum of that position, and that salary shall be paid accordingly.

Positions Not Covered in an Award

93. For special work performed in a temporary capacity by a teacher to which no award applies, the Minister may determine what remuneration may be paid to that teacher in respect of that special work.

Salary Increments Not Applicable in Certain Circumstances

94. Where a teacher:

- (a) resigns under regulations 141 or 142 of Division 8 of this Part; or
- (b) retires under section 25 of the Act,

and the effective date of resignation or retirement is 31 January in any year, that teacher shall not be entitled to receive any increment provided in an award of the Salaries Board which would normally become effective from 1 January of that year.

Entitlement to Christmas Vacation Pay

95. (1) Notwithstanding anything elsewhere contained in these regulations a teacher appointed to the teaching service on or after 1 November in any year who undertakes by notice in writing, such notice to be received by the Director-General prior to the commencement of the Christmas vacation period, to continue as a member of the teaching service until the last school day of the second term of the next following year shall receive salary for the whole of the Christmas vacation period occurring at the end of the year in which he was appointed to the teaching service (which salary is hereinafter referred to as "Christmas vacation salary").

(2) Where a teacher to whom Christmas vacation salary is paid pursuant to subregulation (1) of this regulation fails for any reason to continue as a member of the teaching service until the last school day of the second term of the next following year the Minister may, by notice in writing to that teacher, require the teacher to repay the whole or any part of the Christmas vacation salary received by him and the money may be recovered by the Minister by action in any court of competent jurisdiction as a debt due and owing to the Minister.

Deduction from Salaries of Rents for Departmental Residences

96. Where a teacher occupies for the purpose of residence any building or part of a building owned or leased by the Minister, rent at an approved rate shall be deducted from that teacher's salary fortnightly.

*Minister may Recover Salary Paid to Teacher in
Certain Circumstances*

97. Where for any cause a teacher receives salary or allowances or both to which he is not entitled under the Act, whether such salary or allowances are in respect of a vacation period or not, the Minister may require the teacher to repay to the Minister such salary or allowances or both, and in the event of the Minister's so requiring the money may be recovered by the Minister by action in a court of competent jurisdiction as a debt due and owing to the Minister.

Travelling Expenses

98. Teachers undertaking approved travel in connection with their duties shall be reimbursed for expenses reasonably and actually incurred at the same rates as apply to an officer governed by the *Public Service Act, 1967*, as amended, provided that the Minister may, on the recommendation of the Director-General, approve of reimbursement at a higher rate than prescribed in this regulation if it appears necessary to recoup the teacher concerned for his reasonable, out-of-pocket expenses.

Removal Expenses

99. (1) Any teacher who:

- (a) is transferred to another school on promotion or for Departmental reasons; or
- (b) is transferred to another school at his own request after not less than three years of satisfactory service at one school; or
- (c) moves without transfer from a non-departmental residence to a Departmental residence or from one Departmental residence to another;

shall have household furniture and effects moved at Departmental expense under arrangements made or approved by the Director-General, and in addition shall be paid:

- (ca) a packing allowance, the amount of which shall be determined by the Director-General;
- (cb) the cost of fares paid for himself and his family; and
- (cc) on the production of proper vouchers, such other expenses as the Director-General may determine, provided that such other expenses are, in the opinion of the Director-General, necessarily and reasonably incurred by the teacher and his family in connection with that transfer or removal.

(2) A person on first appointment as a teacher to a school whose place of residence is:

- (a) in South Australia, shall be paid allowances as provided in subregulation (1) of this regulation, such allowances to be determined by the distance from his place of residence to the school;
- (b) not in South Australia, shall be paid such expenses as may be negotiated in the terms of his contract of employment.

(3) Where a teacher retires, he, or where a teacher dies, his surviving spouse, shall be paid allowances as provided in subregulation (1) of this regulation. Such allowances will be determined by the distance between the school at which that teacher was stationed and the future place of residence of the family, if in South Australia. If the future place of residence of the family is not in South Australia the Director-General shall determine the allowance which will apply.

(4) The Director-General may authorise the payment to a teacher on removal of an approved allowance to cover depreciation of and necessary replacements to his household furniture and effects, provided that this allowance shall not be paid where a teacher with less than three years of satisfactory service at one school is transferred at his own request.

(5) In every case where travelling expenses are payable pursuant to this regulation the Director-General may grant an allowance to the teacher in lieu of payment of actual expenses.

(6) Notwithstanding anything in this regulation, the Minister may approve, on the recommendation of the Director-General, the payment of an allowance greater than that provided for in this regulation, or may pay wholly or in part the removal expenses and depreciation allowance of teachers who are debarred by this regulation from claiming the same, if reasonable cause exists to justify the said payment.

School Cleaning Expenses

100. Where the Director-General has not caused a school cleaner to be appointed to any school the Minister may, provided the head teacher of that school undertakes to ensure the cleanliness of that school, pay an approved cleaning allowance to that head teacher under such conditions as the Minister may fix.

* * * * *

DIVISION 6—APPEALS AND DISCIPLINARY PROVISIONS FOR TEACHERS

Complaint Against a Departmental Officer

111. (1) If a teacher at any time considers that he has just cause of complaint against any officer of the Department when that officer is acting in the course of his duties, the teacher may appeal in writing to the Director-General for consideration of his case, and the Director-General shall notify the teacher in writing of his determination in that matter.

(2) Where the teacher is not satisfied with the determination of the Director-General notified to him in writing pursuant to subregulation (1) of this regulation, he may, within fourteen days of the receipt of that notification, appeal to the Appeal Board against the determination of the Director-General.

Selection of Members to Constitute an Appeal Board

112. Where the Director-General is required under section 45(3)(b) of the Act to select from the panel of officers of the Department an officer to be a member of the Appeal Board for a particular appeal, he shall not select an officer who:

- (a) performed the action or made the decision, determination, recommendation or provisional appointment appealed against; or
- (b) is employed in that Division of the Department of which the appellant is a member.

Lodging of Appeals

113. (1) Except where otherwise provided in the Act or these regulations any appeal made to the Appeal Board must be commenced by notice of appeal lodged by the appellant with the Board within fourteen days of the appellant being notified by written notice of the act, decision, appointment or determination appealed against.

(2) Every notice of appeal shall:

- (a) be typewritten or in clearly legible handwriting;
- (b) give particulars of the matter appealed against;
- (c) state the grounds of the appeal;
- (d) give the name of the member nominated by the appellant from members of the panel of officers of the teaching service, pursuant to section 45(3)(c) of the Act; and
- (e) be signed by the appellant.

Action Following Lodgements of Appeal

114. (1) The Appeal Board shall, on receipt of notice of an appeal, give to the Director-General and to the appellant at least seven days notice in writing of the time and place fixed for the hearing of the appeal.

(2) The Board shall hear that appeal as soon as practicable.

(3) Where the Board has made its determination on any particular appeal made to it, it shall notify in writing the Director-General and the appellant of its decision.

Delay of Proceedings by the Director-General

115. Where the Appeal Board is hearing an appeal by a teacher on any matter the Director-General shall delay any action against that teacher in respect of that matter until the Board has notified its determination of that appeal.

Criminal Offences by Teachers

116. (1) Where a teacher is charged with a criminal offence any proceedings which may have been commenced by the Director-General or by the Appeal Board in connection with the facts concerning that offence shall be stayed.

(2) Nothing in subregulation (1) of this regulation shall be deemed to affect a suspension which may have been imposed on the teacher pursuant to section 27 of the Act.

DIVISION 7—DUTIES OF TEACHERS

General Responsibilities of Teachers

- 121.** (1) (a) Principals and head teachers shall be responsible under the Act to the Director-General for the management, organisation and administration of the school and the welfare and development of its pupils.
- (b) They shall promote the continuing professional development of the teachers on the staff and encourage their participation in decision-making on school policy and problems; and they shall foster community participation in the school programme and in educational developments generally. They shall be responsible for the curriculum in the school; for the development of its objectives and for their periodic review; they shall speak on behalf of the school on matters of school policy.
- (ba) They must keep their respective school councils informed of the general educational policy of the school.
- (c) Staff meetings will be an integral part of the decision-making process and of communication within the school, and they will be conducted to give full opportunity for involvement of all staff members. Attendance at such meetings shall be obligatory, subject to the acceptance of non-attendance on grounds similar to those applying to absence from other teaching duties or for any reason acceptable to the Principal.

(2) Teachers occupying a position in a school shall be responsible to the principal or head teacher of that school. They shall be actively concerned with the welfare and development of the students in their care. They shall give such assistance as may be required by the principal or head teacher in the general management of the school. They can expect to participate in the formulation of the policies in that school, and when these have been determined, they shall see that such policies are properly implemented.

School Rules

122. (1) Principals and head teachers shall be responsible within their schools for the establishment and maintenance of a social and educational environment favourable to learning and to acceptable forms of behaviour. It should be designed to develop self-control and self-discipline within students, and a respect for other persons and their property.

(2) Principals and head teachers shall be responsible for the formulation of a set of rules with respect to behaviour both inside and outside the classroom, if and when considered necessary. The rules may also refer to school policies in so far as considered desirable or necessary, and may be promulgated to staff, students and parents. In the formulation of these rules, principals and head teachers shall consult with their staffs, school councils, and, where appropriate, the student representatives of the school.

School Control of Students

123. (1) Having regard to the rights and duties of students, parents and teachers within the school policies and rules established under regulation 122, principals and head teachers may impose such moderate and reasonable controls on the behaviour of students, and sanctions for offences against those rules, as they consider necessary or as are permitted by these regulations.

(2) Subject to these regulations, principals and head teachers may delegate their disciplinary authority, including the imposition of appropriate sanctions on students for breaches of school rules, to such members of their staffs as they determine. This delegation shall not prevent principals or head teachers from exercising directly their own power to impose sanctions on students where they consider it necessary or advisable to do so.

(3) A teacher may, in addition to imposing on a student any sanction that is in accordance with school policy, detain a student during the luncheon interval or after school hours subject to any conditions determined by the Minister.

* * * * *

Suspension of students

124A. (1) The head teacher of a government school may suspend a student from attendance at the school for a period specified by the head teacher if the head teacher believes on reasonable grounds that—

- (a) the student has threatened or perpetrated violence; or
- (b) the student has acted in a manner that threatens the safety or well being of a student or member of staff of, or other person associated with, the school (including by sexually harassing, racially vilifying, verbally abusing or bullying that person); or
- (c) the student has acted illegally; or
- (d) the student has interfered with the ability of a teacher to instruct students or of a student to benefit from that instruction; or
- (e) the student has acted in a manner that threatens the good order of the school by persistently contravening or failing to comply with rules applying within the school with respect to behaviour; or
- (f) the student shows persistent and wilful inattention or indifference to school work.

(2) However—

- (a) a student cannot be suspended from attendance at the school under this regulation on any one occasion for more than five consecutive school days; and
- (b) a student cannot, without the authorisation of the responsible officer, be suspended from attendance at the school under this regulation—

- (i) for more than 15 school days in a calendar year; or
- (ii) on more than four separate occasions in a calendar year.

Exclusion of students

124B. (1) The head teacher of a government school may exclude a student from attendance at the school for a period specified by the head teacher if the head teacher believes on reasonable grounds that—

- (a) the student has threatened or perpetrated violence; or
- (b) the student has acted in a manner that threatens the safety or well being of a student or member of staff of, or other person associated with, the school (including by sexually harassing, racially vilifying, verbally abusing or bullying that person); or
- (c) the student has acted illegally; or
- (d) the student has persistently interfered with the ability of a teacher to instruct students or of a student to benefit from that instruction; or
- (e) the student has acted in a manner that threatens the good order of the school by persistently contravening or failing to comply with rules applying within the school with respect to behaviour.

(2) However—

- (a) a student cannot be excluded from attendance at the school under this regulation on any one occasion for—
 - (i) less than four consecutive weeks, unless the exclusion is for the remainder of the school term during which the student is excluded and that period is less than four weeks; or
 - (ii) more than—
 - (A) 10 consecutive weeks; or
 - (B) the remainder of the school term or, in the case of a student above compulsory school age, semester,(whichever is the longer period);
- (b) a student cannot, without the authorisation of the responsible officer, be excluded from attendance at the school under this regulation for more than 20 weeks in a calendar year.

(3) Before excluding a student under this regulation, the head teacher must first suspend the student from attendance at the school for a period not exceeding five consecutive school days.

(4) A student of compulsory school age must obey the reasonable written directions of the responsible officer in relation to undertaking education, work or other relevant activity during the period of an exclusion.

(5) If a student contravenes or fails to comply with directions given under subregulation (4), the student is guilty of an offence.

Maximum penalty: \$200.

(6) The head teacher of a school may extend the exclusion of a student from attendance at the school for a further period not exceeding the limits fixed by subregulation (2) if satisfied that the extension is justified in the circumstances.

Expulsion of students from particular school

124C. (1) The head teacher of a government school may expel a student above compulsory school age from a school for a period specified by the head teacher if the head teacher believes on reasonable grounds that—

- (a) the student has threatened or perpetrated violence; or
- (b) the student has acted in a manner that threatens the safety or well being of a student or member of staff of, or other person associated with, the school (including by sexually harassing, racially vilifying, verbally abusing or bullying that person); or
- (c) the student has acted illegally; or
- (d) the student has persistently interfered with the ability of a teacher to instruct students or of a student to benefit from that instruction.

(2) However, a student cannot be expelled from the school under this regulation on any one occasion for—

- (a) less than six consecutive months, unless the expulsion is for the remainder of the school semester during which the student is expelled and that period is less than six months; or
- (b) more than 18 consecutive months.

(3) Before expelling a student under this regulation, the head teacher must first suspend the student from attendance at the school for a period not exceeding 20 consecutive school days.

Expulsion of students from all schools and other educational facilities.

124D. (1) The Director-General may, on the recommendation of the head teacher of a government school at which a student above compulsory school age is enrolled, expel the student from all government schools and other specified facilities used by the Department for educational purposes for a period specified by the Director-General if satisfied on reasonable grounds that—

- (a) the student has threatened or perpetrated violence; or
- (b) the student has acted in a manner that threatens the safety or well being of a student or member of staff of, or other person associated with, the school (including by sexually harassing, racially vilifying, verbally abusing or bullying that person); or
- (c) the student has acted illegally.

(2) However, a student cannot be expelled under this regulation on any one occasion for—

- (a) less than one year, unless the expulsion is for the remainder of the school year during which the student is expelled; or
- (b) more than five years.

(3) Before making a recommendation to the Director-General under this regulation, the head teacher of the government school at which the student is enrolled must suspend the student from attendance at the school for a period not exceeding 30 consecutive school days.

Grounds for decision as to whether to suspend, exclude or expel

124E. A decision as to whether a student should be suspended, excluded or expelled under these regulations must be made having regard to—

- (a) the severity and frequency of the misbehaviour of the student; and
- (b) the student's prior record of behaviour and response to previous sanctions (if any); and
- (c) any other relevant matter.

Offence for suspended, excluded or expelled students to be on school grounds

124F. (1) A student who has been suspended or excluded from attendance at a school or expelled from a school under these regulations must not, during the period of the suspension, exclusion or expulsion, enter or remain on the school premises except with the written approval or at the written request of the head teacher of the school.

Maximum penalty: \$200.

(2) A student who has been expelled under these regulations from all government schools and specified facilities used by the Department for educational purposes must not, during the period of the expulsion, enter or remain on any school premises or the premises of a specified facility except with the written approval or at the written request of the Director-General or the head teacher or person in charge of the school or facility concerned.

Maximum penalty: \$200.

Appeal

124G. (1) An appeal to the relevant authority may be made against—

- (a) a decision of the head teacher of a government school to exclude a student from attendance at the school or to expel a student from the school under these regulations; or
- (b) a decision of the Director-General to expel a student from all government schools and other specified facilities used by the Department for educational purposes under these regulations,

by—

- (c) the student; or
- (d) a parent of the student; or
- (e) an adult acting at the request of the student or parent of the student.

(2) A decision of the head teacher of a government school to suspend a student from attendance at the school under these regulations is not subject to appeal.

(3) An appeal must be instituted—

- (a) in the case of an appeal against a decision to exclude a student from attendance at a school—within 5 school days after notification of the decision to the student;
- (b) in any other case—within 10 school days after notification of the decision to the student.

(4) The relevant authority may dispense with the requirement that an appeal be instituted within the period fixed by subregulation (3).

(5) An appeal must be instituted by lodging a notice in a form approved by the Director-General—

- (a) in the case of an appeal to a panel established under subregulation (8)—with the responsible officer; or
- (b) in any other case—with the relevant authority.

(6) An appeal must be heard within two weeks after it is instituted.

(7) The person who made the original decision being appealed against, or the relevant authority, may stay the operation of the decision until the appeal is determined, withdrawn or struck out.

(8) A stay cannot be granted if its effect would be to create a danger to person or property or to allow a danger to person or property to continue.

(9) The responsible officer must, from time to time for the purposes of hearing an appeal under this regulation, establish a panel constituted of—

- (a) the responsible officer; and
- (b) a head teacher of a government school (other than the head teacher against whose decision the appeal has been instituted) nominated by the responsible officer; and
- (c) a person with experience in the administration of equal opportunity matters nominated by the Director-General.

(10) A decision carried by a majority of the votes of the members of the panel is a decision of the panel.

(11) The relevant authority may, on the hearing of an appeal—

- (a) affirm, vary or quash the decision appealed against or substitute, or make in addition, any decision that the authority thinks appropriate; and
- (b) make recommendations as to actions to be taken in relation to the student.

(12) In this regulation—

"**relevant authority**" means—

- (a) in relation to a decision of the head teacher of a government school to exclude a student from attendance at a school—the panel established by the responsible officer under subregulation (9);
- (b) in relation to a decision of the head teacher of a government school to expel a student from the school—the Director-General;
- (c) in relation to a decision of the Director-General—the Minister.

Impartiality of Instruction

125. If in the course of their duties teachers find it necessary to discuss contentious issues with their students, it is incumbent upon them to present those issues fairly and reasonably.

Compliance with the Regulations

126. (1) Teachers are required to comply with these regulations and with such Departmental instructions as are authorised in writing by the Minister or the Director-General.

(2) The head teacher is responsible for the proper keeping of all school records and for the prompt preparation and forwarding of all Departmental returns.

Certain Specific Prohibitions

127. A teacher shall not:

- (a) seek political intervention in order to obtain an unfair advantage concerning his promotion or transfer in the teaching service;
- (b) take any office, perform any duties or receive any remuneration which in the opinion of the Director-General may interfere with the proper discharge of his duties to the Department.

Not to Incur Liability on Behalf of the Government

128. (1) Except as provided in subregulation (2) of this regulation or elsewhere in these regulations, teachers shall not incur or attempt to incur any liability on behalf of the Government or of the Minister, nor make, or attempt to make or alter any contract on behalf of the Government or of the Minister, without the written authority of the Director-General.

(2) Where any student attending a government school becomes indisposed or sustains an injury, a teacher may, if he considers such action necessary, obtain the services of a legally qualified medical practitioner and/or hire a suitable conveyance to convey the student to a place suitable for treatment. Any costs or expenses so incurred in respect to the indisposition of or injury to that student may be recovered by the Minister from the parent or guardian of the student and if on request the cost is not met by the parent or guardian of the student, it may be recovered by the Minister from the parent or guardian by action in a court of competent jurisdiction.

Liability of the Government in Certain Circumstances

129. (1) Where legal proceedings are taken against a teacher which arise from any alleged action of that teacher against a student of the school at which that teacher is employed, and that alleged action was stated to have occurred during the course of that teacher's employment as a member of the teaching service, the teacher shall, without delay, forward a full report in writing of the circumstances to the Director-General.

(2) The liability of the Government in any proceedings which arise from the circumstances referred to in subregulation (1) of this regulation shall not prevent the Director-General from taking such action against the teacher for inefficiency, negligence or incompetency in the discharge of his duties as the Act provides and the Director-General determines.

Power of Head Teacher to Require Certain Payments

130. Where a student enrolled at a government school damages school equipment or property the head teacher may require that student to meet the cost of repairing that damage and if, on request, the cost is not met by that student, it may be recovered by the Minister by action in a court of competent jurisdiction.

DIVISION 8—RESIGNATION AND RETIREMENT OF TEACHERS*Resignation of Teachers*

141. (1) The resignation of a teacher, except as provided in regulation 142 of this Division:

- (a) shall be by notice in writing on a form provided by the Department and such notice shall state the last day of active duty of that teacher;
- (b) the date of resignation referred to in the said notice shall conform to one of the provisions of subregulation (2) of this regulation;
- (c) where the resignation is to take effect during the period commencing on the first day in December and ending on the day immediately preceding the first day in the following year on which teachers are required to be on duty then the notice of that resignation shall reach the Director-General at least fifty-six days (which period shall include at least forty teaching days) prior to the last day of active duty; and
- (d) where the resignation is to take effect at any time other than during the period referred to in paragraph (c) above then the notice of resignation shall reach the Director-General at least twenty-eight days (which period shall include at least twenty teaching days) prior to the last day of active duty.

(2) A notice of resignation which would take effect:

- (a) during the first term shall provide that the teacher remains on active duty until the last school day of that term;
- (b) during August shall provide that the teacher remains on active duty until the last school day of the second term;
- (c) during September shall provide that the teacher remains on active duty until the last Friday in September;
- (d) during the period commencing on the first day in December and ending on the day immediately preceding the first day in the following year on which teachers are required to be on duty shall provide that the teacher remains on active duty until the last school day in December;
- (e) at any time not referred to in paragraphs (a) to (d) inclusive of this subregulation, shall provide that the teacher remains on duty until the last school day of a school week.

(3) The Minister may, where reasonable cause exists, waive notice of resignation and permit a resignation to take effect at a time other than the times provided in this regulation.

(4) Where a teacher submits a notice of resignation which conforms to the provisions of subregulations (1) and (2)(d) of this regulation and the teacher commenced duty:

- (a) on or before the first day of the second term and remained on duty until the last school day of that year he shall, subject to the provisions of regulation 94 of Division 5 of this Part, be paid his salary up to and including the day immediately preceding the first day in the following year on which teachers are required to be on duty;
- (b) after the first day of the second term and remained on duty until the last school day of that year, he shall be paid his salary up to and including the thirty-first day of December of that year.

(5) Where a teacher submits a notice of resignation which does not conform to the provisions of subregulations (1) and (2) of this regulation, or where a teacher submits a notice which does conform to the provisions of subregulations (1) and (2) of this regulation and that teacher does not remain on active duty until the last day of active duty stated in that notice, the Minister may, by notice in writing to that teacher, require that an amount, to be determined by him and not exceeding six weeks' salary of that teacher, shall be paid to the Minister and the money may be recovered by the Minister by action in a court of competent jurisdiction as a debt due and owing to the Minister.

Resignation on the Ground of Pregnancy

142. (1) A resignation of a teacher on the ground of pregnancy shall be by notice in writing on a form provided by the Director-General and, except as provided in subregulation (3) of this regulation, the said notice:

- (a) shall state the last day of active duty of the teacher; and
- (b) shall be accompanied by a medical certificate, which shall indicate the anticipated date of confinement; and
- (c) shall reach the Director-General at least twenty-eight days (which period shall include at least twenty teaching days) prior to the last day of active duty.

(2) The notice of resignation shall provide that the last day of active duty is at least six weeks prior to the anticipated date of confinement, and where the date occurs:

- (a) during the May or September vacation period, the notice may provide that the resignation shall take effect on and from the day immediately preceding the first school day next after that vacation;
- (b) during the Christmas vacation, and the teacher:
 - (ba) was on duty on or before the first school day of the second term and remained on duty until the last school day of that year, the notice may provide that the resignation shall take effect on and from the first day in the following year on which teachers are required to be on duty;

- (bb) commenced duty after the first day of the second term and remained on duty until the end of the school year, the notice may provide that the resignation shall take effect on and from 31 December of that year.

(3) Notwithstanding anything elsewhere in this regulation, a teacher on accouchement leave or on long-service leave taken in lieu of accouchement leave pursuant to regulation 78 of this Part may resign at any time during the period of that leave by notice in writing received by the Director-General.

(4) The Minister may, in the case which he considers special, waive notice of resignation and permit a resignation under this regulation to take effect at a time other than the times permitted in this regulation.

(5) Where a teacher submits a notice of resignation on the ground of pregnancy which does not conform with the provisions of this regulation, or where the said notice conforms with the provisions of this regulation but that teacher does not remain on active duty until the last day of active duty stated in that notice, the Minister may, by notice in writing to that teacher, require that an amount to be determined by him and not exceeding six weeks' salary of that teacher shall be paid to the Minister and the money may be recovered by the Minister by action in a court of competent jurisdiction as a debt due and owing to the Minister.

Resignation to Contest an Election

143. (1) A teacher resigning pursuant to this regulation shall give the Director-General written notice of resignation as provided in regulation 141 of this Part, provided that he shall not be bound by the provisions of subregulation (2) of that regulation.

(2) Where the Minister is satisfied that:

(a) a person who was a teacher:

(aa) resigned from the teaching service in order to become a candidate for election as a member of a House of Parliament of the State or Commonwealth; and

(ab) was a candidate at that election; and

(ac) failed to be elected; and

(b) the resignation took effect not earlier than one month before the date on which nominations for the election closed,

the Minister shall, on the written application of that person within four weeks after the declaration of the results of that election, reappoint that person to the teaching service at a status and salary appropriate to the position which he held immediately prior to his resignation.

(3) A person reappointed under this regulation shall be deemed to have continued in the teaching service as if he had not resigned, but had been on leave of absence without pay during the period from the day on which his resignation became effective to and including the day immediately preceding the day on which he was reappointed.

Cessation of Duty Without Notice

144. A teacher who ceases duty with the Department without giving written notice of resignation as required under regulations 141 to 143 inclusive of this Division:

- (a) shall be deemed to have resigned from the teaching service on the day on which he was last on active duty; and
- (b) may be required to pay to the Minister a sum determined by the Minister and not exceeding six weeks salary of that teacher and the money may be recovered by the Minister by action in a court of competent jurisdiction as a debt due and owing to the Minister.

Notice of Intention to Retire Early

145. (1) Principals and Deputy Principals electing to retire on the last day of any school year prior to the year in which they reach the compulsory retirement age, must give notice in writing to the Director-General, of their intention to retire, in the year of intended retirement:

- (a) prior to 1 July, if they hold the position of Principal A or Principal Class 1;
- (b) prior to 1 August, for all Principals and Deputy Principals, other than those regulated by 145(1)(a).

(2) Application may be made to the Minister to waive these provisions in special circumstances.

**PART 4
STUDENTS**

DIVISION 1—ATTENDANCE PROVISIONS

Admission of Children

151. (1) When a child is admitted to any school the head teacher shall require and the parent shall furnish on a form supplied by the head teacher, the following particulars:

- (a) name of the child in full;
- (b) date of birth of the child;
- (c) place of residence of the child; and
- (d) such other particulars as are required by that form.

(2) This regulation is subject to section 75(6) of the Act.

Admission of Children under Six Years of Age

152. (1) Children who are under six years of age and who apply to enrol at a Government school for the first time may be enrolled and admitted to that school at such times only as may be determined by the Minister.

(2) The Minister may exclude children under six years of age from attending a Government school if, in his opinion, it is necessary to do so in order to avoid overcrowding.

Conditions for Enrolment at a Correspondence School

153. (1) A child of compulsory school age may be enrolled at a correspondence school provided:

- (a) the child is not under six but is under seven years of age and the distance of the child's residence from the nearest Government primary school or a transport route is greater than one and a half kilometres;
- (b) the child is not under seven but is under nine years of age and the distance of the child's residence from the nearest Government primary school or a transport route is greater than three kilometres;
- (c) the child is nine or more years of age and the distance of the child's residence from the nearest Government primary or secondary school (according to the educational attainments of the child) or a transport route is greater than five kilometres.

(2) The Director-General may, where reasonable cause exists, permit or direct that a child, ineligible to enrol at a correspondence school under the provision of subregulation (1) of this regulation may or shall enrol at a correspondence school.

(3) For the purpose of this regulation the distance of a child's residence from a school shall be measured by the length of the shortest practicable route between the residence and the school or a transport route, whichever is the shorter.

Enrolment of Handicapped Children

154. (1) Where a parent of a child of compulsory school age not enrolled at a school is of the opinion that the child is so handicapped as to prevent his useful participation in a normal school the parent shall apply in writing to the Director-General for a direction regarding the enrolment of that child. The Director-General may require the child to be examined by a Departmental psychologist or a legally qualified medical practitioner at the expense of the Department and, on the furnishing of a report from that person, the Director-General may determine whether the child shall be enrolled and admitted to a Government primary or secondary school, or a special school, centre or class, or he may recommend to the Minister that the child be excluded from school attendance.

(2) Where a child is presented to a Government school for enrolment under section 75 of the Act and the principal or head teacher is of the opinion that the child is a handicapped child or is suffering from a handicap which could render the child incapable of gaining reasonable benefit from the instruction at that school or would seriously interfere with the instruction of other children at that school, the principal or head teacher will inform the parent of the child of his opinion, enrol the child and suspend him from attendance pending a final decision of the Minister, made after recommendation of the Director-General. The head teacher shall immediately furnish a full report in writing of the circumstances to the parent and to the Director-General.

Prescribed Reasons and Lawful Excuses for Non-Attendance

155. (1) A child of compulsory school age shall not be required to attend the school at which he is enrolled on any particular occasion when the parent of that child presents, in writing to the head teacher, within a reasonable time following the non-attendance a reason or excuse prescribed by this regulation for the non-attendance of that child at the school on that occasion.

(2) For the purposes of section 76(2)(c) of the Act a prescribed reason for the non-attendance of the child at school, and for the purposes of section 79(2) of the Act a lawful excuse for the absence of a child of compulsory school age who habitually or frequently absents himself, without lawful excuse, from school when the school is open for instruction, shall be that the child was prevented from attending school on the occasion in question by his sickness, danger of being affected by an infectious or contagious disease, or temporary or permanent infirmity or by any other unavoidable and sufficient cause. The Minister may require the production of a medical certificate to an officer nominated by him where a child is alleged to be absent because of illness or injury.

DIVISION 2—SCHOOL BOOKS AND MATERIALS, HOMEWORK

Transactions

161. The sale of books, apparatus, materials and equipment to students shall be conducted through the school fund account or the school council (consolidated) account of the school.

Books etc., Provided in Cases of Hardship

162. Where a parent satisfies the Director-General that payment for necessary books, apparatus, materials or equipment for his child would inflict hardship on the parent the Director-General may authorise that such items as he determines shall be provided for the use of that child.

Right of Search

163. (1) To safeguard from loss books, tools, materials or equipment used in the process of instruction in a school or other centre of instruction, the principal or head teacher, or any person authorised by either, may at any time on the school premises search or cause to be searched any bag, locker or other receptacle of any person receiving tuition at that school.

(2) If any person receiving tuition at the school or other centre of instruction fails or refuses at any time to open any bag, locker or other receptacle for the purpose of being searched, he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred dollars.

Homework

164. (1) Teachers may require that homework appropriate to the age and ability of a child shall be done by a child attending a Government school.

(2) Every teacher shall give sympathetic consideration to any objection from a parent regarding the amount of homework expected by the teacher from a child of that parent.

DIVISION 3—SCHOOL TERMS, VACATIONS AND HOLIDAYS*School Terms*

171. The school year shall be divided into periods, the commencing and ending dates of which shall be as determined by the Minister.

Days on which Schools are Open

172. (1) A Government school shall be open from Monday to Friday in each week, except on public holidays, school vacations and such other times as are permitted by regulations or instructions.

(2) Except as provided in regulation 173(1) no school may be closed during the school week without the express sanction of the Minister.

Special Days and Closure of Schools

173. Closure of schools may take place according to such conditions as are determined from time to time by the Minister and as published in the *Education Gazette*.

Teachers may be required to give Assistance on Days when Schools are Closed

174. If special circumstances so require, teachers shall give such assistance on days when schools are closed, as the Director-General may require.

Organisation of a School Day

175. (1) An interval of not less than forty minutes shall be set aside for luncheon on each school day, and provision may be made for recess during morning and afternoon sessions.

(2) At least five and one-quarter hours and not more than five and one-half hours shall be set aside on each school day for instruction, exclusive of luncheon and recess intervals, provided that children under the age of six years may be dismissed one hour before normal dismissal time in the afternoon.

(3) The Director-General may, where reasonable cause exists, permit a school day for a particular school to be organised otherwise than in accordance with this regulation.

DIVISION 4—STUDENT ALLOWANCES AND SCHOLARSHIPS*Definitions*

181. In this Division unless the context requires:

"approved" means approved by the Director-General;

"primary school" means any school providing courses in primary education, and includes the primary grades of area schools;

"secondary school" means any school providing courses in secondary education, and includes the secondary grades of area and special rural schools;

"the distance of a student's residence from a school" means that distance calculated by the shortest practicable route from the place of residence of the student to the school which he attends or is about to attend or to a transport route to such school, whichever is the shorter.

Travelling Allowances for Primary Students

182. (1) A travelling allowance may be paid to the parents of a student attending a Government primary school in a primary grade provided that:

- (a) the usual place of residence of the parents of the student is in South Australia; and
- (b) the parents incur expense in transporting the student to and from the school daily; and
- (c) the distance of the student's residence from the nearest Government primary school is five kilometres or more.

(2) A travelling allowance, as determined by one of the following scales, may be paid to the parents of a student who satisfies the conditions of subregulation (1) of this regulation, and who attends the nearest Government primary school.

Where the student attends a Government primary school which is not the nearest Government primary school his parents may be paid an allowance at the direction of the Director-General as if he were attending the nearest Government primary school:

- (a) where the student travels by bicycle the allowance shall be in accordance with a scale approved by the Minister from time to time;
- (b) where the student travels by an approved bus service, the allowance shall be as determined by the Minister from time to time;
- (c) where a student travels to school by train the Minister may arrange for the issue of a free rail pass to that student or alternatively approve the payment of a travelling allowance;
- (d) where a student is conveyed by a private vehicle other than a bicycle, an allowance in accordance with a scale as determined by the Minister from time to time.

(3) The Director-General may, where reasonable cause exists, approve the payment to a student qualified to receive a travelling allowance under this regulation of a reasonable amount in excess of any travelling allowance provided in this regulation.

General Conditions for Secondary Grants and Student Allowances

183. Except as provided elsewhere in these regulations, where a student whose parents reside in South Australia attends regularly at an approved secondary school and undertakes an approved course of secondary education, the Director-General shall direct that a grant be made to the school attendant by that student or that a secondary student allowance be paid to the parents of such student.

* * * * *

Travelling Allowances for Secondary Students

185. (1) Subject to regulation 183 of this Division a travelling allowance as determined by one of the following scales may be paid on account of a student who resides at a distance of five kilometres or more by the nearest practicable route from the Government secondary school nearest to his place of residence and who travels daily to attend that school:

- (a) where the student travels by bicycle the allowance shall be in accordance with a scale approved by the Minister from time to time;
- (b) where the student travels by an approved bus service, the allowance shall be as determined by the Minister from time to time;
- (c) where the student travels by train the Minister may arrange for the issue of a free rail pass to that student or alternatively approve the payment of a travelling allowance;
- (d) where the student is conveyed by a private vehicle other than a bicycle an allowance in accordance with a scale as determined by the Minister from time to time.

(2) When a student fulfils all the requirements of this regulation except that he is attending an approved secondary school which is not the Government secondary school nearest to his place of residence, a travelling allowance may be paid at a rate not exceeding that which would be approved if he had attended the nearest Government secondary school.

(3) A student who fulfils all the requirements of this regulation except that he is attending a Government secondary school which is not the Government secondary school nearest to his place of residence may be paid an allowance at a rate prescribed in this regulation for attendance at the first mentioned school if the Director-General determines that that school is the nearest school which meets the educational needs of the student.

(4) The Director-General may, where reasonable cause exists, approve the payment to a student qualified to receive a travelling allowance under this regulation of a reasonable amount in excess of any travelling allowances provided in this regulation.

*Grant or Allowances for a Secondary Student Attending a
Primary School*

186. Where a student whose parents reside in South Australia attends an approved primary school regularly and undertakes an approved course of secondary education the Director-General shall, in respect of such student:

- (a) where the student attends a Government primary school pay to the school a book and materials grant as provided in regulation 184 of this Division;
- (b) where the student attends a non-government primary school pay to the parents of such student through the head teacher of the school a book and materials allowance as provided in regulation 184 of this Division;
- (c) pay a travelling allowance to the parent of such student as provided in regulation 185 of this Division.

Travelling Allowance for Handicapped Children

187. Notwithstanding any provision elsewhere in this Division, where a child, considered by the Director-General to be a handicapped child, attends an approved special school, centre or class the Director-General may approve payment of the total cost of transporting that child to that school, centre or class, or may pay an allowance to a parent who transports his child to that school, centre or class, under such reasonable conditions as he may determine.

Educational Allowances for Secondary Students

188. Where a student is living away from home to attend an approved secondary school, at which the student is undertaking an approved secondary course, an allowance of an amount determined by the Minister may be paid towards the living expenses of the student.

Scholarships and Awards

189. (1) Scholarships and awards which were available to students immediately prior to the date of making these regulations shall:

- (a) continue in force under the conditions existing immediately prior to that date; and
- (b) continue to be known by the names by which they were known immediately prior to that date,

until such conditions or names are altered by the Minister, or until any or every scholarship or award is withdrawn by the Minister.

(2) In any case where money or property, real or personal is made available for the purpose of founding any scholarships or awards the Minister may accept such money or property and may grant scholarships or make awards in accordance with any agreement entered into at the time when such money or property becomes available or, where no agreement is entered into, on such terms as he thinks fit.

**PART 4A
DRESS CODES**

Dress code

189a. (1) In this Part—

"**parents**" has the meaning ascribed by the Act and, in relation to a school, means the parents of students attending the school;

"**school**" means a Government school.

(2) The Minister may issue administrative instructions in relation to—

- (a) dress codes to be adopted by schools; and
- (b) the means by which school councils are to consult with parents and students in determining dress codes,

and the Minister may, by further administrative instruction, vary or revoke such administrative instructions.

(3) The school council of a school may—

- (a) in accordance with any administrative instructions issued under subregulation (2)(a); and
- (b) after consulting with parents and students of the school in accordance with any administrative instructions issued under subregulation (2)(b) and having regard to their views,

determine a dress code for the school.

(4) The head teacher of a school must, on the adoption by the school of a dress code, inform the parents of each student of the school and, on the later enrolment of a student at the school, inform the parents of that student, in writing—

- (a) of the dress code of the school; and
- (b) of the parents' right to request the exemption of the student from that dress code.

(5) The head teacher may, on being requested in writing by a parent of a student to exempt the student from the dress code of the school, so exempt the student.

(6) Subject to subregulation (5), the head teacher of a school must enforce the dress code of the school and may take appropriate disciplinary action in relation to wilful and persistent breach of that dress code but the dress code may not be enforced by the suspension, exclusion or expulsion of a student from the school or by otherwise precluding the student from participating in the educational programme of the school.

(7) School rules made prior to the commencement of this regulation in relation to clothing to be worn by students when attending a school will be taken to be a dress code validly made for the school under this regulation and the parents of each student enrolled at the school prior to the commencement of this regulation will, for the purposes of this regulation, be taken to have been informed of that dress code and of their right to request the exemption of the student from that dress code.

(8) Where this regulation provides for an act to be carried out by or in relation to the parents of a student, the regulation will, in relation to a student who is not less than 18 years of age, be taken to provide that the act is to be carried out by or in relation to that student.

PART 5
RELIGIOUS EDUCATION IN GOVERNMENT SCHOOLS

Standing Committee on Religious Education

191. (1) The Minister shall appoint a Standing Committee on Religious Education in Government schools, which shall be composed of a representative of the Department, who shall be Chairman, and such representatives of the Churches, the teaching service, parent organisations and those colleges of advanced education which provide courses in teacher education, as the Minister shall determine.

(2) The committee shall advise the Minister on such matters relating to religious education in Government schools as he may refer to it and shall carry out such other duties as the Minister may determine.

(3) The committee may be assisted to carry out its duties under this regulation by such sub-committees and project teams as the Minister may approve.

Religious Education Committees in Schools

192. (1) The head teacher of a school in consultation with the school council shall establish a committee consisting of the head teacher, not more than two teachers, not more than two parent members of the school council, and not more than four local clergymen, to be called the Religious Education Committee for that school.

(2) A meeting of the committee shall be held whenever the head teacher so decides, or whenever at least two members of the committee request the head teacher to convene a meeting of the committee.

(3) The committee shall advise and assist the head teacher in such matters concerning religious education in the school as the head teacher and the committee shall determine and shall carry out such other duties as are provided in this Part.

Approved Courses in Religious Education

193. (1) The Director-General shall provide courses of instruction in religious education for use in Government schools, the courses to be approved by him on the recommendation of the Standing Committee on Religious Education.

(2) The head teacher of a school, acting with the advice of the Religious Education Committee for that school, shall select from the approved courses in religious education the course to be used in that school.

Persons to Conduct Religious Education Classes

194. (1) Subject to the provisions of section 63(4) of the Act and regulation 197 of this Part no person may, after the expiration of two years from the commencement of Part IV of the Act, teach religious education classes unless he is registered as a teacher or holds written authority from the Teachers Registration Board to teach such classes.

(2) No such registered or authorised teacher shall be required to conduct nor shall conduct a class in religious education in a Government school unless he has stated to the head teacher of that school his willingness to teach that subject.

Organisation of Religious Education Classes

195. (1) Except as provided in subregulation (2) of this regulation:

- (a) religious education shall normally be taught in groupings common to the day-to-day organisation of the school; and
- (b) classes in religious education shall be held throughout the year;

provided that the head teacher may vary these provisions on the advice of the Religious Education Committee for the school, or for reasons deemed sufficient by him.

(2) The head teacher shall arrange, on the request of a local clergyman, and in consultation with the Religious Education Committee, for a maximum of one half day in each term to be set aside for the churches desiring to participate to hold seminars or gatherings on school property or elsewhere. Subject to regulation 196, children will attend the function appropriate to their denomination or faith, and the head teacher shall supply those clergymen, if they so desire, with the names of the children who, as far as is shown by official records, are eligible to attend their seminar or gathering.

Exemptions

196. Where a parent of a child attending a Government school seeks permission in writing of the head teacher for his child to be exempted from attendance at religious education classes on conscientious grounds that child shall be exempted from attendance at such classes at that school accordingly.

Transition Provision

197. (1) The subject of religious education shall be introduced progressively into all grades of primary and secondary Government schools as courses of instruction become available and as the supply of teachers registered to teach that subject permits.

(2) Until a date to be fixed by the Director-General and published in the *Education Gazette*, the Religious Education Committee of a school may authorise clergymen and laymen to participate with teachers taking religious education classes pursuant to the provisions of this Part.

PART 6
SCHOOL COUNCILS

201. In this Part—

"parents" in relation to a school means the parents of students attending the school and the parents of children enrolled, but not yet attending, at the school:

"secondary school" means a school that teaches students at the secondary level of education whether or not it also teaches students at other levels of education:

"secondary students" means students receiving education at the secondary level.

202. The name of a school council will be the name of the school followed by "Council Incorporated".

203. (1) A school council must not comprise more than 23 members unless the Director-General has, by notice published in the *Education Gazette*, determined that the council may comprise an additional number of members.

(2) Subject to this regulation, a school council will be constituted of the following members:

- (a) the head teacher of the school or if the council has been established in relation to two or more schools—the head teacher of each of those schools;
- (b) members elected at a general meeting of the school;
- (c) in the case of a school at which more than 60 students are enrolled as attending the school—a member or members of the staff of the school elected by the staff of the school in accordance with subregulation (7);
- (d) a person nominated by the committee (if any) affiliated with the council and authorized by the Minister under section 89 of the Act and if there is more than one such committee, each committee is entitled to nominate a person for membership of the council;
- (e) in the case of a school council established in relation to a secondary school—
 - (i) a member of the municipal or district council for the area in which the school is situated nominated by the municipal or district council;
 - (ii) the member of the House of Assembly for the district in which the school is situated or a person nominated by the member;
 - (iii) —
 - (A) where the school has a student representative council—two members of the student representative council nominated for the time being by that council as members of the school council;

(B) in any other case—two secondary students elected by the secondary students of the school.

(3) Where, in the opinion of a school council, the appointment of additional members to the council would be of assistance to the council in carrying out its functions, the council may, with the approval of the Director-General (but subject to a direction to the contrary by the Minister) appoint such additional members as it thinks fit.

(4) The majority of members of a school council must be parents of the school.

(5) No person or group (except a general meeting of the school and the council when appointing members under subregulation (3)) is obliged by virtue of subregulation (4) to elect or nominate a parent of the school to the school council but a general meeting of the school must elect the required number of parents to the school council to comply with subregulation (4).

(6) The right of a general meeting of the school to elect members of the council is limited by the limitation on the number of members that may comprise the council.

(7) The number of members that may be elected by the staff of a school increases in proportion to the number of students enrolled as attending at the school in accordance with a ratio determined by the Minister.

(8) Where a municipal or district council for the area in which the school is situated is not entitled to nominate a person for membership of the school council, the municipal or district council may nominate one of its members to attend at meetings of the council and the nominee is entitled to attend and be heard (but not to vote) at meetings of the school council.

(9) Where the member of the House of Assembly for the district in which a school is situated is not entitled to be a member of the school council, the member, or the member's nominee, is entitled to attend and be heard (but not to vote) at meetings of the school council.

(10) Subject to subregulation (11), elected members will be elected for a term not exceeding two years.

(11) One-half (or, if the number is odd, the highest integer that is less than one-half) of the first members of a council elected at a general meeting of the school after the establishment of the council must be elected for a term not exceeding one year.

(12) A member nominated by a committee will be nominated for a term not exceeding two years except where two committees each nominate a member as one of the first members of the council in which case one (selected by agreement between the committees or on failure of agreement by the Director-General by lot) must retire at the end of the first year.

(13) A member nominated by a municipal or district council will be nominated for a term not exceeding two years.

(14) Any member nominated by the member of the House of Assembly or the student representative council will hold office until the nomination is revoked.

(15) Where there is one or more vacancies in the membership of a council, the council is not prevented from acting by the requirement that the majority of its members must be parents or by any other requirement of these regulations (except the requirement as to quorum).

(16) The office of a member of a council becomes vacant if the member—

- (a) dies;
- (b) in the case of an elected member or a member nominated for a term—completes a term of office and is not re-elected or re-nominated;
- (c) in the case of a member nominated by the member of the House of Assembly or the student representative council—has his or her nomination revoked;
- (d) resigns by written notice to the council;

or

(e) is removed from office by the Minister—

- (i) because of mental or physical incapacity to carry out official duties satisfactorily;
- (ii) for neglect of duty;
- (iii) for misconduct;

or

- (iv) because, in the Minister's opinion, the behaviour of the member is detrimental to the proper functioning of the council.

(17) A school council may appoint a person to temporarily fill a casual vacancy in its membership until a member can be elected or nominated in accordance with these regulations.

(18) Where, in the opinion of the Minister this regulation is not suitable to the needs of a particular school, the Minister may, by notice in the *Education Gazette* determine—

- (a) the categories of membership of the school council for that school;
- (b) the number of members in each category;
- (c) the term of office of members of the council.

Constitution of the Alberton Primary School Council

203A. (1) In this regulation—

"**the Council**" means the Alberton Primary School Council Incorporated;

"**the school**" means Alberton Primary School.

(2) Notwithstanding any other provision of this Part—

- (a) the offices of all members of the Council holding office immediately before the commencement of this regulation are declared vacant;
- (b) the Council is constituted of 7 members of whom—
 - (i) one is the head teacher of the school;
 - (ii) one is a member of the staff of the school, elected by a meeting of the staff of the school called by the head teacher;
 - (iii) one is a parent of a child attending a Montessori class at the school, elected by a meeting, called by the head teacher, of those parents who have a child attending a Montessori class at the school;
 - (iv) one is a parent of a child attending a class at the school that is not a Montessori class, elected by a meeting, called by the head teacher, of those parents of children attending non-Montessori classes at the school;
 - (v) one is a person nominated by the committee established at the school known as the "Aboriginal Student Support and Parent Awareness Committee";
 - (vi) one is a person nominated by the South Australian Association of State School Organisations Incorporated;
 - (vii) one is a person nominated by the Director-General;
- (c) the term of office of an elected or nominated member is one year (but the first term of office of those persons first elected or nominated after the commencement of this regulation extends until the Friday of the second week of the first school term in 1995);

and

- (d) as to general meetings of the school, regulation 206 continues to apply with the following modifications:
 - (i) no business relating to elections of Council members may be transacted at such a meeting (other than at a meeting called under subregulation (9) of this regulation);
- and
- (ii) no person other than the Director-General or the Council may request the head teacher to call such a meeting.

(3) A person is not eligible for election or nomination under subregulation (2)(b)(iv) or (v) if he or she has a child attending a Montessori class at the school.

(4) The head teacher of the school—

(a) is responsible for calling and chairing meetings for the purposes of elections of members under subregulation (2)(b)(ii), (iii) and (iv), and for the preparation of lists of the staff or parents (as the case may be) who are eligible to vote at such a meeting;

and

(b) must do so as soon as practicable after the commencement of this regulation and at such other times as may be necessary for the purpose of filling vacancies in office.

(5) A list of voters prepared by the head teacher is final and conclusive as to the persons who are entitled to vote at the meeting to which it relates.

(6) If a meeting fails to elect a person as a member of the Council or a body referred to in subregulation (2) fails to make a nomination within 7 days of being requested in writing by the Minister to do so, the Minister may appoint a suitable person to the vacant office, and a person so appointed will be taken to have been duly elected or nominated, as the case may be.

(7) A person who has held office as a member of the Council (whether before or after the commencement of this regulation) is eligible for election, nomination or appointment under this regulation.

(8) This regulation will expire on the Friday of the second week of the first school term in 1996.

(9) The head teacher will, prior to the expiry of this regulation (or, if this regulation is to be earlier revoked, prior to that revocation), call a general meeting of the school in accordance with regulation 206, so that persons may be elected to the Council in accordance with the provisions of this Part other than this regulation.

204. (1) A quorum at a meeting of a school council is—

(a) in the case of a council with an even number of members—one more than one-half of the number of members of the council;

and

(b) in the case of a council with an odd number of members—the lowest integer that is greater than one-half of the number of members.

(2) A school council must appoint one of its members to be the presiding member of the council and meetings of the council will be chaired by the presiding member or, in his or her absence, by a member chosen by the members present at the meeting.

(3) A decision in which a majority of the members present at a meeting concur is a decision of the council but if the members are evenly divided in opinion the decision of the member presiding at the meeting will be the decision of the council.

205. (1) The functions of a school council are—

- (a) to ascertain the educational needs of the local community and the attitude of the local community to educational developments within the school and to advise the head teacher on these matters;
- (b) to advise the Director-General of any improvements that the council considers are necessary to the accommodation, grounds and equipment of the school;
- (c) where the Minister has made a grant to the council—to determine (with the agreement of the head teacher of the school to which the grant relates) the application of the money granted;
- (ca) subject to such directions as may be given by the Minister from time to time, to establish and conduct residential facilities for the accommodation of students;
- (d) such other functions as are prescribed by these regulations or determined by the Minister.

(2) A council may—

- (a) from time to time express to the head teacher its views in relation to the local community's perception of the school and the head teacher must, in carrying out his or her functions or duties as head teacher, have regard to those views;
- (b) with the approval of the Director-General, construct any building or structure for the benefit of the school or make any improvements to the premises or grounds of the school;
- (c) employ persons (other than teachers) as members of the staff of the school on terms and conditions approved by the Director-General;
- (ca) subject to the directions of the Minister, purchase or take a lease or licence of premises for student residential facilities and enter into any other agreements or arrangements for the establishment, management, staffing and operation of such facilities;
- (d) exercise any other powers that are by their nature capable of being exercised by a body corporate.

(3) A council must cause proper accounts to be kept of its financial affairs and must arrange for the accounts to be audited at least once in every year by a person appointed by the council in accordance with regulation 221(12).

(4) A member of the council who is in any way directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, the council—

- (a) must as soon as he or she becomes aware of the contract or proposed contract, disclose the nature of the interest to the council;

and

- (b) must not take part in any deliberations or decisions of the council with respect to that contract.

Penalty: \$200.

- (5) A disclosure made under this regulation must be recorded in the minutes of the council.

(6) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this regulation—

- (a) the contract is not liable to be avoided by the council on any ground arising from the fiduciary relationship between the member and council;

and

- (b) the member is not liable to account to the council for profits derived from the contract.

206. (1) The head teacher must call a general meeting of the school at least once in each year to elect members to the school council and to transact any other business determined by the head teacher.

- (2) At the request of—

- (a) the Director-General;

- (b) the school council;

or

- (c) 20 parents of the school or one-half of the parents of the school whichever is less,

the head teacher must call a general meeting of the school—

- (d) to elect members to the school council;

- (e) to discuss the finances of the council;

or

- (f) for any other reason relating to the affairs or functions of the council.

- (3) A meeting must be called in accordance with directions given by the Minister.

(4) The time for holding a meeting must be fixed by agreement between the head teacher and the presiding member of the council.

(5) Subject to subregulation (6), all persons of or over the age of 18 years and all students attending at the school are entitled to attend and vote at a general meeting of the school.

- (6) Only parents of the school can vote on election of members to the school council.

207. (1) A complaint received by a council against a teacher must, in the case of a complaint against the head teacher, be passed on without comment to the Director-General and in any other case, must be passed on without comment to the head teacher.

(2) The Director-General must inform the council of any action that is taken against the head teacher in response to a complaint.

208. A school council must not give directions to a teacher in relation to the manner in which the teacher carries out his or her duties as a teacher.

209. On the establishment of a school council any interim council established in relation to that school is dissolved and the property, rights and liabilities vested in or attached to the interim council vest in or attach to the school council.

210. (1) The requirements of these regulations in relation to the holding of a general meeting of the Open Access College may be satisfied by the holding of separate meetings at separate locations.

(2) A conference by telephone or audio-visual means between members of the school council of the Open Access College constituting a quorum is a valid meeting of that school council if—

(a) notice of the conference is given to all members;

and

(b) each participating member is capable of communicating with every other participating member during the conference.

PART 6A COMMITTEES AFFILIATED TO SCHOOL COUNCILS

211. A committee affiliated to a school council must not give directions to a teacher in relation to the manner in which the teacher carries out his or her duties as a teacher.

212. (1) A member of a committee affiliated to a school council who is in any way directly or indirectly interested in a contract, or proposed contract, made by, or in the contemplation of, the committee—

(a) must as soon as he or she becomes aware of the contract or proposed contract, disclose the nature of the interest to the committee;

and

(b) must not take part in any deliberations or decisions of the committee with respect to that contract.

Penalty: \$200.

(2) A disclosure made under this regulation must be recorded in the minutes of the committee.

(3) Where a member makes a disclosure of interest in respect of a contract or proposed contract in accordance with this regulation—

(a) the contract is not liable to be avoided by the committee on any ground arising from the fiduciary relationship between the member and committee;

and

(b) the member is not liable to account to the committee for profits derived from the contract.

213. Meetings of committees affiliated to school councils must be called and conducted in accordance with directions given by the Minister.

214. (1) A complaint received by a committee against a teacher must, in the case of a complaint against the head teacher, be passed on without comment to the Director-General and in any other case must be passed on without comment, to the head teacher.

(2) The Director-General must inform the committee of any action that is taken against the head teacher in response to a complaint.

PART 7
ACCOUNTING PROVISIONS FOR SCHOOLS

General Provisions relating to an Account

220. In this Part, unless the context otherwise requires, "principal" means the teacher in charge of a school and includes a head teacher.

221. (1) The following provisions shall apply to any account established under this Part.

(2) No bank account in the name of a school shall be opened or be permitted to remain open, other than an account established under these regulations, without the permission in writing of the Director-General.

(3) All moneys in an account shall be banked and held on behalf of the Minister and shall be expended for school purposes only.

(4) All interest earned shall be credited to an appropriate account in the name of the school.

(5) All payments from an account shall be made by cheques crossed and marked "Not Negotiable", signed by any two authorised signatories, except those cheques drawn on the school fund account of a one teacher school where one signature will be sufficient. Cheque signatories shall be appointed by:

- (a) the principal in respect of the school fund account, from members of the school staff;
- (b) the school council in respect of the school council account and the school council (consolidated) account. The signatories so appointed shall include the treasurer of the school council, and where a consolidated account is established the principal of the school;
- (c) the controlling committee in respect of the accounts of affiliated organisations and the school canteen. The signatories so appointed shall include the treasurer of the account.

Where a school grant account operates, the principal or nominee and a member of the school council appointed by that council shall be signatories to the cheques of that account.

(6) The treasurer, or person responsible for the maintenance of an account, shall ensure that receipts are issued in a form approved by the Director-General for all moneys received; provided that a school canteen or book store shall not be required to issue receipts for over-the-counter sales and that where minor amounts are received from students, transactions shall be recorded in such a manner as may be determined by the Director-General from time to time.

(7) All money received at a school must be banked daily unless the amount received, together with any amounts received on previous days and not banked, does not exceed an amount from time to time determined by the Director-General in relation to that school.

(7a) An amount determined by the Director-General under subregulation (7) must not exceed \$500.

(8) The principal or body controlling an account, as the case may be, shall ensure such proper books and accounts are kept of all moneys paid to that account, together with details of any dealing with those moneys, as the Director-General may require.

(9) School accounting systems shall be maintained in a manner approved by the Director-General from time to time.

(10) An account shall be operated on the basis of a financial year commencing on 1 November in any particular year and ending on 31 October in the subsequent year.

(11) Subject to subregulation (11a), an account shall be audited at such intervals as the principal or body controlling that account, as the case may be, shall determine and, in any event, shall be audited annually as soon as possible after 31 October, or at such other time as the Director-General shall determine. A copy of the audited statement of receipts, payments and balance on hand shall be forwarded to the Director-General no later than 1 April next following.

(11a) Where the person appointed to audit an account under subregulation (12) is a person employed in the Education Department the person controlling the account must, as soon as possible after the end of the financial year, forward to the Director-General a statement of receipts, payments and balance on hand with respect to the account for that financial year.

(12) The Director-General may determine from time to time the categories of persons who may be appointed as auditors.

Subject to this provision:

- (a) The audit of an account of the school council and a body affiliated with the school council, as the case may be, shall be performed by a person or persons appointed by that council or body.
- (b) The audit of a school grant account shall be performed by a person or persons appointed by the principal in consultation with the school council.
- (c) The audit of a school fund account shall be performed by a person appointed by the principal.
- (d) The audit of a school canteen account shall be performed by a person or persons appointed by the school council.

(12a) An appointment under subregulation (12) of an auditor from any category of persons employed in the Education Department must be by reference to the selection of the Director-General of a person from that category.

(13) The party or parties controlling an account established under this Part shall present to each annual meeting referred to in regulation 203 a statement of receipts, payments and balance on hand with respect to that account for the twelve monthly period ending on 31 October immediately preceding the said annual meeting. Where any statement has not been audited by the time the annual meeting is held, such audited statement shall be made available for inspection subsequently as determined by the meeting.

(14) The form of presentation of the statements to be submitted to the Director-General as required by subregulation (11) of this regulation shall be in accordance with such directions as the Director-General may issue from time to time.

(15) All relevant records and papers connected with an account may at any time be inspected and audited by the Director-General or the Auditor-General.

(16) (a) Subject to paragraph (b) of this subregulation any item of property purchased wholly or partly from the moneys in an account to which this regulation applies, shall become the property of the Minister, and the principal shall be responsible for its proper care and safekeeping.

(b) Subject to the consent in writing of the Minister property may vest in a school council and in that event the school council shall be responsible for the proper care and safekeeping of the property.

(17) Funds in an account not required for immediate use shall be invested in one or more of the following:

(a) High interest bearing bank accounts and other investments authorised by section 5 of the *Trustee Act, 1936*, as amended, but subject to any restrictions imposed by the Director-General.

(b) Other investments approved by the Director-General.

(18) The party or parties controlling an account established under regulations 222, 223, 224 and 226 may transfer such sums of money as thought fit to a newly established school.

School Council Account

222. (1) Subject to section 88 of the Act, a school council may raise money for school purposes and except as provided in regulation 223 such money shall be paid into an account in the name of and under the control of that council.

(2) A school council may transfer—

(a) to a body affiliated with that council,

or

(b) to the school fund of that school,

such sums of money from an account established under this regulation as it thinks fit.

School Council (Consolidated) Accounts

223. (1) Subject to such terms and conditions as the Minister may determine, all sums of money which are payable to an account established pursuant to regulations 222, 224, 226 and 229 of this Part may be paid into a single account. The name of the account shall be the school council (consolidated) account.

(2) A school council (consolidated) account may be established where agreement has been reached between the school council and the principal of the school.

(3) Where a school council (consolidated) account has been established any organisation affiliated with the school council pursuant to section 89 of the Act, may seek the agreement of the school council to participate in the school council (consolidated) account, or the organisation may continue to operate an account pursuant to regulation 224.

(4) Moneys in the school council (consolidated) account shall be under the control of the school council which will be responsible to the Director-General for its proper care and use.

(5) Where any of the parties who have agreed to the establishment of an account under this regulation indicate that they no longer desire to operate under the agency of such an account, then such parties shall seek the approval of the Director-General to discontinue the arrangement. Upon receipt of advice from the Director-General of his approval to the withdrawal of a particular party or parties from operating under such an account, that party or parties shall no longer be required to so operate and shall revert to operating an account applicable to the party or parties as is provided for under this Part.

(6) A school council may transfer to a body affiliated with that council such sums of money from an account established under this regulation as it thinks fit.

(7) Where a school council operates a school council (consolidated) account the books of account shall be maintained by a member of the school staff nominated by the principal.

Accounts of Affiliated Organisations

224. (1) An organisation affiliated with a school council under section 89 of the Act may raise money for school purposes and such money shall, except as provided for in regulation 223(3), be paid into a bank account in the name of that organisation.

(2) An organisation affiliated with a school council may transfer—

(a) to the school council,

or

(b) to the school fund account,

such sums of moneys from its funds as it thinks fit.

School Canteen Accounts

225. (1) Any school canteen and the disbursement of its profits or the recoupment of its losses shall be the responsibility of the school council. The school council shall decide on the manner in which a management committee shall be appointed by that council for the purposes of conducting that canteen. Transactions concerning the school canteen shall be kept in a separate school canteen account in the name of that school canteen.

(2) The person responsible for the maintenance of the school canteen account shall submit to the school council at least once each school term, in a form approved by the Director-General, a statement showing the profit or loss on canteen transactions over the previous school term.

School Fund Account

226. (1) Except where otherwise provided in regulations 222, 223, 224, 225 and 229, the principal shall ensure that all moneys paid to a school are paid into a fund to be known as the school fund account and that all transactions concerning that fund are entered in the books and accounts of that fund.

(2) The school fund account shall be under the control of the principal who shall be responsible to the Director-General for its proper care and use.

(3) The principal shall present to the school council for its information, at the next council meeting following the annual audit provided for in subregulation (11) of regulation 221, an audited statement of receipts, payments and balance on hand.

(4) Except where a school finance advisory committee has been established, pursuant to regulation 230(2), a principal shall prepare a budget showing the anticipated funds available for the ensuing twelve months and the proposed payments to be made therefrom together with details of any funds held for special purposes.

At least once a term the principal shall examine actual receipts and payments and review the school budget.

(5) The principal may transfer—

(a) to a school council,

or

(b) to a body affiliated with a school council,

such sums of money from the school fund account as he thinks fit.

Accounts and Closure of a School

227. If a school canteen or an organisation affiliated with a school council ceases to function as such, its books, records and property shall be forwarded to the school council.

228. If a school is closed, all books, records and property of the school and its council shall be forwarded, as directed by the Director-General, by the person or persons having the custody thereof.

Grants to Schools and School Councils

229. (1) Except where otherwise provided by this regulation a grant for school purposes to a school, not being provided for under the provisions of regulation 183, shall be paid into an account to be known as the school grant account.

(2) The principal and the school council shall agree before authorising expenditure from the school grant account.

(3) The school grant account need not be maintained:

(a) where the option for a consolidated account has been exercised under regulation 223,

or

(b) where the option for a consolidated account has not been exercised under regulation 223 but there is written agreement between the principal and the school council that this grant be paid directly into the school fund account or the school council account.

School Finance Advisory Committee

230. (1) Where a school council (consolidated) account is established a school finance advisory committee shall be established, which shall be responsible for advising the school council on budgetary and financial matters, including the preparation of a preliminary budget showing the anticipated funds available for the ensuing twelve months, both from normal transactions and from fund-raising activities and the proposed payments to be made therefrom together with details of any funds held for special purposes. The school finance advisory committee shall meet at least once each term to examine actual receipts and payments and review the school budget.

(2) In all other cases a school finance advisory committee may be established where the principal and the school council agree.

231. The membership of the school financial advisory committee shall be determined by the school council, but shall include the principal or nominee, representatives of each affiliated organisation and may include student representation and persons co-opted by the school council.

School Loans Advisory Committee

232. For the purposes of section 86(2) of the Act the school loans advisory committee shall consist of not less than 6 members.

**PART 8
MISCELLANEOUS**

Remuneration for Members of Ministerial Committees

241. (1) The members of an Advisory Committee established by the Minister pursuant to section 10 of the Act shall be entitled to receive reimbursement of travelling and accommodation expenses at the same rate as applies to an officer governed by the *Public Service Act, 1967*, as amended, provided that the Minister may approve of reimbursement at a rate higher than that prescribed in this subregulation if he so decides.

(2) The members of such Advisory Committees as are specified in subregulation (5) of this regulation shall, provided they are not State Government employees or officers of the Crown in respect of the State of South Australia, be entitled to receive an allowance for attendance at meetings of Advisory Committees.

(2) (a) Notwithstanding subregulation (2) Cabinet may, where reasonable cause exists, approve of payment of an allowance to State Government employees or officers of the Crown in respect of the State of South Australia, who are members of Advisory Committees specified in subregulation (5) where such members attend meetings outside of normal working hours.

(3) A person who qualifies for an allowance for attendance at meetings under subregulation (2) of this regulation shall be entitled to receive:

- (a) \$62.00 per half day meeting or \$124.00 per full day meeting for the chairperson of the committee;
- (b) \$51.00 per half day meeting or \$102.00 per full day meeting for a member of the committee.

(4) For the purpose of this regulation a half-day meeting shall be a meeting which extends for a period of 4 hours or less.

(5) The following Advisory Committees are specified for the purposes of the regulation:

- (a) Advisory Committee on Non-Government Schools;
- (b) Advisory Panel for Hearing Impaired Children;
- (c) Advisory Panel for Blind and Partially Sighted Children;
- (d) Multicultural Education Co-ordinating Committee;
- (e) Aboriginal Education Consultative Committee;
- (f) Early Childhood Education Advisory Committee;

and such other ministerial Advisory Committees as the Minister may determine by notice published in the *Education Gazette*.

Exemption from Certain Topics in Health Education

242. A parent may, by application in writing to the head teacher, seek permission for his child to be exempted from attendance at lessons in such topics in the health education course which specially concern sex education as are specifically named in his application, and that child shall be exempted from attendance at lessons in those named topics in health education at that school accordingly.

Nomination of Teachers to Various Boards

243. (1) The Institute of Teachers shall from time to time nominate teachers to fill vacancies as they occur in the following boards:

* * * * *

(c) the Appeal Board;

(d) the Teachers Registration Board,

and such nominations shall be made on the basis of elections conducted in accordance with procedures approved by the Minister.

(2) The Association of Independent Schools in South Australia shall from time to time nominate teachers to fill vacancies as they occur on the Teachers Registration Board and the nominations shall be made on the basis of elections conducted in accordance with procedures approved by the Minister.

Scholarships for Teachers

244. (1) Scholarships and awards which were available to teachers immediately prior to the date of making these regulations shall:

(a) continue in force under the conditions existing immediately prior to that date; and

(b) continue to be known by the names by which they were known immediately prior to that date,

until such conditions and names are altered by the Minister, or until any or every scholarship or award is withdrawn by the Minister.

(2) In any case where money or property, real or personal, is made available for the purpose of founding any scholarship or awards for teachers the Minister may accept such money or property and may grant scholarships or make awards in accordance with any agreement entered into at the time such money or property becomes available, or, where no agreement is entered into, on such terms as he thinks fit.

(3) The Minister may provide scholarships to teachers for such purposes and on such conditions as he may determine and may withdraw such provision if circumstances make such withdrawal desirable.

Compulsory Medical Examination of Teachers

245. (1) A teacher shall, whenever required to do so by the Director-General, submit himself to examination by a legally qualified medical practitioner selected by the Director-General. The medical practitioner selected by the Director-General shall consult with a legally qualified medical practitioner selected by the teacher, if he or his family so desires. The expense of any such examination shall be borne by the Minister.

(2) The Director-General shall inform the President of the Institute of Teachers of his decision before making any requirement under this regulation.

Notice to a Teacher

246. (1) Where by the Act or these regulations it is provided that any notice or other written notification shall or may be given to a teacher it shall be sufficient if such notice or other written notification is delivered to the school or other place of his employment, or sent to him by prepaid post at the school or place where he is employed or at his last known address.

(2) A notice or other written notification to any teacher shall, unless the contrary is shown, be deemed to have been received by that teacher on the day on which such notice or other written notification was delivered to him personally, or delivered to the school or other place of his employment, or, where such notice or other written notification is sent by prepaid post, the day on which the letter or other packet would be delivered in the ordinary course of post.

(3) Except where the Act or these regulations provide that a notice or other notification to be given to a teacher shall be in writing, a notice or other notification may be given directly to a teacher by word of mouth, or by telephone or telegram.

Education Gazette, Directions and Instructions

247. (1) The Minister may from time to time issue such directions and instructions not being inconsistent with the Act or these regulations as may be necessary or convenient in the exercise of the powers and functions conferred upon him by the Act or prescribed by these regulations.

(2) The Minister may issue a publication to be called the *Education Gazette* which shall contain instructions to teachers concerning their professional duties and such other matters as the Minister may determine.

Records and Documents Property of Minister

248. All school records and documents shall be deemed to be the property of the Minister, and the information contained therein confidential. The head teacher shall not permit any of them to be removed from the school without the sanction in writing of the Director-General.

* * * * *

APPENDIX

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional provision from Regulation No. 259 of 1996, reg. 4)

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiation notice issued under the varied or revoked regulations.

Legislative History

Legislative history since 8 October 1981 is as follows:

Regulation 5:	definition of "Area Director of Education" inserted by 210, 1989, reg. 2; revoked by 19, 1992, reg. 2
Regulation 13(8):	definition of "responsible officer" inserted by 208, 1992, reg. 3
Regulation 14:	varied by 15, 1993, reg. 3; 259, 1996, reg. 3 (Schd. cl. 9)
Regulation 41(2):	substituted by 239, 1988, reg. 2
Regulation 41(2):	varied by 250, 1996, reg. 3
Regulation 51:	substituted by 250, 1996, reg. 4
Regulation 52:	varied by 211, 1982; substituted by 250, 1996, reg. 4
Regulation 53:	revoked by 250, 1996, reg. 4
Regulation 54(1)(e):	revoked by 223, 1989, reg. 3
Regulation 55:	varied by 223, 1989, reg. 4; revoked by 250, 1996, reg. 5
Regulations 56 and 57:	revoked by 250, 1996, reg. 5
Regulation 58(1):	substituted by 223, 1989, reg. 5; revoked by 250, 1996, reg. 6(a)
Regulation 58(2):	varied by 211, 1990, reg. 2; 250, 1996, reg. 6(b)
Regulation 58(3):	revoked by 250, 1996, reg. 6(c)
Regulation 59:	revoked by 250, 1996, reg. 7
Regulation 60(1):	revoked by 250, 1996, reg. 8
Regulation 61:	substituted by 250, 1996, reg. 9
Regulation 75A(3):	inserted by 25, 1989, reg. 2
Regulation 79 and heading:	revoked by 40, 1983
Regulation 101 and heading:	revoked by 210, 1981
Regulation 121(1):	varied by 210, 1989, reg. 3
Regulation 123(3):	substituted by 65, 1991, reg. 2
Regulation 124:	revoked by 208, 1992, reg. 4(a)
Regulation 124A:	inserted by 208, 1992, reg. 5; varied by 208, 1992, reg. 4(b); substituted by 219, 1996, reg. 3
Regulations 124B - 124E:	inserted by 208, 1992, reg. 5; substituted by 219, 1996, reg. 3
Regulations 124F and 124G:	inserted by 219, 1996, reg. 3
Regulation 141(4):	varied by 302, 1987, reg. 2
Regulation 142(2):	varied by 302, 1987, reg. 3
Heading preceding regulation 161:	varied by 96, 1982, reg. 2(1)
Regulation 161:	varied by 96, 1982, reg. 2(2)
Regulation 173:	substituted by 53, 1982
Regulation 184:	varied by 186, 1982; revoked by 234, 1984, reg. 2
Regulation 188:	varied by 140, 1982; substituted by 75, 1986

Part 4A comprising reg. 189A and heading inserted by 232, 1993, reg. 3

Part 6 comprising regs. 201 - 210 and heading varied by 96, 1982, reg. 2(3), (4); 143, 1982; revoked and regs. 201 - 209 and heading inserted in its place by 210, 1989, reg.4

Regulation 203(1): varied by 19, 1992, reg. 3
 Regulation 203(3): varied by 19, 1992, reg. 3
 Regulation 203(12): varied by 19, 1992, reg. 3
 Regulation 203(17): varied by 2, 1994, reg. 3
 Regulation 203A: inserted by 2, 1994, reg. 4
 Regulation 205(1): varied by 28, 1991, reg. 2(a); 19, 1992, reg. 4
 Regulation 205(2): varied by 28, 1991, reg. 2(b); 19, 1992, reg. 4
 Regulation 207(1): varied by 19, 1992, reg. 5
 Regulation 207(2): varied by 19, 1992, reg. 5
 Regulation 210: inserted by 164, 1992, reg. 2
 Regulation 211: inserted by 14, 1986, reg. 2

Part 6A comprising regs. 211 - 214 and heading inserted by 210, 1989, reg. 5

Regulation 214(1): varied by 19, 1992, reg. 6
 Regulation 214(2): varied by 19, 1992, reg. 6

Part 7 comprising regs. 221 - 233 and heading revoked and regs. 220 - 232 and heading inserted in its place by 96, 1982, reg. 2(5)

Regulation 221(7): substituted by 169, 1987, reg. 2(a)
 Regulation 221(7a): inserted by 169, 1987, reg. 2(a)
 Regulation 221(11): varied by 169, 1987, reg. 2(b)
 Regulation 221(11a): inserted by 169, 1987, reg. 2(c)
 Regulation 221(12a): inserted by 169, 1987, reg. 2(d)
 Regulation 241(2): substituted by 6, 1983, reg. (1)
 Regulation 241(2)(a): inserted by 6, 1983, reg. (2)
 Regulation 241(3): varied by 6, 1983, reg. (3); 97, 1986, reg. 2
 Regulation 241(5): substituted by 6, 1983, reg. (4)
 Regulation 243(1)(a) and (b): revoked by 250, 1996, reg. 10
 Schedule: inserted by 208, 1992, reg. 5; revoked by 219, 1996, reg. 4