

SOUTH AUSTRALIA

**EDUCATION REGULATIONS 1997**

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**REGULATIONS UNDER THE EDUCATION ACT 1972**

*Education Regulations 1997*

being

No. 190 of 1997: *Gaz.* 28 August 1997, p. 484<sup>1</sup>

<sup>1</sup> Came into operation 1 September 1997: reg. 2.

2.

**PART 1  
PRELIMINARY**

*Short Title*

1. These regulations may be cited as the *Education Regulations 1997*.

*Commencement*

2. These regulations will come into operation on 1 September 1997.

*Revocation*

3. The Education Regulations 1976 (see *Gazette* 29 August 1976 p. 669), as varied, are revoked.

*Interpretation*

4. (1) In these regulations—

"**Act**" means the *Education Act 1972*;

"**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;

"**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**" means a Government school;

"**school council**" means a school council established under Part 7 of the Act;

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

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

"**revoked regulations**" means the *Education Regulations 1976*, as varied, and the regulations revoked by regulation 2 of those 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.

3.

**PART 2**  
**SCHOOL BUILDINGS AND GROUNDS**

*Use of School Premises for Other than School Purposes*

5. 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 Minister may determine.

*Regulation of Traffic on Departmental property*

6. (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 or her 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 or she 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 or her 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*

7. (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 authorising that person to be on those premises at that time; or
- (b) carries a security pass issued by the Commissioner of Police authorising that person to be on those premises at that time; or
- (c) is authorised by the Chief Executive of the Department for State Government Services to be on those premises at that time and carries an identity card issued by that Chief Executive; 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; or
- (b) an officer of the Department or of the teaching service; or
- (c) a member of the school council; or
- (d) the head teacher; or
- (e) a person authorised 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 1—APPOINTMENT TO THE TEACHING SERVICE**

*Application for Employment*

**8.** (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) may be employed as a temporary teacher on a yearly basis if the Director-General is satisfied that he or she 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 or her age as is satisfactory to the Minister; and
- (b) documentary evidence of his or her experience and qualifications or other evidence satisfactory to the Minister as to his or her suitability to perform the duties he or she would be required to undertake if appointed; and
- (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 or her efficiency in the performance of the duties he or she 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 or she 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 or her service.

**DIVISION 2—CLASSIFICATION AND PROMOTION OF TEACHERS**

*Definition of Promotional Classification Levels*

**9.** 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*

**10.** 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 Schools*

**11.** (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;
- (e) secondary schools.

(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 the charge of a separate teacher.

*Number of AST Level 1 Officers and Promotional Level Positions*

**12.** 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*

**13.** (1) 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.

(2) The notice referred to in subregulation (1) 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.

(3) 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*

**14.** (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 3—LEAVE OF ABSENCE FOR TEACHERS***Absence to be Reported*

**15.** 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 or her behalf.

*Leave of Absence on the Ground of Illness*

**16.** (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 21 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 or her 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 or her continuous service before retirement and his or her 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 or her service in the prescribed employment is continuous with his or her service as a teacher, the sick leave credit to which he or she shall be entitled under this regulation shall be determined on the basis that his or her 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.

8.

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

#### *Special Leave with Pay*

**17.** (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 or she 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*

**18.** (1) Where a teacher is absent from duty and produces a medical certificate that he or she is suffering from one of the diseases set out in subregulation (3), 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 or her 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*

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

*Absence from Duty*

**20.** (1) The Director-General shall have the power to direct that where a teacher has absented himself or herself from his or her place of work during his or her ordinary hours of duty (or other hours as directed) or has not discharged his or her 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; or
- (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) 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*

**21.** (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 or her 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 16 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*

22. 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 20 of the Act he or she 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*

23. (1) A teacher who is pregnant may apply for accouchement leave commencing at any time during her pregnancy and ending not more than 12 months after the date of birth of the child.

(2) The Director-General must grant accouchement leave in accordance with the application of a teacher and may vary the period of such leave on application by the teacher.

(3) Accouchement leave is leave without pay provided that—

(a) a teacher who is entitled to long service leave may, at her discretion, use all or part of that entitlement during the period of accouchement leave;

(b) where the teacher suffers a sickness or injury that is, in the opinion of the Director-General—

(i) unconnected with the pregnancy; or

(ii) is a significant abnormal medical condition arising out of the pregnancy or the birth of the child,

the teacher must be granted sick leave with pay for a period not exceeding the period, if any, standing to the credit of the teacher.

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

(5) If it is not possible to offer a teacher on accouchement leave a suitable appointment at the cessation of the period for which the leave has been granted, the leave may be extended until the end of the vacation period following the end of the school year during which notice of intention to resume duty was given.

*War Service Sick Leave*

24. 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 Commission 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) has been exhausted.

#### **DIVISION 4—SALARIES AND ALLOWANCES FOR TEACHERS**

##### *Commencing Salary above Minimum*

25. 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*

26. 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.

##### *Deduction from Salaries of Rents for Departmental Residences*

27. 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*

28. Where for any cause a teacher receives salary or allowances or both to which he or she 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*

**29.** 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 Sector Management Act 1995* 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 or her reasonable, out-of-pocket expenses.

*Removal Expenses*

**30.** (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 or her 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:

- (d) a packing allowance, the amount of which shall be determined by the Director-General; and
- (e) the cost of fares paid for the teacher and his or her family; and
- (f) 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 or her 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), such allowances to be determined by the distance from his or her 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 or her contract of employment.

(3) Where a teacher retires, he or she, or where a teacher dies, his or her surviving spouse, shall be paid allowances as provided in subregulation (1). 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 or her 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 or her 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.

## **DIVISION 5—APPEALS AND DISCIPLINARY PROVISIONS FOR TEACHERS**

### *Complaint Against a Departmental Officer*

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

(2) Where the teacher is not satisfied with the determination of the Director-General notified to him or her in writing pursuant to subregulation (1), he or she 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*

**32.** 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 or she 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 or group of the Department of which the appellant is a member.

### *Lodging of Appeals*

**33.** (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; and
- (b) give particulars of the matter appealed against; and
- (c) state the grounds of the appeal; and
- (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*

**34.** (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*

**35.** 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*

**36.** (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) shall be deemed to affect a suspension which may have been imposed on the teacher pursuant to section 27 of the Act.

**DIVISION 6—DUTIES OF TEACHERS**

*General Responsibilities of Teachers*

**37.** (1) (a) 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.
- (c) They must keep their respective school councils informed of the general educational policy of the school.
- (d) 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 head teacher.

(2) Teachers occupying a position in a school shall be responsible to the 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 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*

**38.** (1) 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) 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, head teachers shall consult with their staffs, school councils, and, where appropriate, the student representatives of the school.

#### *School Control of Students*

**39.** (1) Having regard to the rights and duties of students, parents and teachers within the school policies and rules established under regulation 38, 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, 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 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*

**40.** (1) The head teacher of a 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*

**41.** (1) The head teacher of a 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.

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*

**42.** (1) The head teacher of a 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—

18.

- (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*

**43.** (1) The Director-General may, on the recommendation of the head teacher of a school at which a student above compulsory school age is enrolled, expel the student from all 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 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*

**44.** (1) 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*

**45.** (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.

Penalty: \$200.

(2) A student who has been expelled under these regulations from all 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.

Penalty: \$200.

*Appeal*

**46.** (1) An appeal to the relevant authority may be made against—

- (a) a decision of the head teacher of a 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 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 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 (9)—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 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 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 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*

**47.** 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*

**48.** (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*

**49.** A teacher shall not—

- (a) seek political intervention in order to obtain an unfair advantage concerning his or her promotion or transfer in the teaching service; or
- (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 or her duties to the Department.

*Not to Incur Liability on Behalf of the Government*

**50.** (1) Except as provided in subregulation (2) 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 school becomes indisposed or sustains an injury, a teacher may, if he or she 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*

**51.** 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.

*Power of Head Teacher to Require Certain Payments*

**52.** Where a student enrolled at a 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 7—RESIGNATION AND RETIREMENT OF TEACHERS**

*Resignation of Teachers*

**53.** (1) The Minister may issue administrative instructions containing rules governing the notice to be given by teachers seeking to resign or to retire.

(2) The Minister may, in special circumstances, exempt a teacher from compliance with rules governing notice of resignation or retirement.

(3) If a teacher ceases duties as a teacher without proper authority or notice of resignation or retirement, the teacher will, if the Director-General so determines, be treated as having resigned from the teaching service unless the teacher has reached the age of retirement, in which case the teacher will be treated as having retired from the teaching service.

(4) If a teacher—

(a) resigns or retires otherwise than in accordance with the rules governing notice of resignation or retirement; or

(b) is treated under this regulation as having resigned or retired,

the Minister may recover from the former teacher an amount determined by the Minister, but not exceeding six week's salary by action in a court of competent jurisdiction as a debt due and owing to the Crown.

*Resignation to Contest an Election*

**54.** (1) A teacher resigning pursuant to this regulation shall give the Director-General written notice of resignation as provided in regulation 53.

(2) Where the Minister is satisfied that—

(a) a person who was a teacher—

- (i) 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
- (ii) was a candidate at that election; and
- (iii) 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 or she held immediately prior to his or her resignation.

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

*Cessation of Duty Without Notice*

**55.** A teacher who ceases duty with the Department without giving written notice of resignation as required under the preceding provisions of this Division—

- (a) shall be deemed to have resigned from the teaching service on the day on which he or she 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.

**PART 4  
STUDENTS**

**DIVISION 1—ATTENDANCE PROVISIONS**

*Admission of Children*

**56.** (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; and
- (b) date of birth of the child; and
- (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*

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

*Conditions for Enrolment at a Correspondence School*

**58.** (1) A child of compulsory school age may be enrolled at a correspondence school provided—

- (a) the child is, pursuant to administrative instructions issued by the Minister, eligible to enrol in a reception class or a year 1 or year 2 class and the distance of the child's residence from the nearest primary school or a transport route is greater than one and a half kilometres; or
- (b) the child is, pursuant to administrative instructions issued by the Minister, eligible to enrol in a year 3 or year 4 class and the distance of the child's residence from the nearest primary school or a transport route is greater than three kilometres; or
- (c) in any other case—the distance of the child's residence from the nearest 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) 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 Children with Disabilities or Learning Difficulties*

**59.** If a child is presented for enrolment at a school and the head teacher is of the opinion that the child has disabilities or learning difficulties that would render the child incapable of gaining reasonable benefit from instruction at the school or would seriously interfere with the instruction of other children at the school, the head teacher must—

- (a) inform each parent of the child of his or her opinion; and
- (b) enrol the child at the school but excuse him or her from attendance pending a direction of the Director-General under section 75A(1) of the Act; and
- (c) prepare a report and recommendation as to the means by which the educational needs of the child might be best met in relation to school placement and curriculum and forward the report to the Director-General.

*Prescribed Reasons for Non-Attendance*

**60.** (1) The attendance of a child of compulsory school age at the school at which he or she is enrolled shall not be required on any particular occasion if the parent of the child presents, in writing to the head teacher, within a reasonable time following the non-attendance a reason prescribed by this regulation for the non-attendance of the 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 when the school is open for instruction shall be that the child was prevented from attending school on the occasion in question by his or her sickness, danger of being affected by an infectious or contagious disease, or temporary or permanent infirmity or by any other unavoidable and sufficient cause.

(3) The Minister may require the production of a medical certificate to an officer nominated by him or her where a child is alleged to be absent because of illness or injury.

(4) In this regulation—

"school" means a Government school or a non-Government school.

**DIVISION 2—SCHOOL BOOKS AND MATERIALS, HOMEWORK**

*Transactions*

**61.** 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*

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

*Right of Search*

**63.** (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 head teacher, or any person authorised by the head teacher, 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 or she shall be guilty of an offence and shall be liable to a fine not exceeding one hundred dollars.

*Homework*

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

**65.** 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*

**66.** (1) A 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 67 no school may be closed during the school week without the express sanction of the Minister.

*Special Days and Closure of Schools*

**67.** 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*

**68.** 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*

**69.** (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 if the parents of the children so request.

(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*

**70.** 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 or she attends or is about to attend or to a transport route to such school, whichever is the shorter.

##### *Travelling Allowances for Primary Students*

**71.** (1) A travelling allowance may be paid to the parents of a student attending a 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 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), and who attends the nearest primary school.

(3) Where the student attends a primary school which is not the nearest primary school his or her parents may be paid an allowance at the direction of the Director-General as if he or she were attending the nearest 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.

(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 allowance provided in this regulation.

*Travelling Allowances for Secondary Students*

**72.** (1) A travelling allowance as determined by one of the following scales may be paid on account of a student whose parents' usual place of residence is in South Australia if the student resides at a distance of five kilometres or more by the nearest practicable route from the secondary school nearest to his or her place of residence and 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 or she is attending an approved secondary school which is not the secondary school nearest to his or her place of residence, a travelling allowance may be paid at a rate not exceeding that which would be approved if he or she had attended the nearest secondary school.

(3) A student who fulfils all the requirements of this regulation except that he or she is attending a secondary school which is not the secondary school nearest to his or her 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.

*Travelling Allowance Students with Disabilities*

73. Notwithstanding any provision elsewhere in this Division, where a child, considered by the Director-General to have a disability, 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 or her child to that school, centre or class, under such reasonable conditions as he or she may determine.

*Educational Allowances for Secondary Students*

74. Where a student whose parents' usual place of residence is in South Australia lives away from home to attend an approved secondary school and the student attends regularly at the school and undertakes an approved course of secondary education, an allowance of an amount determined by the Minister may be paid towards the living expenses of the student.

*Education Allowances for Students with Disabilities*

75. Where a student of secondary school age has a disability and is living away from home for the purpose of attending a primary school approved by the Director-General, an allowance of an amount determined by the Minister may be paid towards the living expenses of the student.

*Scholarships and Awards*

76. (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 or she thinks fit.

**PART 5**  
**DRESS CODES**

*Dress code*

77. (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.

(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) 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 6**  
**RELIGIOUS EDUCATION IN SCHOOLS**

*Standing Committee on Religious Education*

**78.** (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 Chairperson, and such representatives of the Churches, the teaching service, parent organisations and those universities 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 schools as he or she 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*

**79.** (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 clergy, 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*

**80.** (1) The Director-General shall provide courses of instruction in religious education for use in schools, the courses to be approved by him or her 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*

**81.** (1) Subject to the provisions of section 63(4) of the Act and regulation 84 no person may teach religious education classes unless he or she 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 school unless he or she has stated to the head teacher of that school his or her willingness to teach that subject.

*Organisation of Religious Education Classes*

**82.** (1) Except as provided in subregulation (2)—

- (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 or her.

(2) The head teacher shall arrange, on the request of local clergy, 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 83, children will attend the function appropriate to their denomination or faith, and the head teacher shall supply those clergy, 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*

**83.** Where a parent of a child attending a school seeks permission in writing of the head teacher for his or her 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*

**84.** (1) The subject of religious education shall be introduced progressively into all grades of primary and secondary 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 clergy and lay people to participate with teachers taking religious education classes pursuant to the provisions of this Part.

**PART 7**  
**SCHOOL COUNCILS**

**85.** 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.

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

**87.** (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 authorised 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; or
- (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; or
- (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; or
- (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; or
  - (ii) for neglect of duty; or
  - (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.

**88.** (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; or
- (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.

**89.** (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;
- (d) 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;
- (e) 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;
- (d) 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;
- (e) 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 99(15).

(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.

**90.** (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; or
- (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; or
- (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.

**91.** (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.

**92.** 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.

**93.** 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.

**94.** (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 8**  
**COMMITTEES AFFILIATED TO SCHOOL COUNCILS**

**95.** 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.

**96.** (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.

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

**98.** (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 9**  
**ACCOUNTING PROVISIONS FOR SCHOOLS**

*General Provisions relating to an Account*

**99.** (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 head teacher 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 head teacher 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 head teacher 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.

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

(9) The head teacher 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.

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

(11) 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.

(12) Subject to subregulation (13), an account shall be audited at such intervals as the head teacher 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.

(13) Where the person appointed to audit an account under subregulation (15) 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.

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

(15) Subject to subregulation (16)—

- (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 head teacher in consultation with the school council;
- (c) the audit of a school fund account shall be performed by a person appointed by the head teacher;
- (d) the audit of a school canteen account shall be performed by a person or persons appointed by the school council.

(16) An appointment under subregulation (15) 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.

(17) The party or parties controlling an account established under this Part shall present to each annual meeting referred to in regulation 90 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.

(18) The form of presentation of the statements to be submitted to the Director-General as required by subregulation (12) shall be in accordance with such directions as the Director-General may issue from time to time.

(19) 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.

(20) Subject to subregulation (21) 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 head teacher shall be responsible for its proper care and safekeeping.

(21) 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.

(22) Funds in an account not required for immediate use shall be invested in investments of a kind approved by the Director-General.

(23) The party or parties controlling an account established under regulations 100, 101, 102 and 104 may transfer such sums of money as thought fit to a newly established school.

#### *School Council Account*

**100.** (1) Subject to section 88 of the Act, a school council may raise money for school purposes and except as provided in regulation 101 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*

**101.** (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 100, 102, 104 and 107 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 head teacher 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 102.

(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 or her 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 head teacher.

#### *Accounts of Affiliated Organisations*

**102.** (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 101(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*

**103.** (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*

**104.** (1) Except where otherwise provided in regulations 100, 101, 102, 103 and 107, the head teacher 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 head teacher who shall be responsible to the Director-General for its proper care and use.



(3) The head teacher shall present to the school council for its information, at the next council meeting following the annual audit provided for in regulation 99(12), an audited statement of receipts, payments and balance on hand.

(4) Except where a school finance advisory committee has been established, pursuant to regulation 108, a head teacher 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.

(5) At least once a term the head teacher shall examine actual receipts and payments and review the school budget.

(6) The head teacher 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 or she thinks fit.

#### *Accounts and Closure of a School*

**105.** 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.

**106.** 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*

**107.** (1) Except where otherwise provided by this regulation a grant for school purposes to a school shall be paid into an account to be known as the school grant account.

(2) The head teacher 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 101;  
or

(b) where the option for a consolidated account has not been exercised under regulation 101 but there is written agreement between the head teacher and the school council that this grant be paid directly into the school fund account or the school council account.

*School Finance Advisory Committee*

**108.** (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 head teacher and the school council agree.

(3) The membership of the school finance advisory committee shall be determined by the school council, but shall include the head teacher or nominee, representatives of each affiliated organisation and may include student representation and persons co-opted by the school council.

*School Loans Advisory Committee*

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

**PART 10**  
**MISCELLANEOUS**

*Exemption from Certain Topics in Health Education*

**110.** A parent may, by application in writing to the head teacher, seek permission for his or her 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 or her 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*

**111.** (1) Whenever there is a vacancy in the office of—

- (a) a member of the Appeal Board appointed by the Governor on the nomination of the Institute of Teachers under section 45(2)(c) or (e) of the Act; or
- (b) a member of the Teachers Registration Board appointed by the Governor on the nomination of—
  - (i) the Institute of Teachers under section 55(1)(c) of the Act; or
  - (ii) the South Australian Independent Schools Board of Headmasters and Headmistresses Incorporated under section 55(1)(d) of the Act; or
  - (iii) the Association of Teachers in Independent Schools (South Australia) under section 55(1)(ea) of the Act,

elections must be held in accordance with this regulation.

(2) The returning officer of the relevant organisation must publish in a publication that is circulated to members of the relevant organisation a notice specifying—

- (a) the number of vacancies to be filled; and
- (b) the date (being not less than 21 days after the date of the notice) and the hour by which nominations for candidates for election to those vacant offices must be received by the officer of the relevant organisation specified in the notice; and
- (c) such other information as the returning officer thinks fit.

(3) A nomination of a candidate for election must be—

- (a) in writing; and
- (b) signed by the candidate; and
- (c) signed by one other member of the relevant organisation; and

- (d) lodged with the returning officer of the relevant organisation not later than the time fixed in the notice for the closure of nominations.

(4) If the number of candidates duly nominated is the same as or is less than the number of vacancies to be filled pursuant to these regulations, the returning officer of the relevant organisation must declare those candidates to be duly elected.

(5) If the number of candidates duly nominated is greater than the number of vacancies to be filled pursuant to these regulations, an election must be held—

- (a) in the case of the Institute of Teachers—at a meeting of the Branch Council of the Institute; or
- (b) in the case of the South Australian Independent Schools Board of Headmasters and Headmistresses Incorporated—at a meeting of the Council of the Board; or
- (c) in the case of the Association of Teachers in Independent Schools (South Australia)—at a general meeting or special conference of the Association.

(6) In this regulation—

**"relevant organisation"** means—

- (a) in relation to a vacancy in the office of—
- (i) a member of the Appeal Board appointed by the Governor under section 45(2)(c) or (e) of the Act; or
- (ii) a member of the Teachers Registration Board appointed by the Governor under section 55(1)(c) of the Act,
- the Institute of Teachers;
- (b) in relation to a vacancy in the office of a member of the Teachers Registration Board appointed by the Governor under section 55(1)(d) of the Act—the South Australian Independent Schools Board of Headmasters and Headmistresses Incorporated;
- (b) in relation to a vacancy in the office of a member of the Teachers Registration Board appointed by the Governor under section 55(1)(ea) of the Act—the Association of Teachers in Independent Schools (South Australia);

**"returning officer"** means—

- (a) in the case of the Institute of Teachers—the Branch Returning Officer of the Institute;
- (b) in the case of the South Australian Independent Schools Board of Headmasters and Headmistresses Incorporated—the returning officer of the Council of the Board;

- (c) in the case of the Association of Teachers in Independent Schools (South Australia)—a person appointed as the returning officer by the secretary of the Association.

*Scholarships for Teachers*

**112.** (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 or she thinks fit.

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

*Compulsory Medical Examination of Teachers*

**113.** (1) A teacher shall, whenever required to do so by the Director-General, submit himself or herself 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 she or his or her 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 or her decision before making any requirement under this regulation.

*Notice to a Teacher*

**114.** (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 or her employment, or sent to him or her by prepaid post at the school or place where he or she is employed or at his or her 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 or her personally, or delivered to the school or other place of his or her 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.

*Education Gazette, Directions and Instructions*

**115.** (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 or her 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*

**116.** Subject to the Act, these regulations or any other Act or law, 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.