

SOUTH AUSTRALIA

TECHNICAL AND FURTHER EDUCATION REGULATIONS, 1976

**REGULATIONS UNDER THE TECHNICAL AND FURTHER EDUCATION
ACT, 1975**

Technical and Further Education Regulations, 1976

being

Gaz. 29 April 1976, p. 2233¹

as varied by

Gaz. 10 June 1976, p. 2951
Gaz. 16 September 1976, p. 897²
Gaz. 2 December 1976, p. 1818
Gaz. 10 March 1977, p. 651
Gaz. 2 November 1978, p. 1435
No. 41 of 1979: *Gaz.* 5 April 1979, p. 916
No. 3 of 1981: *Gaz.* 15 January 1981, p. 90
No. 4 of 1981: *Gaz.* 15 January 1981, p. 91³
No. 12 of 1981: *Gaz.* 22 January 1981, p. 178
No. 93 of 1981: *Gaz.* 25 June 1981, p. 1935
No. 185 of 1981: *Gaz.* 12 November 1981, p. 1504
No. 54 of 1982: *Gaz.* 29 April 1982, p. 1363
No. 41 of 1983: *Gaz.* 17 March 1983, p. 661
No. 12 of 1984: *Gaz.* 2 February 1984, p. 254
No. 49 of 1988: *Gaz.* 31 March 1988, p. 824
No. 207 of 1988: *Gaz.* 22 September 1988, p. 1135
No. 20 of 1991: *Gaz.* 28 February 1991, p. 721
No. 271 of 1991: *Gaz.* 19 December 1991, p. 1985
No. 100 of 1992: *Gaz.* 18 June 1992, p. 1817⁴
No. 10 of 1997: *Gaz.* 6 February 1997, p. 843⁵

¹ Came into operation 29 April 1976: reg. 1.

² Came into operation 1 January 1977: reg. 4.

³ Came into operation 2 February 1981: reg. 2.

⁴ Came into operation 1 July 1992: reg. 2.

⁵ Came into operation 3 March 1997: reg. 2.

N.B. The following regulations have been disallowed:

No. 180 of 1987: *Gaz.* 6 August 1987, p. 412 see *Gaz.* 15 October 1987, p. 1127.

No. 238 of 1987: *Gaz.* 8 October 1987, p. 1082 see *Gaz.* 12 November 1987, p. 1575.

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

2.

**PART 1
PRELIMINARY**

Short Title

1. These regulations may be cited as the *Technical and Further Education Regulations, 1976* and shall come into operation on and from 29 April 1976.

Arrangement

2. These regulation are arranged as follows:

- Part 1—Preliminary
- Part 2—College Buildings and Grounds
- Part 3—Officers
 - Division 1—Appointment of Officers
 - Division 2—Leave of Absence for Officers
 - Division 3—Salaries and Allowances for Officers
 - Division 4—Appeals and Disciplinary Provisions for Officers
 - Division 5—Duties of Officers
 - Division 6—Resignation of Officers
- Part 4—Students
- Part 5—College Councils
- Part 6—Miscellaneous.

Interpretation

3. In these regulations, unless the context otherwise requires, words and phrases shall have the same meaning respectively as they have in the *Technical and Further Education Act, 1975*, and:

"**approved**" means approved by the Minister or by the Director-General.

"**college council**" or "**council**" means a college council established by the Minister under Part 4 of the Act.

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

"**council fund**" means the money referred to in section 32 of the Act.

"**council fund account**" means a bank, building society, credit union or Treasury account maintained by a council for the purposes of its council fund.

"**Director-General**" means the Chief Executive Officer of the Department.

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

"**person**" includes any firm or body corporate.

3.

"principal" means the person to whom for the time being the administration and control of a college is committed by the Minister.

"requirements" in Division 1 of Part 3 of the regulations means such requirements as are determined by the Director-General for classification and promotion purposes.

"school" means a division within a college, the head of which is responsible to the principal of the college.

"student" means a person enrolled at or attending a college.

"the Act" means the *Technical and Further Education Act, 1975*.

PART 2
COLLEGE BUILDINGS AND GROUNDS

Expenditure by Colleges on Urgent Minor Repairs

4. The college council or the principal may incur expenditure up to the authority as determined under audit regulation 33(2)(b) made under the *Audit Act, 1921*.

Use of college premises by outside organisations

5. (1) The principal shall exercise his powers under the provisions of this regulation in consultation and agreement with the council of the college. Where agreement cannot be reached the matter shall be referred to the Director-General whose decision shall be final.

(2) The principal shall have power to grant the use of college premises to outside organisations under the following conditions:

- (a) The principal shall fix the charge to be paid by the organisation for the use of college premises. Such charge shall be within the scale of charges fixed by the Director-General from time to time, provided that the principal may waive the charge where he considers that the objects of the organisations or the purpose for which the premises are to be used justify the waiving of the charges for educational reasons.
- (b) The organisation shall, in addition to the agreed charge, meet the cost of any additional labour which may be necessary to prepare the premises before a function and place them in proper order after a function.
- (c) The organisation must satisfy the principal prior to the function with respect to arrangements for the proper care of the premises during the function and arrangements for securing the premises after use by the organisation.
- (d) The hiring organisation shall pay the agreed hire charges to the principal prior to the function.

(3) The principal may require prospective hirers to take out a public risk policy for an amount to be specified by the principal, to supply the principal with a written indemnity against damage, breakages and losses, or may require the organisation to deposit with the college a sum of money not exceeding \$40 to cover the cost of repairing any damage, breakages and losses.

(4) The principal may impose any further condition which must be observed by the hiring organisation.

(5) The college may retain revenue received from the hiring of college premises and such revenue will be paid into the council fund account except that a sum of money from the hire charges, being ten per cent of the said charge, shall be paid to the Department by the college to cover running costs such as heating, lighting and cleaning.

5.

(6) In December of each year the principal shall forward to the Department a statement listing the occasions when college premises were used by an outside organisation, the charge made to the organisation on each occasion and the amount due from that charge to the Department. The statement should be accompanied by a cheque for the total amount due to the Department for this purpose.

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**PART 3
OFFICERS**

DIVISION 1—APPOINTMENT OF OFFICERS

8. (1) The Minister may appoint officers in any of the classifications of Demonstrator, Lecturer Class II, Lecturer Class I, Senior Lecturer, Deputy Head of School, Head of School Class II, Head of School Class I, Vice Principal and three personal classifications of Principal (Classes III, II and I).

(1a) The Minister, at the request in writing of an officer, may reappoint that officer with a classification lower than the one which he held at the time of making his request.

(2) Every applicant for appointment as an officer must have undertaken an approved course of teacher education or have obtained such other qualifications as the Minister, on the recommendation of the Director-General approves.

(3) A person who has not completed the requirements prescribed by subregulation (2) of this regulation may be employed as an officer on a yearly basis if the Director-General is satisfied that he has the qualifications to justify the proposed appointment.

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

- (a) an approved certified birth extract from an official register of births or such other evidence as to his age as is satisfactory to the Minister;
- (b) documentary evidence of his experience and qualifications or other evidence satisfactory to the Minister as to his suitability to perform the duties he would be required to undertake if appointed;
- (c) a certificate from an approved legally qualified medical practitioner that the applicant is of sound health and free from any physical or mental defect likely to impair his efficiency in the performance of the duties he would be required to undertake if appointed.

(5) The Minister shall pay any medical expenses incurred pursuant to this regulation.

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

(7) An officer may be required to serve in any part of the State at any period of his service.

(8) (a) Applications for appointment to the positions of Senior Lecturer, Deputy Head, Head of School, Vice Principal or Principal will be considered by a committee consisting of representatives of the Department and the South Australian Institute of Teachers.

(b) Representatives of the Department appointed to the committee shall be appointed by the Director-General.

7.

(c) Representatives of the South Australian Institute of Teachers shall be appointed by the Director-General by reference to a panel of names supplied at the request of the Director-General by the managing committee of the South Australian Institute of Teachers. The said panel of names shall be reviewed at least every three years by the said managing committee.

(d) The committee shall make recommendations for appointment to the Minister.

First Appointment on Probation

9. Where an officer whose duties include teaching is first appointed on probation for a period of six months and such appointment is made between 1 January and the beginning of the academic year of the college (both dates inclusive) where the officer is appointed to teach, such period of probation shall be deemed to expire on 30 June of that year.

Re-appointment of Certain Persons

10. (1) Where the Minister is satisfied that:

(a) a person who was an officer:

- (i) resigned in order to become a candidate for election as a member of a House of Parliament of the State or Commonwealth;
- (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, re-appoint that person at a status and salary appropriate to the position which he held immediately prior to his resignation.

(2) A person re-appointed under this regulation shall be deemed to have continued as an officer as if he had not resigned, but had been on leave of absence without pay during the period from the day on which his resignation became effective to and including the day immediately preceding the date of re-appointment.

11. (1) Where an officer is appointed to the position of Lecturer Class II, and,

- (a) has been appointed at or reached the maximum salary increment applying to that position; and
- (b) has given one year's satisfactory service on the maximum salary increment applying to the position, such satisfactory service to be certified by the Principal of his College or, where there is no Principal, certified by his Head of School and the appropriate regional superintendent; and

8.

- (c) has satisfied the normal academic requirements for appointment as a Lecturer Class I as set out in Administrative Instructions for the time being in force;

he may apply for reclassification to the position of Lecturer Class I.

(2) Where an officer is appointed to the position of Head of School Class II and has given three years' satisfactory service as certified by the Principal of his College or, where there is no Principal, by the appropriate regional superintendent, he may apply to the Minister for reclassification to the position of Head of School Class I.

(3) Where an application made under subregulation (1) or (2) of this regulation is refused by the Minister, the officer may appeal against the Minister's decision to the Appeal Board.

(4) Nothing in this regulation limits the power of the Minister to grant an accelerated progression to an officer who has not fully satisfied the requirements of subregulations (1) and (2) of this regulation.

Acting Appointments

12. (1) Where any vacancy occurs and the Director-General deems it inexpedient to make a permanent appointment to fill such vacancy at that time, or where an officer is unable for any reason to perform his duties, the Director-General may appoint an officer to the unoccupied position in an acting capacity.

(2) An officer appointed to a higher position in an acting capacity, provided he holds that higher position for a period of more than one week, shall as from the date of that appointment and while he continues to occupy the position, be entitled to receive the salary and increments to which he would become entitled had he been permanently appointed to that higher position.

(3) If such officer, whilst so acting, is appointed permanently to such higher position his service in the said acting capacity shall be counted as service therein for all purposes of salary and promotion.

DIVISION 2—LEAVE OF ABSENCE FOR OFFICERS

Absence to be Reported

13. Every officer absent from duty shall apply to the Director-General for leave of absence through the Principal on the approved form, provided that, where circumstances make it impossible for that officer to apply for leave of absence, the principal may make application on his behalf.

Recreation Leave

14. (1) Officers will be entitled to such recreation leave as the Minister may from time to time determine and specify in administrative instructions.

(2) Recreation leave shall accrue on an annual basis, save that officers resigning or retiring before the expiry of a given year shall be entitled to the payment of recreation leave entitlements on a *pro rata* basis.

(3) The Director-General may require that officers take recreation leave at specified times and where an officer who has not completed a year of service is so required leave will be granted on a *pro rata* basis.

(4) The Director-General may approve the accrual of recreation leave by an officer beyond one year but all such leave must be taken before a period of two years has expired from the commencement of the accrual.

(5) (a) An allowance shall be paid to officers by way of a recreation leave loading which allowance shall be payable only in accordance with the following conditions:

The recreation leave loading shall:

- (i) be calculated on the basis of seventeen and one half per cent of the salary payable to officers for the first four weeks recreation leave commenced in a college year.
- (ii) officers who have their services terminated may be paid a *pro rata* allowance in accordance with each complete month for which they have not been granted recreation leave.
- (iii) only apply to an officer who is employed for the whole of the college year.
- (iv) not be cumulative.

(b) The maximum recreation leave loading for officers eligible for such recreation leave loading for a college year shall be the amount as determined from time to time by the Commissioner for Public Employment with respect to employees in the Public Service of the State.

(c) The Minister may authorise the payment of a proportionate allowance by way of a recreation leave loading to an officer who has not been employed for the whole of the school year.

(d) For the purpose of this regulation "the salary payable to an officer" shall include the Whyalla cost of living loading and any other allowance payable pursuant to an award of the Teachers Salaries Board, but shall not include any allowance payable by way of a locality allowance under an award of the Teachers Salaries Board.

Leave of Absence on the Ground of Illness

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

(2) Subject to provisions of regulation 18 of this Division, the leave standing to the credit of an officer, whether appointed before or after the commencement of the Act, shall be:

- (i) ten college days on appointment; and
- (ii) ten college days on each first day of January succeeding his day of appointment,

and, in each case deducting from the total so obtained the number of college days in respect of which leave has been taken under this regulation or under subregulation (8) of regulation 20 of this Division.

(3) For the purpose of this regulation where an officer is retired pursuant to section 17 of the Act by reason of invalidity or physical or mental incapacity and is subsequently re-appointed as an officer, his continuous service before retirement and his continuous service after re-appointment shall be taken into account as though that service were continuous.

(4) For the purpose of this regulation where a person, who has previously been in prescribed employment as defined in section 23 of the Act, is appointed an officer under the Act and his service in the prescribed employment is continuous with his service as an officer, the leave credit to which he shall be entitled under this regulation shall be determined on the basis that his service in the prescribed employment is service as an officer; provided that where the amount of leave taken by the officer in the prescribed employment is not accurately known, the Minister shall decide the leave to stand to the credit of that officer.

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

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

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

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

(9) (a) Where an officer is absent from duty and produces a medical certificate that he is suffering from one of the diseases set out in subregulation (9)(c) of this regulation, and that certificate is supported by a statement from his Principal that in all probability the disease was contracted by the officer while on duty as a result of his contact with the students or staff of the College, the officer will be granted special leave with pay not debited to sick leave credits.

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

(c) The diseases accepted for the purposes of this regulation are: Chicken Pox, Diphtheria, Erysipelas, Glandular Fever, Infectious Hepatitis, Infectious Mononucleosis, Measles, Mumps, Poliomyelitis, Rubella, Scarlet Fever, Typhoid, Whooping Cough, Herpetic Whitlow, Meningitis, Staphylococcal Infection of a Cutaneous Nature, and such other diseases as the Minister may determine.

Special Leave with Pay

16. (1) The Director-General may, where reasonable cause exists, grant to an officer special leave with pay for any period or periods not exceeding a total of fifteen college days in any one year, provided that where such leave is granted on account of sickness which, in the opinion of the Director-General, was caused by war service, the limitation of fifteen college days in any one year shall not apply to that leave.

(1a) Special leave with pay may be granted by the Director-General to officers who submit evidence that they are absent because of a disability accepted by the Commonwealth Repatriation Board as due to war service in accordance with the following provisions:

- (a) A non-accumulative credit of nine weeks—as from 1 July 1955 or the date of appointment as an officer, 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.
- (b) An accumulative credit of three weeks annually:
 - (i) On and from 1 July 1964 or the date of appointment as an officer, 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.
 - (ii) The entitlement will accumulate for three years, i.e., forty-five working days and may 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.
 - (iii) This accumulative credit can be utilised only when the non-accumulative credit in subregulation (1a)(a) of this regulation has been exhausted.

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

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

Special Leave without Pay

17. The Minister may, where reasonable cause exists, grant to an officer special leave without pay for any period and upon such conditions as he may determine in each case.

Leave and Continuity of Service

18. (1) The continuity of service of an officer shall not be deemed to be broken by leave granted under this Division; and

- (a) leave of absence in respect of which an officer is paid his full salary shall count as service for long service leave and sick leave purposes; 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 long service leave and sick leave purposes.

(2) Where by the terms of the determination of the Minister a period of leave does not count as service for sick leave entitlement the credit of ten college days in each year provided for in regulation 15 of this Division shall be reduced by one day for each complete four weeks of that period of leave, to a maximum of ten college days in any one year.

Long Service Leave on Half Pay

19. Notwithstanding anything elsewhere in this Part, when an officer takes a period of long service leave on half pay under the provisions of section 20 of the Act he shall, for the purposes of long service leave and sick leave credits, be deemed to be on full pay for the first half of such period and on leave without pay for the remainder of that period.

Accouchement Leave

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

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

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

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

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

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

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

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

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

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

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Recreation Leave and Overtime for Certain Teachers

22. Where the Minister transfers an officer to duties outside his college and considers that the duties of the officer are such that they do not warrant that officer to work normal college hours and take normal college vacations, the Minister may declare that the officer shall be subject to such hours of work, recreation leave, and overtime as applies to an employee in the Public Service of the State.

Failure to Resume Duty

23. An officer on leave who fails to resume duty immediately after the completion of that leave or any due extension thereof shall be deemed to be absent from duty without proper cause and may be dealt with under the provisions of section 26 of the Act.

23A. (1) The Director-General shall have the power to direct that where an officer has absented himself from his place of work during his ordinary hours of duty (or other hours as directed) or has not discharged his duties as a result of or in the furtherance of industrial action taken by that officer, the salary of that officer may be reduced by such an amount as is equal to:

(a) one-tenth of the officer's fortnightly salary for each full day of absence or failure to discharge duty;

(b) one-twentieth of the officer's fortnightly salary for each half day of absence or failure to discharge duty;

or

(c) one seventy-fifth of the officer's fortnightly salary for each hour (or part thereof) of absence or failure to discharge duty where the absence or failure to discharge duty is less than one half day.

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

DIVISION 3—SALARIES AND ALLOWANCES FOR OFFICERS

Applications for Award

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

14.

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

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

Position Not Covered in an Award

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

Commencing Salary Above Minimum

26. Where an appointment is made which:

(a) is a first appointment of a person as an officer;

or

(b) involves transfer or promotion of an officer 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.

Salary Increments Not Applicable in Certain Circumstances

27. Where an officer:

(a) resigns under regulation 42; or

(b) retires under section 25 of the Act,

and the effective date of resignation or retirement is 31 January in any year that officer shall not be entitled to receive any increment provided in an Award of the Teachers Salaries Board which would normally become effective from the first day of January of that year.

Deduction from Salaries of Rents for Departmental Residences

28. Where an officer 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 officer's salary fortnightly.

Minister may Recover Salary Paid to an Officer in Certain Circumstances

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

Travelling Expenses for Officers

30. Officers 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 employee in the Public Service of the State provided that the Minister may, on the recommendation of the Director-General, approve of reimbursement at a different rate than prescribed in this regulation if it appears necessary because of special circumstances.

Removal Expenses

31. (1) Any officer who:

- (a) is transferred to another college on promotion or for Departmental reasons;
- (b) is transferred to another college at his own request after not less than three years of satisfactory service at one college;
- (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:

- (i) a packing allowance, the amount of which shall be determined by the Director-General;
 - (ii) the cost of fares paid for himself and his family;
- and
- (iii) 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 officer and his family in connection with that transfer or removal.

(2) A person on first appointment to a college as an officer whose place of residence at the time of such appointment is:

- (a) in South Australia, shall be paid allowances as provided in subregulation (1) of this regulation, such allowances to be determined by the distance of his place of residence to the college;

- (b) not in South Australia, shall be paid such expenses as may be negotiated in the terms of his contract of employment.

(3) Where an officer retires, he, or where an officer dies, his surviving spouse, shall be paid allowances as provided in subregulation (1) of this regulation. Such allowances will be determined by the distance between the college at which that officer 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 an officer on removal of an approved allowance to cover accelerated depreciation to his household furniture and effects, provided that this allowance shall not be paid:

- (a) where an officer is establishing a home for the first time;
- (b) Where an officer with less than three years of satisfactory service at one college is transferred at his own request.

(5) In every case where travelling expenses are payable pursuant to this regulation the Director-General may grant an allowance to the officer 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 allowances of officers who are debarred by this regulation from claiming the same, if in his opinion reasonable cause exists to justify the said payment.

DIVISION 4—APPEALS AND DISCIPLINARY PROVISIONS FOR OFFICERS

32. The Director-General may not, for the purposes of constituting the Appeal Board for any appeal, select an employee in the Department in relation to whose actions the appeal is being made.

Grounds of Appeal

32A. (1) Where an officer—

- (a) has been aggrieved by an administrative act or decision of the Director-General or any other employee in the Department directly affecting the officer;
- (b) has, by writing, within 28 days after the date of the act or decision, requested the Director-General to review the act or decision;

and

- (c) is aggrieved by an act or decision of the Director-General resulting from that request or any such review,

the officer may, by writing, appeal to the Appeal Board against the act or decision of the Director-General resulting from the request or review.

(2) Where an officer requests a review as referred to in subregulation (1)—

(a) the Director-General must notify the officer in writing of the Director-General's acts or decisions resulting from that request or any such review;

and

(b) any appeal by the officer to the Appeal Board against any act or decision of the Director-General resulting from the request or review must be made within 14 days after receipt of that notification.

(2a) Upon the hearing of an appeal under this regulation, the Appeal Board may give such orders and directions as it considers just in the circumstances of the case.

(3) Any act or decision which concerns an appointment of an officer, including an appointment of an officer to a higher classification, shall not be subject to appeal except as provided in regulation 11.

(4) Nothing in this regulation prevents the reference of a dispute concerning an appointment to a Board of Reference established for that purpose in an Award of the Teachers' Salaries Board.

Delay of Proceedings by the Director-General

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

Criminal Offences by Officers

34. (1) Where an officer 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) Notwithstanding subregulation (1) of this regulation a suspension may be imposed on the officer pursuant to section 27 of the Act.

DIVISION 5—DUTIES OF OFFICERS

Impartiality of Instruction

35. If in the course of his duties an officer discusses social, religious or political issues with his students he shall present those issues impartially.

Certain Specific Prohibitions

36. No officer shall:

(a) seek political influence in order to obtain promotion, transfer or other advantage whatsoever relating to or affecting that officer in any capacity in his service to the Department;

- (b) take any office, perform any duties or receive any remuneration which interferes with the proper discharge of his duties to the Department.

Compliance with the Regulations

37. Officers are required to comply with these Regulations and with Departmental Administrative Instructions for the time being in force.

Not to Incur Liability on Behalf of the Government

38. Except as provided in regulation 39 or elsewhere in the regulations, officers 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 or attempt to alter, any contract on behalf of the Government or of the Minister, without the prior written authority of the Director-General.

Action in Relation to Injuries to Students

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

Power of Principal to Require Certain Payments

40. Where a student enrolled at a college damages college equipment or property the principal may require that student to meet the cost of replacing or repairing that equipment or property and if on request the cost is not met by the student it may be recovered by the Minister by action in a court of competent jurisdiction.

DIVISION 6—RESIGNATION OF OFFICERS

Resignation of Officers (Except on the Grounds of Pregnancy)

41. (1) The resignation of an officer shall be deemed to be regular if the officer gives the Director-General at least six weeks notice in writing of his intention to resign.

(2) A resignation which does not conform to the provisions of subregulation (1) of this regulation shall be deemed to be irregular, and the Minister may, by notice in writing to an officer whose resignation is irregular require that an amount to be determined by the Minister and not exceeding six weeks salary of that officer shall be paid to the Minister, and, in the event of the Minister so requiring, the money may be recovered by action in a court of competent jurisdiction.

(3) The Director-General may, where reasonable cause exists, waive notice of resignation and permit a resignation to be effective at a time other than the time provided in this regulation.

42. (1) An officer on accouchement leave or on long service leave taken in lieu of accouchement leave pursuant to the provisions of regulation 20 of Division 2 of this Part, may resign at any time during the period of that leave, provided she gives the Director-General at least fourteen days notice of her intention to resign.

(2) The Director-General may, in a case which he considers special, waive notice of resignation and permit a resignation under this regulation to take effect at a time other than the time provided for in this regulation.

Notice of Intention of Officers to Retire Early

43. Any officer electing to retire prior to reaching the compulsory age of retirement pursuant to section 25(1) of the Act, shall advise the Director-General by notice in writing of such intention to retire at least six weeks prior to the last day of active duty.

**PART 4
STUDENTS**

Discipline

44. (1) The principal of a college shall be responsible for the control and orderly behaviour of the students attending that college and may establish rules and directions to be observed by the students so that the educational program of the college can be satisfactorily implemented; provided that where any school exists within a college the head of such school shall be responsible to the principal for the enforcement of any rules and directions which apply to the students enrolled within that school.

(2) The principal or, where applicable, the head of a school may delegate such of his powers and duties under this regulation to such officers within his college or school, as the case may be, as he determines, and may in his discretion, revoke such delegation.

Power of Search

45. (1) The principal of a college or any person authorised by him may at any time, if he thinks it necessary in order to safeguard from loss any books, tools, materials or other things used for the purpose of instruction, search or caused to be searched any locker, bag, satchel, case, or other receptacle of any person receiving tuition at the college.

(2) A person receiving tuition at a college who at any time fails or refuses to open any locker, bag, satchel, case, or other receptacle for the purpose of being searched when required under the provisions of this regulation to do so shall be guilty of an offence.

Penalty: Twenty dollars.

Suspension and Expulsion of Students

46. (1) The principal of a college may suspend a student where the conduct of the student is such that other students (in that class or those classes) are thereby hindered in obtaining satisfactory instruction.

(2) Where the principal suspends a student under this regulation he shall, by notice in writing, inform the student of his decision and shall, without delay, forward a report in writing to the Director-General.

(3) The Minister shall expel a student from a college if he considers it necessary to do so for the moral or academic welfare of other students attending the college.

Subjects and Examinations

47. (1) A college shall provide such subjects and courses and conduct such examinations as are approved by the Director-General.

(2) Upon successful completion of a course of instruction by a student the Minister may confer on the student an award as specified in the Administrative Instructions.

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Closure of Classes

48. The Director-General may close a class at any college when:

- (a) the average attendance of students at that class falls below a minimum figure determined by the Director-General;
- (b) he is of the opinion that the subject is not being satisfactorily taught and a competent instructor cannot be obtained.

Terms

49. The college year shall be divided into periods of instruction, the commencing and ending dates of which shall be determined by the Minister.

Provision of Scholarships

50. (1) The Director-General may make available to full-time students of a college scholarships, the number and value of which may be determined by the Director-General from time to time.

(2) Scholarships covering the payment of fees in whole or in part, or providing such other benefits as may be determined, may be established by the Minister for any college or group of colleges as a result of private benefaction.

Student Associations

51. (1) An Association of Students and/or an Association of Students and Staff may be formed in any college and the principal may make available to any such Association such facilities as he deems appropriate.

(2) The adoption or alteration of the constitution of any Association of Students or Association of Students and Staff will require the prior approval of the Director-General, failing which such proposed constitution or proposed alteration to any such constitution shall be deemed to be invalid and of no force or effect.

(3) No person may be a member of an Association of Students or an Association of Students and Staff which uses the words "further education" or "technical and further education" or the name of any college in the name of such association without the prior approval in writing of the Director-General.

Penalty: Twenty dollars.

PART 5
COLLEGE COUNCILS

Constitution of college councils

52. (1) Subject to this regulation, the number of members of a council will be determined by the Minister, but must not exceed 15.

(2) The membership of a council must include—

- (a) the principal of the college; and
- (b) one member (or, if the Minister so determines, two members) of the college staff elected by the college staff; and
- (c) one student (or, if the Minister so determines, two students) of the college elected by the students of the college.

(3) All other members of a council, of whom there must be at least one, will be appointed by the Minister.

(4) When appointing members of a council the Minister must, as far as is practicable—

- (a) appoint persons who can substantially contribute to the exercise or fulfilment by the council of its powers, authorities, duties and obligations; and
- (b) appoint equal numbers of men and women.

(5) The Minister must—

- (a) consult the principal of a college before appointing the first members to a council established for that college; and
- (b) where a college has an established council, consult the council before appointing members to fill vacancies in the membership of the council.

(6) All elections for membership of a council must be by secret ballot.

Term of office

53. (1) Subject to these regulations, the term of office of an elected or appointed member of a council is—

- (a) in the case of a staff member elected by other members of staff—two years; and
- (b) in the case of a student elected by other students of the college—one year; and
- (c) in the case of a member appointed by the Minister—a term not exceeding two years.

(2) At the expiration of a term of office, a member elected or appointed to a council is eligible for re-election or re-appointment.

Removal of members; vacancies

54. (1) The Minister may remove an elected or appointed member of a council from office—

- (a) for mental or physical incapacity to carry out satisfactorily the duties of the office; or
- (b) for neglect of duty; or
- (c) for misconduct; or
- (d) for any other cause considered sufficient by the Minister.

(2) The office of an elected or appointed member of a council becomes vacant if—

- (a) the member dies; or
- (b) the member's term of office expires and he or she is not re-elected or re-appointed; or
- (c) in the case of an elected member, the member does not continue in the capacity in which he or she was elected to membership of the council (unless the date of the next election to his or her office is within four months from the date on which the member ceased to continue in the capacity in which he or she was elected); or
- (d) the member resigns by notice in writing given to the president of the council; or
- (e) the member is removed from office by the Minister under subregulation (1).

(3) On the office of an elected or appointed member of a council becoming vacant under this section, a person must be elected or appointed, as the case may require, to the vacant office in accordance with these regulations.

(4) Subject to these regulations, a member elected or appointed to fill a casual vacancy in the membership of a council holds office for the balance of the term of his or her predecessor.

(5) An act or decision of a council is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Council officers and meetings

55. (1) At the first meeting of a council in each academic year, the council must appoint the following officers—

- (a) a president;
- (b) a vice-president;
- (c) a treasurer;
- (d) such other officers as the council may determine.

24.

(2) At that first meeting the council must also—

- (a) appoint two members of the council to hold and attest to the affixing of the council's common seal; and
- (b) authorise two or more members of the council (at least one of whom must be a member appointed by the Minister) to act as signatories for the council fund account.

(3) A college council may authorise one or more members of the staff of the college to act as signatories for the council fund account.

(4) The principal of a college must not be appointed to an office, or authorised to perform a function, referred to in subregulation (1), (2) or (3).

(5) A council must, as far as is practicable, meet at least once every two months.

(6) A quorum at a meeting of a council consists of one half of the total number of council members (ignoring any fraction resulting from the division) plus one, and no business may be transacted at a meeting of a council unless a quorum is present.

(7) The presiding member at a meeting of a council will be—

- (a) the president; or
- (b) in the absence of the president—the vice-president; or
- (c) in the absence of both the president and vice-president—a member chosen to preside by those members of the council present at the meeting.

(8) A decision carried by a majority of the votes cast by the members present at a meeting of a council is a decision of the council.

(9) Each member present at a meeting of a council has one vote on any matter arising for decision and, if the votes are equal, the member presiding at the meeting may exercise a casting vote.

(10) A telephone or video conference between members of a council in which each participating member is able to communicate with each other participating member will for the purposes of this regulation be taken to be a meeting of the council at which the participating members are present.

(11) A council must have accurate minutes kept of its proceedings.

(12) Subject to these regulations, a council may determine its own procedures.

Powers, authorities, duties and obligations of college councils

56. A college council has the following powers, authorities, duties and obligations:

- (a) to provide advice and information to the college principal on the present and future needs of industry, commerce and the community in relation to the programs of the college and technical and further education generally;

- (b) to liaise with industry and commerce (including employer and employee bodies), other education providers and community and public sector organisations on matters relating to technical and further education;
- (c) to assist and encourage the promotion and development of the college and technical and further education generally;
- (d) to make representations to the Chief Executive or the Minister on matters affecting the college and technical and further education generally;
- (e) to assist in the development of educational and financial priorities for the college;
- (f) to assist in the provision of student amenities and services, contribute to the development of a student services plan for the college and encourage and support the development of student associations and networks;
- (g) to support and encourage staff development for staff of the college;
- (h) to assist in the provision of equipment or facilities or (subject to the approval of the Minister) land, buildings or structures for the college;
- (i) to engage in or conduct fund-raising activities;
- (j) to develop a strategic plan for the council in accordance with guidelines issued by the Chief Executive, and establish and manage a council budget;
- (k) to manage the council fund and maintain a bank, building society, credit union or Treasury account for the purposes of the fund;
- (l) to use the council fund for the exercise or performance of the council's powers, authorities, duties and obligations under the Act and these regulations;
- (m) subject to the approval of the Minister, to employ staff to assist the council in the exercise or performance of its powers, authorities, duties and obligations under the Act and these regulations;
- (n) to form sub-committees (which may include persons who are not members of the council) to consider matters that are relevant to the college or to an individual campus of the college;
- (o) to exercise or perform such other powers, authorities, duties and obligations as are prescribed by or under the Act.

Control of council fund account

56A. No withdrawal by cheque or otherwise may be made from a council fund account without the signature of at least two persons authorised by the council for that purpose, one of whom must be a member of the council appointed by the Minister.

Audit of council fund

57. (1) Every college council shall cause the council fund to be audited annually by a qualified person.

(2) The Auditor-General may at any time inspect or audit those parts of the council fund relating to loans or grants made under sections 30 and 31 of the Act.

Miscellaneous

58. No college council or member of a college council when acting in that capacity shall give instructions to an officer or employee appointed under the Act or employed in the Department, or to any other person employed at the college, concerning their duties within that college.

59. When a person ceases to be a member of a college council or when a member ceases to hold any particular office on a council he shall without delay hand over to his successor all books, papers and funds which he held by virtue of his position on that council.

PART 6
MISCELLANEOUS

Scholarships for Officers of the Teaching Service

60. (1) Scholarships and awards which were available to officers immediately prior to the commencement of 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 scholarships or awards the Minister may accept such money or property and may grant scholarships or awards in accordance with any agreement entered into at the time such money or property becomes available or, where no agreement is entered into, on such terms as he thinks fit.

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

Compulsory Medical Examination of Officers

61. (1) An officer shall, whenever required to do so by the Director-General, submit himself to examination by a legally qualified medical practitioner selected by the Director-General, at the expense of the Director-General. That legally qualified medical practitioner shall consult with a legally qualified medical practitioner selected by the officer or his family, if he or his family so desire.

(2) The Director-General shall consult with the President of the Institute of Teachers before he makes a requirement under this regulation.

Closure of a College

62. If a college is closed, or if a college council ceases to function as such, all books, records, and property relating to the college and/or the college council shall be forwarded and delivered to the Minister by the person or persons having the custody thereof.

Notice to an Officer

63. (1) Where by the Act or these regulations it is provided that any notice or other written notification shall or may be given to an officer it shall be sufficient if such notice or other written notification is delivered to such officer personally, or delivered to the college or other place of his employment, or sent by post in a prepaid envelope to his place of employment or to his present or last known address.

(2) A notice or other written notification to any officer shall, unless the contrary is shown, be deemed to have been received by that officer on the day on which such notice or other written notification was delivered to him personally, or delivered to the college or other place of his employment, or where such notice or other written notification is sent by 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 an officer shall be in writing, a notice or other notification may be given directly to an officer by word of mouth, or by telephone or telegram.

Notice to the Minister or Director-General

64. (1) Where by the Act or these regulations it is provided that any notice or other written notification shall or may be given to the Minister or the Director-General it shall be sufficient if such notice or other written notification is delivered personally or in the case of the Minister sent by post in a prepaid envelope to the Office of the Minister of Employment and Further Education, Adelaide or, in the case of the Director-General, sent by post in a pre-paid envelope to the Department of Employment and Technical and Further Education, 31 Flinders Street, Adelaide.

(2) A notice or other written notification to the Minister or the Director-General shall, unless the contrary is shown, be deemed to have been received by the Minister or the Director-General, as the case may be, on the day on which such notice or other written notification was delivered personally or delivered to either above mentioned addresses as the case may require, or where such notice or other written notification is sent by post, the day on which the letter or other packet would be delivered in the ordinary course of post.

Fees

65. (1) The Minister may—

- (a) fix the fees (including differential fees) to be paid for, or in relation to—
 - (i) the instruction, training or assessment of students under the Act;
 - (ii) the assessment and certification of qualifications (whether or not relating to instruction or training under the Act);
 - (iii) the use or provision of land, buildings, equipment, facilities or services under the Act;
- (b) regulate the payment (including the time and manner of payment) of such fees;
- (c) provide for the refund, in whole or in part, of such fees.

(2) The Director-General may, in such cases as he or she thinks fit, exempt a student (in whole or in part) from liability to pay a fee fixed under this regulation.

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SCHEDULE

Transitional provisions

Vacation of office of existing council members

1. The office of each elected or appointed member of a college council is vacated on the commencement of this schedule.

Existing council members may be re-elected or re-appointed

2. Nothing in clause 1 prevents the re-election or re-appointment to a college council of a member whose office is vacated by that clause.

APPENDIX**LEGISLATIVE HISTORY**

Legislative history since 2 February 1984 is as follows:

Regulation 2:	varied by 100, 1992, reg. 3
Regulation 3:	definition of "college" revoked by 100, 1992, reg. 4(a) definition of "college council" substituted by 10, 1997, reg. 3(a) definition of "college fund" repealed by 10, 1997, reg. 3(b) definition of "council fund" inserted by 10, 1997, reg. 3(c) definition of "council fund account" inserted by 10, 1997, reg. 3(c) definition of "Director-General" inserted by 100, 1992, reg. 4(b) definition of "principal" varied by 100, 1992, reg. 4(c)
Regulation 5(5):	varied by 10, 1997, reg. 4
Regulation 7:	varied by 49, 1988, reg. 2; revoked by 100, 1992, reg. 5
Part 3 heading:	substituted by 100, 1992, reg. 6
Part 3 Division 1 heading:	substituted by 100, 1992, reg. 6
Regulation 8(1):	varied by 100, 1992, reg. 7(a)
Regulation 8(1a):	varied by 100, 1992, reg. 7(b)
Regulation 8(2):	varied by 100, 1992, reg. 7(c)
Regulation 8(3):	varied by 100, 1992, reg. 7(d), (e)
Regulation 8(6):	varied by 49, 1988, reg. 3
Regulation 8(7):	varied by 100, 1992, reg. 7(f)
Regulation 8(8):	varied by 100, 1992, reg. 7(g)
Regulation 9:	varied by 100, 1992, reg. 8
Regulation 10(1):	varied by 100, 1992, reg. 9(a), (b)
Regulation 10(2):	varied by 100, 1992, reg. 9(c)
Regulation 11(3):	varied by 100, 1992, reg. 10
Regulation 14(1):	varied by 100, 1992, reg. 11(a)
Regulation 14(3):	varied by 100, 1992, reg. 11(b)
Regulation 14(5):	varied by 49, 1988, reg. 4; 100, 1992, reg. 11(c)-(i)
Regulation 15(2):	varied by 100, 1992, reg. 12(a), (b)
Regulation 15(4):	varied by 100, 1992, reg. 12(c), (d)
Regulation 16(1a):	varied by 100, 1992, reg. 13
Regulation 19:	varied by 100, 1992, reg. 14
Regulation 22:	varied by 49, 1988, reg. 5
Regulation 23A(1):	varied by 100, 1992, reg. 15
Regulation 27:	varied by 100, 1992, reg. 16
Regulation 30:	varied by 49, 1988, reg. 6
Regulation 31(1):	varied by 100, 1992, reg. 17
Regulation 32:	substituted by 49, 1988, reg. 7
Regulation 32A(1):	substituted by 49, 1988, reg. 8; varied by 100, 1992, reg. 18(a)
Regulation 32A(2):	substituted by 49, 1988, reg. 8
Regulation 32A(2a):	inserted by 49, 1988, reg. 8
Regulation 32A(3):	varied by 100, 1992, reg. 18(b), (c)
Regulation 44(2):	varied by 100, 1992, reg. 19
Regulation 47(3):	substituted by 271, 1991, reg. 2; revoked by 100, 1992, reg. 20
Regulation 47(4):	inserted by 271, 1991, reg. 2; revoked by 100, 1992, reg. 20
Regulation 50(1):	varied by 100, 1992, reg. 21
Regulation 51(3):	varied by 100, 1992, reg. 22
Regulation 52:	substituted by 207, 1988, reg. 2; 10, 1997, reg. 5
Regulation 53:	varied by 100, 1992, reg. 23; substituted by 10, 1997, reg. 5
Regulation 54:	substituted by 207, 1988, reg. 3; 10, 1997, reg. 5
Regulation 55:	substituted by 10, 1997, reg. 5

Regulation 56: varied by 100, 1992, reg. 24; substituted by 10, 1997, reg. 5
Regulation 56A: inserted by 10, 1997, reg. 5
Regulation 57(1) and (2): varied by 10, 1997, reg. 6
Regulation 58: varied by 100, 1992, reg. 25
Regulation 60(2): varied by 49, 1988, reg. 9
Regulation 61(1): varied by 100, 1992, reg. 26
Regulation 64(1): varied by 100, 1992, reg. 27
Regulation 65: inserted by 100, 1992, reg. 28

Part 7 comprising ss. 65 - 77 and heading revoked by 20, 1991,
reg. 2

Schedule: inserted by 10, 1997, reg. 7