

# EDUCATION ACT, 1972-1974

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## EDUCATION ACT, 1972-1974

being

Education Act, 1972, No. 154 of 1972 [Assented to 7th December, 1972]<sup>1</sup>;

as amended by

Education Act Amendment Act, 1974, No. 26 of 1974 [Assented to 11th April, 1974]<sup>2</sup>;

and

Education Act Amendment Act (No. 2), 1974, No. 97 of 1974 [Assented to 5th December, 1974].

**An Act to make proper provision for primary and secondary education in this State; to repeal the Education Act, 1915-1971; to amend the Statutes Amendment (Long Service Leave) Act, 1958, and the Age of Majority (Reduction) Act, 1970-1972; and for other purposes.**

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

### PART I

### PART I

#### PRELIMINARY

1. This Act may be cited as the "Education Act, 1972-1974".

Short title.  
Citation  
amended by 97,  
1974, s. 1 (3).

2. (1) This Act shall come into operation on a day to be fixed by proclamation<sup>1</sup>.

Commence-  
ment.

(2) The Governor may, in a proclamation made for the purposes of subsection (1) of this section, suspend the operation of any specified provisions of this Act until a subsequent day fixed in the proclamation<sup>1</sup> or a day to be fixed by subsequent proclamation<sup>1</sup>.

3. This Act is arranged as follows:—

Arrangement of  
this Act.

PART I—PRELIMINARY

PART II—THE MINISTER AND THE DEPARTMENT—

DIVISION I—THE MINISTER

DIVISION II—THE DEPARTMENT

<sup>1</sup> This Act came into operation (with the exception of Part IV) 14th December, 1972: *Gaz.* 14th December, 1972, p. 2628.  
Part IV, Division I, came into operation 1st July, 1973: *Gaz.* 7th June, 1973, p. 2422.

Part IV, Divisions II-VI inclusive, came into operation 1st February, 1974: *Gaz.* 24th January, 1974, p. 211.

<sup>2</sup> For date of commencement see s. 2 of Act No. 26 of 1974.

## PART III—THE TEACHING SERVICE—

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DIVISION II—RETRENCHMENT AND RETIREMENT OF OFFICERS

DIVISION III—LONG SERVICE LEAVE

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## PART VI—COMPULSORY ATTENDANCE AT SCHOOLS

## PART VII—COURSES OF INSTRUCTION

## PART VIII—SCHOOL COUNCILS

## PART IX—LICENSING OF PRIVATE TECHNICAL SCHOOLS

## PART X—MISCELLANEOUS.

Repeal and  
saving  
provision.

## 4. (1) The following Acts and portions of Acts are repealed:—

the Education Act, 1915

the Education Act Amendment Act, 1916

the Education Act Further Amendment Act (No. 2), 1919

the Education Act Further Amendment Act, 1923

the Education Act Amendment Act, 1924

the Education Act Amendment Act, 1925

the Education Act, 1929

the Education Act Amendment Act, 1940

the Education Act Amendment Act, 1941

the Education Act Amendment Act, 1942

the Education Act Amendment Act, 1945

the Education Act Amendment Act, 1946

the Education Act Amendment Act, 1947

the Education Act Amendment Act, 1947 (No. 2)

the Education Act Amendment Act, 1948

the Education Act Amendment Act, 1949

the Education Act Amendment Act, 1951  
the Education Act Amendment Act, 1954  
section 4 of the Statutes Amendment (Long Service Leave) Act, 1958  
the Education Act Amendment Act, 1960  
the Education Act Amendment Act, 1962  
the Education Act Amendment Act, 1965  
the Education Act Amendment Act, 1965-1966  
the Education Act Amendment Act (No. 2), 1966  
the Education Act Amendment Act, 1970

Part XI of the Schedule to the Age of Majority (Reduction) Act, 1970-1972.

(2) Any rights or liabilities vested in, or enforceable against, the Minister under the repealed Act immediately before the commencement of this Act shall be vested in, or enforceable against, the Minister under this Act.

(3) A person for the time being holding the office of Director-General of Education, or Deputy Director-General of Education under the repealed Act immediately before the commencement of this Act shall, upon the commencement of this Act, be deemed to have been appointed to the corresponding office under this Act.

(4) A person holding office as Assistant Director-General of Education immediately before the commencement of this Act shall, upon the commencement of this Act, be deemed to have been appointed to the office of Deputy Director-General of Education under this Act.

(5) The Public School Teachers Classification Board, the Teachers Salaries Board and the Teachers Appeals Board constituted under the repealed Act shall continue in existence for a period determined by the Minister and for the duration of that period shall be deemed to be the Classification Board, the Salaries Board, and the Appeal Board, respectively, under this Act.

(6) The Minister may extend the term of office of a member of any of the Boards referred to in subsection (5) of this section.

(7) Any person holding office as a teacher under the repealed Act immediately before the commencement of this Act shall, upon the commencement of this Act, be deemed to be an officer of the teaching service and, subject to this Act, shall continue as such.

(8) The classification of any such teacher in force under the repealed Act immediately before the commencement of this Act shall, subject to this Act, continue as the classification of the teacher as an officer of the teaching service.

(9) Any school or institution administered by the Minister under the repealed Act immediately before the commencement of this Act, shall be deemed to be a school or institution established under this Act.

(10) Any committee or council constituted under section 25, 25a or 26 of the repealed Act and in existence immediately before the commencement of this Act shall be deemed to be a council constituted under Part VIII of this Act.

(11) Any proceedings commenced under the repealed Act that had not been disposed of at the commencement of this Act may be continued and

completed in all respects as if this Act had been in force when they were commenced and they had then been commenced in pursuance of this Act.

(12) A reference in any Act, in any regulations, rules or by-laws, or in any contract, agreement or document to the repealed Act, or any provision of the repealed Act shall, where the context admits, be read and construed as a reference to this Act, or the corresponding provision (if any) of this Act.

Interpretation.

5. In this Act, unless the contrary intention appears—

“child of compulsory school age” means a child of or above the age of six years who has not yet attained the age of fifteen years:

“correspondence school” means a correspondence school established under this Act:

“governing authority” in relation to a non-Government school means the person, board, committee, or other authority by which the school is administered:

“Government school” means a school established under this Act or the repealed Act for the purpose of providing courses of instruction in primary, secondary or technical education:

“handicapped child” means a child who is subject to a physical or mental handicap or infirmity by reason of which special educative measures that are not normally employed in the education of children who are not subject to any such handicap or infirmity are required if his mental and physical capacities are to be properly developed:

“head teacher” means the person to whom the administration and control of a school is committed:

“non-Government school” means any school or institution (not being a Government school) at which any person or body of persons provides, or offers to provide, courses of instruction in primary or secondary education:

“officer” in relation to the teaching service means a teacher holding office in the teaching service under this Act:

“parent” of a child means the person who has the actual custody of a child or the person with whom the child resides:

“registered” in relation to a teacher, means registered under Part IV of this Act; and “registration” has a corresponding meaning:

“residence” means any form of accommodation provided by the Minister for an officer of the teaching service or any other person:

“school” means any Government or non-Government school:

“teacher” means any person who gives, or is qualified to give, instruction at any Government or non-Government school:

“technical education” includes instruction in the principles and practice of any industrial, commercial, agricultural or domestic science or art:

“the Appeal Board” means the Teachers Appeal Board constituted under this Act:

“the Classification Board” means the Teachers Classification Board constituted under this Act:

“the Department” means the Education Department:

“the Director-General” means the person for the time being holding, or acting in, the office of Director-General of Education under this Act:

“the Institute of Teachers” means the South Australian Institute of Teachers Incorporated:

“the Minister” means the Minister of Education or any other Minister of the Crown for the time being exercising and discharging the functions and responsibilities of the Minister of Education:

“the register” means the register of teachers established under Part IV of this Act:

“the repealed Act” means the Education Act, 1915-1971, repealed by this Act:

“the Salaries Board” means the Teachers Salaries Board constituted under this Act:

“the teaching service” means the teaching service constituted under Part III of this Act.

## PART II

## PART II

### THE MINISTER AND THE DEPARTMENT

#### DIVISION I—THE MINISTER

#### DIVISION I

6. Subject to this Act, the Minister shall have the general administration of this Act and the administration and control of the teaching service.

Administration of this Act.

7. (1) The Minister—

The Minister.

(a) shall be a body corporate with perpetual succession and a common seal;

(b) shall be capable in his corporate name of acquiring, holding and disposing of real and personal property;

(c) shall be capable of acquiring or incurring any other legal rights and liabilities and of suing or being sued;

and

(d) shall have the powers, authorities, duties and obligations prescribed by or under this Act.

(2) Where an apparently genuine document purports to bear the common seal of the Minister, it shall be presumed, in the absence of proof to the contrary, that the common seal of the Minister was duly affixed to that document.

8. (1) The Minister may, by instrument in writing delegate to the Director-General or any other officer of the Department or the teaching service any of his powers, duties, responsibilities and functions, under this Act except his power to dismiss an officer of the teaching service.

Power of delegation.

(2) A delegation under this section shall be revocable at will and shall not prevent the exercise of any power by the Minister himself.

9. (1) The Minister shall establish and maintain such Government schools as may be necessary for the provision of primary and secondary education for

General powers of the Minister.



children whose parents desire that they should receive education at Government schools.

(2) The Minister shall establish and maintain such correspondence schools as he considers necessary or desirable in the public interest.

(3) The Minister may, where the public interest does not require the continuance of any Government school, close the Government school permanently or temporarily and sell or otherwise dispose of the land, buildings and equipment acquired or set apart for the purposes of that school.

(4) The Minister may appoint such officers and employees (in addition to the officers of the Department and of the teaching service) as he considers necessary for the proper administration of this Act or for the welfare of the students of any school.

(5) The Minister may establish such institutions and make such other provision as he considers necessary or expedient for the proper education and training of teachers.

(6) The Minister may, subject to this Act, establish and maintain such residences for the accommodation of teachers or students as he considers necessary or desirable for the purposes of this Act.

(7) The Minister may, subject to and in accordance with the Land Acquisition Act, 1969<sup>1</sup>, acquire land for the purposes of this Act.

(8) The Minister may, in such manner and to such extent as he thinks fit, provide or arrange for the transport of children to and from any school and may pay the whole or any portion of the cost of transporting any children to and from any school.

(9) The Minister may establish any school, college or centre for the purpose of providing technical education or any other kind of education that he considers desirable in the public interest.

Advisory  
committees.

**10.** (1) The Minister may appoint such advisory committees as he considers necessary to investigate, and advise him upon, any matters affecting the administration of this Act, or the provision of proper primary and secondary education in this State.

(2) An advisory committee constituted under this section shall consist of such members as the Minister thinks fit to appoint to the committee.

(3) A member of an advisory committee shall hold office at the pleasure of the Minister.

(4) Subject to any direction of the Minister, the procedure of an advisory committee shall be determined by the committee.

(5) The Minister may pay to the members of an advisory committee such allowances and expenses as may be prescribed.

DIVISION II

DIVISION II—THE DEPARTMENT

Continuance of  
the Department.

**11.** (1) The Department, established under the Public Service Act, entitled the "Education Department", shall continue in existence.

(2) There shall be a Director-General of Education who shall be the Permanent Head of the Department.

(3) There shall be such Deputy Directors-General of Education as may be necessary or expedient for the purposes of this Act.

<sup>1</sup> Now Land Acquisition Act, 1969-1972.

(4) There shall be such other officers of the Department as may be necessary or expedient for the proper administration of this Act.

12. The Director-General shall be responsible to the Minister—

Duties of the  
Director-  
General.

(a) for maintaining a proper standard of efficiency and competency in the teaching service;

and

(b) shall have such other powers and perform such other duties as are invested in, or imposed upon him under this Act, or as he may be directed to exercise or perform by the Minister.

13. (1) The Director-General may, with the consent of the Minister, delegate, by instrument in writing, any of his powers or functions to any other officer of the Department or any officer of the teaching service.

Delegation, etc.

(2) Any such delegation shall be revocable at will and shall not prevent the exercise of any power by the Director-General himself.

(3) Where the Director-General is absent from the duties of his office for any reason, a Deputy Director-General shall act in the office of the Director-General and shall exercise and perform the powers, duties, functions and obligations of the Director-General.

14. (1) The Director-General shall in each year make a report on the administration of the Department up to the thirty-first day of December of the year last preceding the date of the report.

Report.

(2) The Minister shall cause a copy of the report to be laid before each House of Parliament as soon as practicable after he receives the report.

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### PART III

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### PART III

#### THE TEACHING SERVICE

##### DIVISION I—APPOINTMENT TO THE TEACHING SERVICE

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##### DIVISION I

15. (1) Subject to this Act, the Minister may appoint such teachers to be officers of the teaching service as he thinks fit.

Appointment,  
etc., to offices  
in the teaching  
service.

(2) An officer may be so appointed on a permanent or temporary basis.

(3) The first appointment of an officer to the teaching service may be made upon probation.

(4) The probation shall be for such period not exceeding two years as may be determined by the Minister.

(5) No officer appointed on a permanent basis (other than an officer appointed on probation) shall be dismissed or retired from the teaching service except in accordance with the provisions of this Act.

(6) An officer appointed on a temporary basis or appointed on probation shall hold office at the pleasure of the Minister.

##### DIVISION II—RETRENCHMENT AND RETIREMENT OF OFFICERS

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##### DIVISION II

16. (1) Where the Minister is satisfied that—

Retrenchment  
of officers of the  
teaching  
service.

(a) the volume of work in any section of the teaching service has diminished;

(b) in consequence a reduction in staff of the teaching service has become necessary in the interest of economy;

and

(c) an officer should be retrenched for that purpose,

the Minister may, by a written determination under his hand, retrench that officer as from a date specified in the determination.

(2) An officer who is retrenched under the provisions of this section shall be entitled to receive—

(a) at least twelve weeks' notice in writing prior to the date of retrenchment;

or

(b) where the notice is less than twelve weeks, a sum equal to his salary for the period by which the notice falls short of twelve weeks.

(3) An officer may, within fourteen days after he receives notice of a determination under this section, appeal against the determination to the Appeal Board.

(4) The Appeal Board may, upon the hearing of an appeal under this section revoke the determination, or, where the determination has taken effect, order that the officer be re-instated in the teaching service.

Incapacity of  
members of the  
teaching  
service.

17. (1) Where in the opinion of the Director-General, an officer is, by reason of invalidity or physical or mental incapacity, unable to perform the duties of his office and the incapacity is of a permanent nature, the Director-General—

(a) may, by a written determination under his hand, transfer that officer to an office or position of reduced status and alter the classification of the officer accordingly;

or

(b) may recommend to the Minister that that officer be retired from the teaching service.

(2) The Minister, on receiving a recommendation under subsection (1) of this section, may, in accordance with that recommendation, retire the officer from the teaching service.

(3) An officer may within fourteen days after he receives notice of a determination under this section, or of a decision made by the Minister to retire him in accordance with a recommendation under this section, appeal to the Appeal Board against the determination or decision.

(4) The Appeal Board may, upon the hearing of an appeal under this section, revoke the determination or decision, and, where effect has been given to the determination or decision, order that the officer be re-instated as if no determination or decision had been made.

DIVISION III

**DIVISION III—LONG SERVICE LEAVE**

Interpretation.

18. (1) Subject to this section, in this Division—

“service” means full-time service in the teaching service.

(2) In the event of a question as to whether service constitutes full-time service in the teaching service for the purposes of this section, the Minister

may determine the question in such manner as he considers just, and his determination shall be final.

(3) The Minister may determine that for the purposes of this Division part-time service in the teaching service in circumstances defined in the determination—

(a) shall not interrupt the continuity of full-time service;

and

(b) shall count as service for the purposes of this Division to an extent specified in the determination,

and the determination shall have effect according to its terms.

19. (1) An officer shall be entitled to long service leave in accordance with this section.

Long service  
leave.

(2) The long service leave to which an officer is entitled shall be as follows:—

(a) in respect of the first ten years of continuous service, ninety days leave on full pay or one hundred and eighty days leave on half pay;

and

(b) in respect of each complete year of continuous service thereafter, nine days' leave on full pay or eighteen days' leave on half pay.

(3) For the purposes of this Division—

(a) the service of an officer who, before becoming a teacher took with the approval of the Minister a prescribed course of teacher education, shall be computed from the date the approved course commenced;

and

(b) where the employment of the officer under this Act is continuous with his employment under the repealed Act, the previous period of service shall be taken into account.

(4) Every day occurring after the commencement of leave granted under this Division shall count as a day of that leave.

(5) Subject to this Act the continuity of service of an officer shall not be regarded as broken by leave of absence and—

(a) leave of absence in respect of which an officer is paid a full salary shall count as service for the purposes of this Division;

and

(b) the Minister may determine to what extent (if any) leave of absence taken without salary or at a reduced salary shall be counted as service for the purposes of this Division and any such determination shall have effect according to its terms.

(6) Any long service leave to which an officer is entitled under this Division shall be taken by that person at such time and in such periods, as may, in the opinion of the Director-General, be convenient to the Department.

(7) For the purposes of this Division where an officer commences duty at the opening of a school year, his service shall be considered to commence on the first day of February in that year.

(8) Subject to this Act, where the employment of an officer who is entitled to long service leave under this Division is terminated for any cause before the officer has been granted that leave, the officer shall be entitled to the salary that he would have received if he had taken that leave.

(9) The Minister may apply any amount to which an officer is entitled under subsection (8) of this section in satisfaction of any claim that the Government of the State may have against that officer.

*Pro rata long  
service leave.*

**20.** Where an officer who has had not less than five years' continuous service as such—

(a) is retrenched or retired under Division II of this Part;

(b) retires under Division IV of this Part;

or

(c) being a female—

(i) resigns on account of pregnancy or resigns and is pregnant at the time her resignation takes effect;

(ii) resigns while on accouchement leave;

or

(iii) resigns for the purpose of undertaking the care of an adopted child under the age of two years,

before the officer is entitled to take leave under this Division, the Minister may authorize payment to that officer of salary for nine consecutive calendar days for each year of continuous service before the retrenchment, retirement or resignation.

*Payment for  
long service  
leave on death.*

**21.** (1) Where an officer who has had not less than five years' continuous service as such dies before he is entitled to leave under this Division, the Minister may pay to the dependants or personal representative of the officer the monetary equivalent of the officer's salary for nine consecutive calendar days for each continuous year of service of that officer prior to his death.

(2) Where an officer who is entitled to leave under this Division dies without having taken all the leave to which he is entitled, the Minister shall pay to the dependants or personal representative of the officer the monetary equivalent of the salary that he would have received in respect of the leave if he had been granted that leave on the day he died.

(3) Any question under this section as to—

(a) whether an officer had any dependants and the identity of the dependants;

or

(b) to which dependants any monetary amount should be paid under this section,

shall be determined by the Minister as he considers proper.

(4) In this section "dependants" means persons who are wholly or in part dependent upon the earnings of the officer at the time of his death.

(5) No action shall lie against the Minister in respect of a payment of, or failure to pay, moneys under this section.

*Interruption of  
service.*

**22.** (1) Where a person retires or retired from employment under this Act or the repealed Act on the ground of invalidity and is subsequently employed

as an officer, his service before retirement and service after re-employment shall, for the purposes of this Division (except to the extent to which he has received long service leave or payment in lieu thereof in respect of any such period of service) be taken into account as though that service were continuous.

(2) Where either before or after the commencement of this Act the service of a person employed under this Act, or the repealed Act was interrupted otherwise than by resignation or dismissal for misconduct, and he is subsequently appointed as an officer of the teaching service within two years after the date of that interruption, his service before the interruption and his service after the interruption shall, for the purposes of this Division (except to the extent to which he has received long service leave or payment in lieu thereof in respect of any such period of service) be taken into account as though the service were continuous.

(3) Where either before or after the commencement of this Act the service of an officer was interrupted otherwise than by resignation or dismissal for misconduct for a period exceeding two years, the Minister may grant a certificate under this section.

(4) Where the Minister grants a certificate under subsection (3) of this section the service of the officer shall be regarded as continuous notwithstanding the interruption, but the period of the interruption shall not be taken into account in determining the period of the officer's service.

23. (1) If an officer is transferred to any other employment in the Government of the State, and his service in that employment is continuous with his service as an officer his service as an officer shall be taken into account for the purpose of computing long service leave to which he may be entitled in respect of that other employment.

Transfer of  
teachers to  
other  
Government  
employment.

(2) This section does not apply to service in respect of which long service leave has been granted, or a payment in lieu of long service leave has been made, to the officer under this Act.

24. (1) Where a person who has previously been in prescribed employment is appointed as an officer under this Act, and his service in the prescribed employment is continuous with his service as an officer the long service leave to which he shall be entitled under this Act shall be determined on the basis that his service in the prescribed employment is service in the teaching service.

Rights of  
persons  
transferred to  
the teaching  
service.

(2) In this section "prescribed employment" means—

- (a) employment in the Public Service of the Commonwealth;
- (b) employment in the Public Service in this State;
- (c) employment by the Government of the State otherwise than as an officer of the Public Service;
- (d) employment in the Public Service in any other State or Territory of the Commonwealth;
- (e) employment by a University or College of Advanced Education established in this State;
- and
- (f) any other employment approved by the Minister.

(3) This section does not apply to service in respect of which long service leave has been granted, or a payment in lieu of long service leave has been made.

## PART III

DIVISION III

(4) For the purposes of this section continuity of service is not interrupted by an interval, not exceeding six weeks, between the time that service in the prescribed employment terminated and the time the officer took up his employment as such.

(5) Where there is an interval of more than six weeks between the conclusion of service in the prescribed employment and the commencement of service in the teaching service the Minister may, if he thinks special reasons exist for so doing, declare that that interval shall not disrupt the continuity of service and the declaration shall have effect according to its terms.

DIVISION IV

## DIVISION IV—RETIRING AGE

Retiring age.  
Subsec. (1)  
amended by 26,  
1974, s. 3 (a).

**25.** (1) An officer may retire on the last day of the school year in which he reaches the age of fifty-five years, or on the last day of any subsequent school year but he must retire not later than the last day of the school year in which he reaches the age of sixty-five years.

(2) For the purposes of this section a school year is the period of twelve months that commences on the first day of February in any year and ends on the thirty-first of January in the next year.

Subsec. (3)  
struck out by 26,  
1974, s. 3 (b).

\* \* \* \* \*

Subsec. (4)  
struck out by 26,  
1974, s. 3 (b).

\* \* \* \* \*

DIVISION V

## DIVISION V—DISCIPLINE

Disciplinary  
action.

**26.** (1) If an officer—

(a) contravenes or fails to comply with any provision of this Act;

(b) contravenes or fails to comply with any lawful direction given to him under this Act;

(c) is negligent, inefficient or incompetent in the discharge of his duties;

(d) is absent from duty without proper cause;

or

(e) is guilty of any disgraceful or improper conduct,

there shall be sufficient cause for disciplinary action against that officer.

(2) Where the Director-General finds that there is sufficient cause for disciplinary action under this section—

(a) he may, by written determination under his hand—

(i) reprimand the officer;

(ii) impose a fine not exceeding fifty dollars on the officer;

or

(iii) reduce the classification of the officer;

or

(b) he may recommend to the Minister that the officer be dismissed from the teaching service.

(3) The Minister may, upon receipt of a recommendation under subsection (2) of this section, dismiss the officer from the teaching service.

(4) An officer may, within fourteen days after he receives notice of a determination under this section, or a decision made by the Minister to dismiss him under this section, appeal to the Appeal Board against the determination or decision.

(5) The Appeal Board may, upon the hearing of an appeal under this section, vary or revoke the determination or decision subject to appeal, and if the determination or decision has taken effect, order that the officer be reinstated in the teaching service as if no such determination or decision had been made.

(6) Any fine imposed on an officer under this section may be deducted from the salary or other remuneration payable to that officer.

27. (1) Where, in the opinion of the Director-General, the nature or circumstances of any matter alleged against an officer are such that the officer should not continue in the performance of his duties, the Director-General may suspend the officer. Suspension.

(2) A suspension under subsection (1) of this section may be made whether or not the officer has been charged with an offence.

(3) Unless the Minister otherwise directs, a person suspended under this section shall be entitled to his salary in respect of the period of suspension.

(4) Where a direction has been given under subsection (3) of this section, and the guilt of the suspended officer of the matter alleged against him is not established by due process of law he shall be entitled to receive the salary to which he would have been entitled if there had been no direction under subsection (3) of this section.

#### DIVISION VI—CLASSIFICATION OF OFFICERS

#### DIVISION VI

28. (1) The Director-General shall assign a classification to every officer of the teaching service. Assignment of classification to officers.

(2) Before a classification is assigned to an officer under this section, the Director-General shall consider the recommendation of the Classification Board as to the classification that should be so assigned.

29. (1) An officer who considers that the classification assigned to him is not appropriate in view of the duties entailed by his office, or for any other reason, may apply to the Classification Board for a review of his classification. Power to apply for re-classification of office.

(2) The Board shall consider any such application and may recommend to the Director-General that the classification of the officer be altered in accordance with the recommendation of the Board, or that no alteration be made in the classification.

(3) Where an officer is aggrieved by a decision of the Classification Board under this section, or by a decision of the Director-General not to implement a recommendation of the Classification Board, he may appeal to the Appeal Board against that decision.

(4) The Appeal Board shall, upon the hearing of an appeal under this section, review the classification of the officer and may order such alteration to the classification in question as it considers just.

30. (1) There shall be a board entitled the "Teachers Classification Board". The Teachers Classification Board.



(2) The Classification Board shall consist of the following members:—

(a) a chairman appointed by the Governor on the nomination of the Minister;

(b) two other persons appointed by the Governor on the nomination of the Minister;

and

(c) two persons appointed by the Governor on the nomination of the Institute of Teachers made after holding elections in accordance with the regulations.

(3) The functions of the Classification Board are—

(a) to make recommendations to the Director-General upon the classification of officers under this Part;

and

(b) to perform such other duties as may be assigned to the Board by the Director-General.

Terms and conditions on which members of the Board hold office.

31. (1) Subject to this Act, a member of the Classification Board shall be appointed for such term of office, not exceeding three years as the Governor may determine and specifies in the instrument of his appointment, and, upon the expiration of his term of appointment, shall be eligible for re-appointment.

(2) The Governor—

(a) may appoint a suitable person to be a temporary member of the Board for a period not exceeding six months and any such temporary member shall be entitled to act as a member of the Board where there is a vacancy in its membership or where a member of the Board is unable, or fails, for any reason, to act in his capacity as such;

and

(b) may appoint a suitable person to be a deputy of a member of the Board, and any person so appointed shall be entitled to act as a member of the Board where the member of the Board of whom he has been appointed a deputy is unable, or fails, for any reason, to act in his capacity as such.

(3) The Governor may remove a member of the Classification Board from office for—

(a) mental or physical incapacity;

(b) neglect of duty;

(c) dishonourable conduct;

or

(d) any other cause considered sufficient by the Governor.

(4) The office of a member of the Classification Board shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

- (d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Classification Board becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member of the Board becomes vacant before the expiration of the term of office for which he was appointed, a person appointed in his place shall hold office only for the balance of the term of his predecessor.

32. (1) Three members of the Classification Board shall constitute a quorum of the Board, and no business shall be transacted at a meeting unless a quorum is present. Quorum, etc.

(2) A decision carried by a majority of the votes cast by the members present at a meeting of the Classification Board shall be a decision of the Board.

(3) The chairman shall preside at any meeting of the Classification Board at which he is present.

(4) In the absence of the chairman from a meeting of the Classification Board, the members present shall elect one of their number to preside at that meeting.

(5) Each member present at a meeting of the Classification Board shall be entitled to one vote on any matter arising for the decision of the Board and the person presiding at the meeting shall, in the event of an equality of votes on any matter have a second or casting vote.

(6) Subject to this Act, the business of the Classification Board shall be conducted in such manner as the Board may determine.

33. A member of the Classification Board shall be entitled to receive such allowances and expenses as may be determined by the Governor. Allowances and expenses.

#### DIVISION VII—THE TEACHERS SALARIES BOARD

#### DIVISION VII

34. (1) There shall be a board entitled the "Teachers Salaries Board".

Establishment  
of the Board.

(2) The Board shall consist of the following members:—

(a) the chairman, who shall be a judge of the Industrial Court, or a special magistrate, appointed by the Governor on the nomination of the Minister;

(b) a person appointed by the Governor on the nomination of the Minister;

and

(c) a person nominated by the Institute of Teachers after holding elections in accordance with the regulations.

35. (1) Subject to this Act, a member of the Salaries Board shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment, and, upon the expiration of his term of office, shall be eligible for re-appointment. Terms and conditions on which members of the Board hold office.

(2) The Governor—

(a) may appoint a suitable person to be a temporary member of the Board for a period not exceeding six months and any such temporary member shall be entitled to act as a member of the

Board where there is a vacancy in its membership or where a member of the Board is unable, or fails, for any reason, to act in his capacity as such;

and

- (b) may appoint a suitable person to be a deputy of a member of the Board, and any person so appointed shall be entitled to act as a member of the Board where the member of the Board of whom he has been appointed a deputy is unable, or fails, for any reason, to act in his capacity as such.

(3) The Governor may remove a member of the Salaries Board from office for—

- (a) mental or physical incapacity;  
(b) neglect of duty;  
(c) dishonourable conduct;

or

- (d) any other cause considered sufficient by the Governor.

(4) The office of a member of the Salaries Board shall become vacant if—

- (a) he dies;  
(b) his term of office expires;  
(c) he resigns by written notice addressed to the Minister;

or

- (d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Salaries Board becoming vacant, a person shall be appointed in accordance with this Act to the vacant office, but where the office of a member of the Board becomes vacant before the expiration of the term of office for which he was appointed, a person appointed in his place shall hold office only for the balance of the term of his predecessor.

(6) A member of the Salaries Board shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Decision of  
Salaries Board.

36. A decision in which any two members of the Salaries Board concur shall be a decision of the Salaries Board.

Jurisdiction of  
the Board.

37. The Board shall have jurisdiction to make awards—

- (a) fixing the maximum and minimum salary or other remuneration payable to any officer of the teaching service, and the annual or periodical increments of salary or remuneration (if any) that should be applicable to that officer;  
(b) fixing the amount of any special payment or allowance to be made in respect of any circumstances connected with any office or position in the teaching service;  
(c) declaring that where a person holds a specified qualification, or has fulfilled a specified condition, he shall be entitled to receive salary, allowances or other remuneration at specified rates;

(d) varying or adding to any award previously made by the Board or rescinding any such award and making a new award in lieu thereof;

and

(e) determining any incidental matter.

38. (1) The Salaries Board may, of its own motion, or upon application by the Minister, or by the Institute of Teachers, make an award under this Division.

Institution of proceedings.

(2) The Board shall give the Minister, and the Institute of Teachers, reasonable notice of its sittings to enable the Minister or the Institute to make representations upon any matter subject to proceedings before the Board.

(3) For the purposes of this section notice may be given by instrument published in the *Gazette* setting forth the intended time and place of the hearing and of the nature of the proceedings to be considered by the Board.

(4) If reasonable notice is not given and the Minister and the Institute of Teachers agree to waive the requirement of notice, the Board may, if satisfied that no prejudice is likely to result to any other person who may be entitled to be joined as a party to the proceedings or to be heard in relation to the proceedings, proceed forthwith to hear and determine the proceedings.

39. (1) Where an award has been made by the Salaries Board, the Board shall cause a copy of the award to be sent to the Minister, and the Institute of Teachers, and to be published in the *Gazette*.

Procedure of the Board.

(2) An award shall come into force upon the expiration of fourteen days after publication in the *Gazette*, and shall remain in force, subject to any variations thereof, until the date specified therein for its expiration, or, if no date is so specified, until rescinded by the Board.

(3) An award may, if the Board is satisfied that it is proper that the award should so provide, declare that any salary or payment fixed by the award shall be payable as from a specified date prior to the date of publication of the award in the *Gazette*.

(4) No date shall be fixed under subsection (3) of this section earlier than the date on which the proceedings were instituted before the Board unless there are special circumstances for fixing an earlier date.

40. In the exercise of its powers the Board may—

Powers of Board.

- (a) make an interim award to have effect until the final determination proceedings before the Board;
- (b) appoint in an award a Board of Reference consisting of one or more members to deal with any matters prescribed by the award;
- (c) allow the amendment of any relevant application, notice or document, or correct, amend or waive any defect, error or irregularity of substance or form in the proceedings;
- (d) give any direction that may be necessary or expedient for the purpose of ensuring that the matter before the Board is disposed of with due expedition;
- (e) dismiss any matter or refrain from further hearing of a matter if it is trivial, or if to proceed with it is not in the public interest;
- (f) sit in any place for the hearing and determination of any matter;

- (g) adjourn the hearing from time to time and place to place;
- (h) direct that specified parties be joined to the proceedings;
- (i) correct in a summary manner any error appearing in an award;
- (j) declare how an award is to be interpreted, or declare the application or effect of an award in particular circumstances;
- and
- (k) exercise any other powers that may be necessary or expedient for the just determination of the proceedings.

Powers of the  
Board.

**41.** (1) In the exercise of its powers and functions under this Act, or under any other Act that confers jurisdiction on the Salaries Board, the Board may—

- (a) by summons signed on behalf of the Board by a member of the Board, require the attendance before the Board of any person;
- (b) by summons signed on behalf of the Board by a member of the Board, require the production of any books, papers or documents;
- (c) inspect any books, papers or documents produced before it, and retain them for such reasonable period as it thinks fit, and make copies of any of them or of any of their contents;
- (d) require any person to make an oath or affirmation that he will truly answer all questions put to him by the Board relating to any matter being inquired into by the Board (which oath or affirmation may be administered by any member of the Board);

or

- (e) require any person appearing before the Board to answer any relevant question put to him by any member of the Board, or by any other person appearing before the Board.

(2) Subject to subsection (3) of this section, if any person—

- (a) who has been served with a summons to attend before the Board fails without reasonable excuse (proof of which shall lie upon him) to attend in obedience to the summons;
- (b) who has been served with a summons to produce any books, papers or documents, fails without reasonable excuse (proof of which shall lie upon him) to comply with the summons;
- (c) misbehaves himself before the Board, wilfully insults the Board or any member thereof, or interrupts the proceedings of the Board;

or

- (d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the Board,

he shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(3) A person shall not be obliged to answer a question put to him under this section if the answer to that question would tend to incriminate him, or to produce any books, papers or documents if their contents would tend to incriminate him.

Representative.

**42.** Any person entitled to appear before the Salaries Board may appear personally or by counsel or other representative.

43. In any proceedings under this Division, the Board shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms, and it shall not be bound by any rules of evidence, but may inform itself on any matter in such manner as it thinks fit.

Board not bound by the rules of evidence.

44. (1) An award duly made under this Division shall be binding on the Minister and all other persons to whom it applies.

Effect of an award.

(2) In the event of any inconsistency between an award of the Board, and an award of the Industrial Commission of South Australia, the award of the Industrial Commission of South Australia shall prevail to the extent of the inconsistency.

#### DIVISION VIII—THE TEACHERS APPEAL BOARD

#### DIVISION VIII

45. (1) There shall be a board entitled the "Teachers Appeal Board".

The Appeal Board.

(2) The following shall be members of the Appeal Board:—

(a) a chairman who shall be a person holding judicial office under the Local and District Criminal Courts Act<sup>1</sup> or a special magistrate appointed by the Governor on the nomination of the Minister;

(b) the members of a panel of officers of the Department appointed by the Governor on the nomination of the Minister;

and

(c) the members of a panel of officers of the teaching service appointed by the Governor on the nomination of the Institute of Teachers made after elections have been held in accordance with the regulations.

(3) For the purpose of hearing and determining any particular appeal the Appeal Board shall be constituted of:—

(a) the chairman;

(b) a member of the panel appointed under paragraph (b) of subsection (1) of this section (or a temporary member of the Board) selected by the Director-General;

and

(c) a member of the panel appointed under paragraph (c) of subsection (1) of this section (or a temporary member of the Board) selected by the appellant or appellants or where there are two or more appellants and they fail to agree on the selection of the member, a member of that panel selected by the chairman.

46. (1) Subject to this Act, a member of the Appeal Board shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment, and, upon the expiration of his term of office, he shall be eligible for re-appointment.

Terms and conditions upon which members of the Board shall hold office.

(2) The Governor may appoint a suitable person to be a temporary member of the Board for any period not exceeding six months and any such temporary member shall be entitled to act as a member of the Board where there is a vacancy in its membership, or where a member of the Board is unable, or fails, for any reason, to act in his capacity as such.

<sup>1</sup> Probably a reference to the Local and District Criminal Courts Act, 1926-1972, (Now Local and District Criminal Courts Act, 1926-1975).

(3) The Governor may remove a member of the Appeal Board from office for—

- (a) mental or physical incapacity;
- (b) neglect of duty;
- (c) dishonourable conduct;

or

- (d) any other cause considered sufficient by the Governor.
- (4) The office of a member of the Appeal Board shall become vacant if—
- (a) he dies;
  - (b) his term of office expires;
  - (c) he resigns by written notice addressed to the Minister;
- or
- (d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Appeal Board becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Board becomes vacant before the expiration of the term for which he was appointed, a person appointed in his place shall be appointed only for the balance of the term of his predecessor.

Allowances,  
etc., of  
members.

**47.** A member of the Appeal Board shall be entitled to receive such allowances and expenses as may be determined by the Governor.

Decision of  
Appeal Board.

**48.** A decision in which two members of the Appeal Board concur shall be a decision of the Appeal Board.

Jurisdiction of  
Appeal Board.

**49.** The Appeal Board shall exercise such jurisdiction as is conferred on the Board under this Act.

Powers of the  
Board.

**50.** (1) In the exercise of its powers and functions under this Act, or under any other Act that confers jurisdiction on the Board, the Board may—

- (a) by summons signed on behalf of the Board by a member of the Board, require the attendance before the Board of any person;
- (b) by summons signed on behalf of the Board by a member of the Board require the production of any books, papers or documents;
- (c) inspect any books, papers or documents produced before the Board, and retain them for such reasonable period as it thinks fit, and make copies of any of them, or of any of their contents;
- (d) require any person to make an oath or affirmation that he will truly answer all questions put to him by the Board relating to any matter being inquired into by the Board (which oath or affirmation may be administered by any member of the Board);

or

- (e) require any person appearing before the Board (including any person whose conduct is subject to inquiry by the Board) to answer any relevant questions put to him by any member of the Board, or by any other person appearing before the Board.

(2) Subject to subsection (3) of this section, if any person—

- (a) who has been served with a summons to attend before the Board fails without reasonable excuse (proof of which shall lie on him) to attend in obedience to the summons;
- (b) who has been served with a summons to produce any books, papers or documents, fails without reasonable excuse (proof of which shall lie on him) to comply with the summons;
- (c) misbehaves himself before the Board, wilfully insults the Board or any member thereof, or interrupts the proceedings of the Board;

or

- (d) refuses to be sworn or to affirm, or to answer any relevant question, when required to do so by the Board,

he shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(3) A person shall not be obliged to answer a question put to him under this section if the answer to that question would tend to incriminate him, or to produce any books, papers or documents if their contents would tend to incriminate him.

(4) In the course of any proceedings, the Board may—

- (a) receive in evidence any transcript of evidence in proceedings before a court and draw any conclusions of fact therefrom that it considers proper;

or

- (b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court that may be relevant to the proceedings.

51. Any person entitled to appear before the Appeal Board may appear personally or by counsel or other representative. Representative.

52. In any proceedings under this Division, the Board shall act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms, and it shall not be bound by any rules of evidence but may inform itself in such manner as it thinks fit. Board not to be bound by the rules of evidence.

53. (1) A person shall not be appointed to a position to which this section applies except in accordance with this section. Appeals against recommendations.

(2) This section applies to a position in a Government school established for the purposes of providing primary or secondary education that is to be filled otherwise than in accordance with a promotion list compiled under the regulations.

(3) Applications for a position to which this section applies shall be submitted in accordance with the regulations either— Subsec. (3) substituted by 97, 1974, s. 2 (a).

- (a) to the Director-General;

or

- (b) to a committee established by the Minister and consisting of members appointed by the Minister with the agreement of the Institute



## DIVISION VIII

of Teachers (one or more of whom must be nominees of the Institute),

and the Director-General or the committee may provisionally recommend to the Minister that an applicant be appointed to the vacant position.

(4) Notice of the provisional recommendation shall be given to every officer who applied for the position.

Subsec. (5)  
amended by 97,  
1974, s. 2 (b).

(5) Subject to subsection (6) of this section, any such officer may appeal to the Appeal Board against the provisional recommendation.

Subsec. (6)  
substituted by  
97, 1974,  
s. 2 (c).

(6) There shall be no appeal against a provisional recommendation made by the committee established under this section, but if any such provisional recommendation is that an officer be appointed to the vacant position, and the Minister, acting upon the recommendation of the Director-General, declines to make an appointment in accordance with the provisional recommendation, the officer, in whose favour the provisional recommendation was made, may appeal to the Appeal Board against the recommendation of the Director-General.

Subsec. (7)  
inserted by 97,  
1974, s. 2 (c).

(7) The Appeal Board shall, after consideration of an appeal under this section—

(a) in the case of an appeal against a provisional recommendation under subsection (5) of this section—

(i) confirm the provisional recommendation made by the Director-General;

or

(ii) quash the provisional recommendation and direct the Minister to appoint the appellant to the vacant position;

or

(b) in the case of an appeal against a recommendation of the Director-General under subsection (6) of this section—

(i) confirm the recommendation of the Director-General;

or

(ii) quash the recommendation of the Director-General and direct the Minister to appoint the appellant to the vacant position.

Additional  
rights of appeal.

54. (1) In addition to the rights of appeal otherwise conferred on an officer by or under this Act, an officer may appeal to the Appeal Board—

(a) against his exclusion from, or position upon, any promotion list declared by regulation to be a promotion list to which this section applies;

or

(b) against any administrative action or decision affecting the officer in relation to which a right of appeal is conferred by the regulations.

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

## PART IV

## PART IV

## REGISTRATION OF TEACHERS

## DIVISION I—CONSTITUTION OF THE TEACHERS REGISTRATION BOARD

## DIVISION I

55. (1) There shall be a Board entitled the "Teachers Registration Board".

Constitution of  
Teachers  
Registration  
Board.

(2) The Board shall consist of the following members:—

- (a) a chairman appointed by the Governor on the nomination of the Minister;
- (b) two persons appointed by the Governor on the nomination of the Director-General;
- (c) two persons appointed by the Governor on the nomination of the Institute of Teachers made after holding an election in accordance with the regulations;
- (d) one person appointed by the Governor on the nomination of the Association of Independent Schools in South Australia (which nomination shall be made after an election has been held in accordance with the regulations);
- (e) one person appointed by the Governor on the nomination of the Director of Catholic Education in this State;

and

- (f) one member appointed by the Governor on the nomination of the South Australian Board of Advanced Education who is a member of the academic staff of an institution in which courses of instruction at a tertiary level are provided for the education or training of those who desire to be trained as teachers.

56. (1) Subject to this Act, a member of the Board shall be appointed for such term of office, not exceeding three years, as the Governor may determine and specifies in the instrument of his appointment and, upon the expiration of this term of office, he shall be eligible for re-appointment.

Terms and  
conditions upon  
which the  
members of the  
Board shall hold  
office.

(2) The Governor—

- (a) may appoint a suitable person to be a temporary member of the Board for a period not exceeding six months and any such temporary member shall be entitled to act as a member of the Board where there is a vacancy in its membership or where a member of the Board is unable, or fails, for any reason, to act in his capacity as such;

and

- (b) may appoint a suitable person to be a deputy of a member of the Board, and any person so appointed shall be entitled to act as a member of the Board where the member of the Board of whom he has been appointed a deputy is unable, or fails, for any reason, to act in his capacity as such.

(3) The Governor may remove a member of the Board from office for—

- (a) mental or physical incapacity;
- (b) neglect of duty;

(c) dishonourable conduct;

or

(d) any other cause considered sufficient by the Governor.

(4) The office of a member of the Board shall become vacant if—

(a) he dies;

(b) his term of office expires;

(c) he resigns by written notice addressed to the Minister;

or

(d) he is removed from office by the Governor pursuant to subsection (3) of this section.

(5) Upon the office of a member of the Board becoming vacant, a person shall be appointed, in accordance with this Act, to the vacant office, but where the office of a member of the Board becomes vacant before the expiration of the term for which he was appointed, a person appointed to his place shall be appointed only for the balance of the term of his predecessor.

Quorum etc.

**57.** (1) Five members of the Board shall constitute a quorum of the Board, and no business shall be transacted at a meeting unless a quorum is present.

(2) A decision carried by a majority of the votes cast by the members present at a meeting of the Board shall be a decision of the Board.

(3) The chairman shall preside at any meeting of the Board at which he is present.

(4) In the absence of the chairman from a meeting of the Board, the members present shall elect one of their number to preside at that meeting.

(5) Each member of the Board shall be entitled to one vote on any matter arising for the decision of the Board, and, in the event of an equality of votes on any matter, the person presiding shall have a second, or casting, vote.

(6) Subject to this Act the business of the Board shall be conducted in such manner as the Board thinks fit.

Validity of acts of Board and immunity of its members.

**58.** (1) An act or proceeding of the Board shall not be invalid by reason only of a vacancy in its membership, and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding shall be as valid and effectual as if the member had been duly nominated or appointed.

(2) No liability shall attach to a member of the Board for any act or omission by him, or by the Board, in good faith, and in the exercise or purported exercise of his or its powers or functions, or in the discharge or purported discharge of his or its duties under this Act.

Allowances and expenses.

**59.** The members of the Board shall be entitled to receive such allowances and expenses as may be determined by the Governor.

## DIVISION II

## DIVISION II—REGISTRATION

Functions of the Board.

**60.** (1) The function of the Board is to establish, maintain and operate a system of registration of teachers with a view to safeguarding the public interest in primary and secondary education by ensuring that it is undertaken only by competent persons.

(2) In the exercise of its powers under this Act, the Board shall confer and collaborate with the South Australian Board of Advanced Education and with institutions providing tertiary education in this State with a view to ensuring that the students who desire to be trained for the teaching profession receive the requisite education and training for registration under this Part.

(3) The Board shall collaborate, with authorities exercising similar functions in the other States of Australia and as far as practicable with authorities exercising similar functions elsewhere with a view to promoting uniformity in the standards and qualifications required for admission to the teaching profession.

61. (1) A person who proves to the satisfaction of the Board—

Qualifications  
for registration.

(a) that he is a fit and proper person to be registered under this Part;

and

(b) that—

(i) he holds prescribed qualifications and has had prescribed experience as a teacher;

(ii) he has obtained qualifications and has had experience as a teacher adequate in the opinion of the Board for the purpose of registration;

or

(iii) in the case of a person who applies for registration within two years after the commencement of this Part, that he has had satisfactory experience as a teacher over the period of two years immediately preceding the date of his application,

shall, upon payment of the prescribed fee, be registered as a teacher.

(2) The Board may provisionally register any applicant for registration notwithstanding that he does not have the qualifications and experience required for registration under subsection (1) of this section.

(3) Provisional registration shall, subject to this Part, be effective for such period not exceeding five years as may be determined by the Board.

(4) The Board may grant registration or provisional registration of a teacher subject to terms or conditions restricting the subjects that may be taught by the registered teacher and restricting him to providing instruction either at the level of primary education or at the level of secondary education.

62. (1) Where a person is registered, or provisionally registered, as a teacher under this Part the registration shall be effective until the thirty-first day of January last occurring before the expiration of three years from the grant of the registration.

Renewal of  
registration.

(2) Where a registered teacher has applied in the prescribed manner for an extension of the period of his registration, and has paid the prescribed fee, an extension or further extension of the period of registration for a period of three years expiring on the thirty-first day of January shall, subject to subsection (3) of this section, be granted by the Board.

(3) No extension of a period of provisional registration shall be granted beyond the limits determined in relation to that provisional registration by the Board.

## PART IV

## DIVISION III

## DIVISION III—OBLIGATION TO BE REGISTERED

Unregistered  
person not to  
hold certain  
appointments.

**63.** (1) After the expiration of two years from the commencement of this Part, no person shall, without the authority in writing of the Board—

(a) hold any office or position in a Government or a non-Government school in which he is required to administer or teach any course of instruction in primary or secondary education;

or

(b) provide or offer to provide for fee or reward instruction to any person seeking primary or secondary education,

unless that person is registered as a teacher.

Penalty: One hundred dollars.

(2) The Board may grant an authority under subsection (1) of this section:—

(a) in respect of any specified person;

(b) in respect of persons of a specified class;

or

(c) in respect of any person holding office in any specified school, or schools.

(3) A registered teacher shall not provide or offer to provide for fee or reward instruction that he is not entitled to provide in accordance with the terms and conditions upon which he is registered.

Penalty: One hundred dollars.

(4) The Minister may by instrument published in the *Gazette*, suspend the operation of this section to such extent as he may consider necessary or expedient in the public interest.

Offences.

**64.** (1) Any person who fraudulently obtains, or attempts to obtain, registration or a certificate of registration, as a teacher, under this Act shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for six months.

(2) Any person who fraudulently procures, or attempts to procure, for any other person registration, or a certificate of registration, as a teacher under this Act shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for six months.

(3) Any person who fraudulently impersonates, or represents himself as being, a person registered as a teacher under this Act, or lawfully entitled to be employed as a teacher when in fact he is not entitled to be so employed, shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars or imprisonment for six months.

(4) No person shall assume the title "registered teacher", either alone or in combination with any other word or words or letters, or any name, title or description implying that that person is a registered teacher, or is recognized by law as such, unless that person is registered as a teacher under this Part.

Penalty: Five hundred dollars.

## DIVISION IV

## DIVISION IV—CANCELLATION OF REGISTRATION

Grounds for  
cancellation.

**65.** (1) The Board may, upon the application of the Registrar, or of its own motion, inquire into the conduct of any registered teacher.

(2) If, after conducting an inquiry under subsection (1) of this section, the Board is satisfied that the registered teacher—

- (a) is guilty of gross incompetence;
- (b) is guilty of any disgraceful or improper conduct;
- or
- (c) is subject to a serious mental or physical incapacity by virtue of which he is unable properly to exercise and discharge the functions and duties of a registered teacher,

it may cancel the registration of that teacher.

66. (1) For the purposes of an inquiry under this Division, the Board may—

Powers of Board upon an inquiry.

- (a) by summons signed on behalf of the Board by a member of the Board, require the attendance before the Board of any person;
- (b) by summons signed on behalf of the Board by a member of the Board, require the production of any books, papers or documents;
- (c) inspect any books, papers or documents produced before the Board and retain them for such reasonable period as it thinks fit, and make copies of any of them or of any of their contents;
- (d) require any person to make an oath or affirmation that he will truly answer all questions put to him by the Board, or any person appearing before the Board (which oath or affirmation may be administered by any member of the Board);

or

- (e) require any person appearing before the Board, including a person whose conduct is subject to an inquiry (whether he has been summoned to appear or not) to answer any relevant questions put to him by any member of the Board, or by any person appearing before the Board.

(2) Subject to subsection (3) of this section, if any person—

- (a) who has been served with a summons to attend before the Board fails without reasonable excuse (proof of which shall lie upon him) to attend in obedience to the summons;
- (b) who has been served with a summons to produce any books, papers or documents fails without reasonable excuse (proof of which shall lie upon him) to comply with the summons;
- (c) misbehaves himself before the Board, wilfully insults the Board or any member thereof, or interrupts the proceedings of the Board;

or

- (d) refuses to be sworn or to affirm, or to answer any relevant question when required to do so by the Board,

he shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(3) A person shall not be obliged to answer any question put to him under this section if the answer to that question would tend to incriminate him, or to produce any books, papers or documents, if their contents would tend to incriminate him.

DIVISION IV

(4) In the course of any inquiry, the Board may—

(a) receive in evidence any transcript of evidence in proceedings before a court, and draw any conclusions of fact therefrom that it considers proper;

or

(b) adopt, as in its discretion it considers proper, any findings, decision or judgment of a court that may be relevant to the proceedings.

Notice of  
inquiry.

**67.** (1) The Board shall give to any person whose conduct is subject to an inquiry under this Part at least fourteen days' notice of the time and place at which it proposes to hold the inquiry, and shall afford that person a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses, and to make submissions to the Board.

(2) If the person to whom notice is given under subsection (1) of this section does not attend at the time and place fixed by the notice, the Board may proceed with the inquiry in his absence.

(3) A person whose conduct is subject to an inquiry under this Part may appear before the Board personally or by counsel or other representative.

DIVISION V

## DIVISION V—RIGHT OF APPEAL

Appeal.

**68.** (1) A right of appeal to a local court of full jurisdiction shall lie against any decision of the Board made in the exercise or purported exercise of any of its powers or functions under this Part.

(2) The appeal must be instituted within one month of the making of the decision or order appealed against, but the court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case—

(a) affirm, vary or quash the decision appealed against or substitute, or make in addition, any decision that should have been made in the first instance;

(b) remit the subject matter of the appeal to the Board for further hearing or consideration;

or

(c) make any order as to costs or as to any other matter, that the case may require.

DIVISION VI

## DIVISION VI—MISCELLANEOUS

Board to give  
reasons for its  
decision.

**69.** (1) The Board shall, if so required by any person against whom a decision has been made under this Part, state in writing the reasons for its decision.

(2) If the reasons of the Board are not given in writing at the time of making the decision, and the appellant then requests the Board to state its reasons in writing, the time for instituting an appeal under this Part against that decision shall run from the time the appellant receives a written statement of those reasons.

70. (1) There shall be a Registrar of the Board.

(2) The person appointed to the office of Registrar shall hold office subject to the Public Service Act<sup>1</sup>.

(3) The office of Registrar of the Board may be held in conjunction with any other office in the public service of the State.

(4) The Registrar shall perform such duties and functions as may be determined by the Board.

71. (1) The Registrar shall cause a register to be kept in which shall be entered the names of all teachers registered under this Part, and such other information as may be determined by the Board.

Register to be  
kept.

(2) The register shall be available for public inspection at such times and places as may be determined by the Board.

(3) The name of any registered teacher who dies, whose registration is not renewed, or whose registration is cancelled shall be removed from the register.

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## PART V

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## PART V

### NON-GOVERNMENT SCHOOLS

72. (1) The head teacher of a non-Government school shall keep such records in relation to the attendance of students at the school as may be prescribed or as the Minister may determine.

Records to be  
kept in non-  
Government  
schools.

(2) The head teacher of a non-Government school shall furnish the Minister with such returns in relation to the attendance of students at the school as may be prescribed, or as the Minister may require.

(3) The head teacher of a non-Government school who fails to comply with any provision of this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

73. (1) The Minister may at the request of the governing authority, or head teacher, of any non-Government school cause the school to be visited by an appropriate officer of the Department for the purpose of advising the governing authority or head teacher in relation to any matter connected with the administration of the school.

Inspection on  
request.

(2) The Minister may, at the request of the governing authority, or head teacher, of any non-Government school, cause the school to be visited by a medical or dental officer, health inspector or nurse, for the purpose of medical or dental examination of those who attend the school or for the purpose of advising the governing authority, or head teacher, of the school on any matter relating to the health or welfare of those who attend the school.

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<sup>1</sup> Probably a reference to the Public Service Act, 1967, as amended, (Now Public Service Act, 1967-1975).



## PART VI

## PART VI

## COMPULSORY ATTENDANCE AT SCHOOLS

Secondary  
school districts.

**74.** (1) The Minister may, by instrument in writing, establish such secondary school districts as he thinks fit.

(2) Every secondary school district shall be related to a school at which secondary education is provided.

Compulsory  
enrolment of  
children.

**75.** (1) A child of compulsory school age (other than a handicapped child) who is not resident within a school district must be enrolled at a primary school, or secondary school (according to the educational attainments of the child).

(2) A child of compulsory school age whose educational attainments are such that he should be enrolled at a secondary school, and who is resident within a secondary school district established under this Part, must except where otherwise determined by the Director-General be enrolled at the school for which the district is established, or at a non-Government school.

(3) A handicapped child must be enrolled at a school approved by the Director-General for the education of children subject to the same, or a similar, handicap.

(4) A child is enrolled at a school in accordance with this section if he is entitled, in accordance with the regulations, to be enrolled at a Correspondence School, and is so enrolled.

(5) If a child of compulsory school age is not enrolled as required by this section, each parent of the child shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(6) The obligation of a parent under this section is discharged where the parent has supplied the head teacher of the school with the name, date of birth, and place of residence of the child.

Compulsory  
attendance.

**76.** (1) A child is required to attend at the school for which he is enrolled on every day, and for such parts of every day, as instruction is provided at the school for the child.

(2) Subsection (1) of this section does not apply—

(a) in respect of a child enrolled in accordance with the regulations at a Correspondence School;

(b) in respect of a child exempted from attendance in accordance with the provisions of this Part;

or

(c) in respect of a child for whom a parent presents within a reasonable time a prescribed reason for the non-attendance of the child at the school.

(3) Where a child fails to attend school as required by subsection (1) of this section each parent of the child shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(4) It shall be a defence to a charge under subsection (3) of this section that the failure of the child to attend school did not result from any failure of the parent to exercise proper care and control of the child.

(5) This section does not apply in respect of a child exempted from attendance at school under this Part.

77. (1) The Minister may exempt any child from attendance at school during any period specified in the exemption.

Exemption by  
Minister.

(2) The Minister may, at any time, revoke an exemption granted under this section.

78. (1) No person (whether or not he is a parent of the child) shall employ a child of compulsory school age or cause or permit such a child to be employed—

Employment of  
children of  
compulsory  
school age.

(a) during the hours at which he is required to attend school;

or

(b) during any part of a day or night in any labour or occupation that is such as to render the child unfit to attend school as required by this Part, or to obtain the proper benefit from the instruction provided for him.

Penalty: Two hundred dollars.

(2) The Minister may grant an exemption from all or any of the provisions of this section in respect to a child if in his discretion he considers it appropriate to do so.

79. (1) A child of compulsory school age who habitually or frequently absents himself, without lawful excuse, from school when the school is open for instruction shall be an habitual truant.

Habitual  
truancy.

(2) In this section—

“lawful excuse” means any cause prescribed as a lawful excuse by regulation.

(3) An allegation of habitual truancy in respect of a child shall be dealt with in accordance with the Juvenile Courts Act<sup>1</sup>.

80. (1) The following persons shall be authorized officers for the purposes of this Part:—

Authorized  
officers.

(a) any member of the police force;

(b) any person authorized in writing by the Director-General of Community Welfare to exercise the powers of an authorized officer under this Act;

or

(c) any person authorized in writing by the Director-General to exercise the powers of an authorized officer under this Act.

(2) Where an authorized officer observes any child who appears to him to be a child of compulsory school age in any public place, he may accost the child and seek to obtain from the child his name and address for the purpose of ascertaining the cause of his non-attendance at school.

(3) An authorized officer may at any time in the day call at the dwelling house and request any person to furnish him with the following information—

(a) full names of all children of compulsory school age resident in the dwelling house;

and

<sup>1</sup> Probably a reference to the Juvenile Courts Act, 1971-1972, (Now Juvenile Courts Act, 1971-1975).

(b) the schools (if any) at which those children are enrolled pursuant to this Part.

(4) Any person who fails to comply with such a request, or who furnishes false information in response to any such request, shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

Evidentiary provision.

**81.** (1) An apparently genuine document purporting to be under the hand of the head teacher of a Government or non-Government school stating that any child named in the certificate did or did not attend that school on the occasion or occasions specified in the certificate shall, in any legal proceedings, be proof of the matters so stated in the absence of proof to the contrary.

(2) In any proceedings under this Act, an apparently genuine document purporting to be under the hand of an authorized officer and stating that—

(a) a specified person is a parent of a child named in the document;

(b) that the child named in the document is of, above, or below, a specified age;

(c) that at a specified time the child named in the document was or was not enrolled at a specified school;

(d) that a person named in the document is the head teacher of a specified school;

or

(e) that at a specified time instruction was provided for the child named in the document at the school specified in the document,

shall in the absence of proof to the contrary, be deemed to be proved.

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PART VII

PART VII

COURSES OF INSTRUCTION

Determination of courses of instruction.

**82.** (1) The Director-General shall be responsible for the curriculum in accordance with which instruction is provided in Government schools.

(2) For the purpose of assisting the Director-General to determine the curriculum in accordance with which instruction shall be so provided, the Minister may appoint an Advisory Curriculum Board for Primary Education, and an Advisory Curriculum Board for Secondary Education, and such other advisory committees as the Minister may determine on the recommendation of the Director-General.

(3) Each such board or committee shall consist of such officers of the Department and of the teaching service, and representatives of non-Government schools and other organizations as may be determined by the Minister on the recommendation of the Director-General.

(4) A member of a board or committee under this section shall hold office upon such terms and conditions as may be determined by the Minister.

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## PART VIII

## PART VIII

## SCHOOL COUNCILS

83. (1) The Minister may establish a council for any Government school, or schools. Establishment of school councils.

(2) The Minister may establish an interim council for any proposed Government school.

(3) A council shall consist of such members, not less than five in number, as may be prescribed.

(4) The members of a council shall hold office upon such terms and conditions as may be prescribed.

84. (1) A council shall—

Incorporation of councils.

(a) be a body corporate with perpetual succession and a common seal;

(b) be capable of holding and dealing with real and personal property;

(c) be capable of acquiring or incurring any other legal rights or obligations, and of suing and being sued;

and

(d) have such powers, authorities, duties and obligations as may be conferred, imposed or prescribed by or under this Act.

(2) A council shall not engage in any transaction involving the acquisition or disposal of real property unless the Minister has, by instrument in writing, consented to that transaction.

85. (1) Subject to this Act a council may, with the approval of the Minister, borrow money from any corporation carrying on the business of banking in the State for the purpose of paying in whole or in part for the erection or construction of any building or structure, or the provision of any facilities, for the school. Borrowing power of councils.

(2) Subject to this Act, the Treasurer may guarantee the repayment of any loan made or proposed to be made by a corporation referred to in subsection (1) of this section.

(3) A guarantee shall not be given under this section unless—

(a) the School Loans Advisory Committee constituted under this Part has recommended that the guarantee be given;

(b) the loan for which the guarantee is sought does not exceed fifty per centum of the proportion of the cost of the building, structure, or facilities to be borne by the council;

(c) the council seeking the guarantee has deposited with the Minister in cash an amount that in the opinion of the School Loans Advisory Committee is not less than fifty per centum of the proportion of the cost of the building, structure, or facilities to be borne by the council;

(d) the council seeking the guarantee has obtained from a corporation referred to in subsection (1) of this section a loan, or an offer to make a loan subject to the guarantee, and the Treasurer is satisfied that the terms and conditions of the loan or proposed loan are reasonable;

and

(e) the council seeking the guarantee gives such undertakings and enters into such agreements with the Treasurer or the corporation as the Treasurer may require.

(4) The guarantee may extend to the payment of interest on the loan and incidental charges and expenses connected with the loan.

(5) The council shall supply to the Minister, the Treasurer or the School Loans Advisory Committee such information relating to the loan or proposed loan or to the purpose of the loan or proposed loan as the Minister, Treasurer or that committee, as the case may be, requires.

(6) Where a guarantee is granted under this section the guarantee shall be subject to the following terms and conditions:—

(a) no term or condition of repayment agreed upon between the corporation that has made the loan and the council after the giving of the guarantee shall affect the liability under the guarantee unless approved in writing by the Treasurer;

(b) the corporation shall take all reasonable and necessary steps to ensure recovery of all instalments of principal and interest upon the due dates in accordance with the terms and conditions subject to which the loan was made and the guarantee given;

(c) the corporation shall keep the Treasurer informed of any default or delay by the council in respect of the payment of any instalment of principal or interest, or both.

(7) The Treasurer may pay out of the general revenue of the State any money that he becomes liable to pay under or by virtue of any guarantee given under this Act and this Act, without any further appropriation, shall be sufficient authority for any such payment.

School Loans  
Advisory  
Committee.

86. (1) There shall be an advisory committee entitled the "School Loans Advisory Committee".

(2) The Committee shall consist of such number of members appointed by the Minister as may be prescribed.

(3) The members of the Committee shall hold office upon such terms and conditions as may be determined by the Minister.

(4) The Committee shall investigate and advise the Minister upon any application for his approval of the borrowing of moneys by a council under this Part, and upon such other matters as the Minister may think fit to refer to the Committee for advice.

Power to make  
grants.

87. The Minister may, upon such terms and conditions as he thinks fit, make a grant of money to any council established under this Part.

Accounts.

88. (1) A council established under this Part shall cause proper accounts to be kept of any moneys received by it and any dealings with those moneys.

(2) The Director-General or Auditor-General may at any time inspect or audit the accounts of any council established under this Part.

Affiliated  
committees.

89. (1) The Minister may authorize the constitution or establishment of such committees to be affiliated with a council under this Part as he thinks fit.

(2) Any such committee shall exercise such powers and functions as may be determined by the Minister.

90. (1) Where a school for which a council has been established under this Part is closed, the Minister may, by instrument in writing, abolish the council.

Abolition of  
council.

(2) Where a council is abolished under subsection (1) of this section, the Minister may dispose of the assets of the council in such manner as he thinks proper.

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## PART IX

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## PART IX

### LICENSING OF PRIVATE TECHNICAL SCHOOLS

91. (1) In this Part—

Interpretation.

“licence” means licence issued under this Part and for the time being in force:

“licensed” means licensed under this Part:

“proprietor”, in relation to a private technical school, means the person who receives or is entitled to receive the fees paid for instruction in that school:

“trade” means—

(a) fitting, turning, plumbing, sheet metal work, panel beating, draftsmanship, engineering, engine-driving, motor mechanics, welding, carpentry, joinery, cabinet-making, french polishing, accountancy, bookkeeping, typewriting, shorthand, dressmaking, domestic economy, cookery, laundry work;

and

(b) any other handicraft, trade or subject of instruction declared by proclamation to be a trade for the purposes of this Part:

“private technical school” means premises in which any person teaches a trade for fee or reward but does not include—

(a) any university in the State;

(b) the South Australian Institute of Technology or any College of Advanced Education established by statute;

(c) any school in which each of at least three-quarters of the students receive instruction in subjects (other than subjects connected with a trade) for at least three-quarters of the total time for which they receive instruction;

(d) any premises in which apprentices in receipt of wages prescribed by law are taught trades by their employers.

(2) Where a trade is taught by correspondence, any premises from which written matter giving instruction in the trade is sent to pupils or to which written or other work done by pupils is sent for correction or examination shall, for the purposes of this Part, be deemed to be premises in which that trade is taught, and to be a private technical school.

(3) The Governor may by proclamation declare any handicraft, trade or subject of instruction to be a trade for the purposes of this Part, and may by subsequent proclamation vary or revoke any such declaration.

## PART IX

Duty to obtain  
licence for  
private  
technical  
schools.

**92.** (1) A person shall not conduct a private technical school—

(a) unless he holds a licence authorizing him to do so;

or

(b) in any premises other than premises specified in a licence issued to him;

or

(c) if instruction is given in that school in any trade not specified in a licence in respect of that school.

(2) A person shall not teach a trade in a private technical school unless a licence in respect of that school is for the time being in force.

(3) For the purposes of this Part the person who receives or is entitled to receive the fees paid for instruction in a school shall be deemed to conduct that school.

(4) Any person who contravenes any provision of this section shall be guilty of an offence and liable to a fine of not more than two hundred dollars.

Applications for  
licences.

**93.** (1) Every application for a licence shall be made to the Minister in the prescribed form by the proprietor of the school for which the licence is sought, or a person acting on his behalf.

(2) Every applicant for a licence shall furnish the Minister with all information indicated in the prescribed form and any other relevant information that the Minister may require.

Grant of  
licence.

**94.** (1) Subject to this Part, if the Minister is satisfied that any school in respect of which a licence is sought is provided with competent instructors, suitable accommodation and sufficient equipment for the teaching of the trades in respect of which the licence is sought, and is furnishing or is prepared to furnish proper instruction in those trades, at reasonable fees, the Minister shall grant the applicant a licence to conduct that school as a private technical school for the teaching of those trades.

(2) Every licence shall be in the prescribed form.

Term and  
renewal of  
licence.

**95.** (1) Subject to this Part, every licence shall remain in force for three years and the holder of the licence shall be entitled from time to time to the renewal of his licence.

(2) If the holder of a licence has failed to comply with this Part or any regulation under this Part, the Minister may cancel, suspend or refuse to renew that licence.

Power to  
inspect private  
technical  
schools.

**96.** (1) The Minister, or any person authorized by him in writing, may inspect any private technical school at any time while instruction is being given therein, and may inspect the business books and records of the school and all circulars, pamphlets, and other material used for advertising the school.

(2) Any person who obstructs the Minister or any such authorized person in making any such inspection or who refuses or neglects, upon demand, to produce to the Minister or any such authorized person any such business book or record or any such circular, pamphlet or other material, shall be guilty of an offence and liable to a fine not exceeding forty dollars.

Transfer of  
licence.

**97.** (1) A licence shall not be transferred without the consent of the Minister.

(2) Application for consent to transfer a licence shall be made to the Minister on the prescribed form.

(3) The Minister may refuse any such application if in his opinion there is reasonable cause for so doing.

98. If the Minister is satisfied that the holder of a licence desires to conduct his school in any premises not specified in his licence either in addition to, or in substitution for, the premises specified in his licence, and that those premises are suitable for the instruction proposed to be given therein, he may by instrument in writing alter the licence so as to make it apply to those premises either in addition to, or in substitution for, the premises specified in the licence.

Change of  
school  
premises.

99. (1) Where a private technical school has been licensed and the holder of the licence is dead, or incapacitated from conducting the school, or has sold the school, or for any other reason is unable to conduct the school, the Minister may grant to any person a temporary permit to conduct the school.

Temporary  
permits.

(2) Every such permit shall remain in force for such period and contain such terms and conditions as the Minister determines.

(3) Subject to its terms and conditions, a permit shall while in force have the same effect as a licence and the holder shall be deemed to be the holder of a licence.

100. In any proceedings for an offence against this Part—

Evidence.

- (a) the allegation in a complaint that a person was the proprietor of or conducted a private technical school on any specified day or for any specified period shall be proof of that fact in the absence of proof to the contrary;
- (b) the fact that a trade was taught in any premises at any time shall be proof that those premises were a private technical school at that time in the absence of proof to the contrary.

101. The Governor may make regulations—

Regulations.

- (a) requiring the proprietor of a private technical school to give such security as is prescribed for the due performance of any contracts he makes with pupils or their parents or guardians;
- (b) prescribing the accommodation and equipment to be provided in a private technical school, the means of instruction to be used, and the qualifications and number of instructors;
- (c) prescribing the minimum number of hours or the minimum amount of instruction in any trade which shall constitute a course of instruction in a private technical school in that trade;
- (d) prescribing the maximum fee to be paid or received for a course of instruction in any specified trade in a private technical school, and prescribing the times or intervals at which, and the instalments in which, fees for any course of instruction in a trade shall be paid;
- (e) prescribing the terms and conditions upon which money paid for or on account of instruction in a private technical school may be retained or shall be repaid;
- (f) regulating advertisements relating to private technical schools, and prohibiting any specified methods of advertising private technical schools;



- (g) regulating the sale or offering for sale of courses of instruction in private technical schools;
- (h) prescribing the price at which material required by students at a private technical school may be sold to them by the proprietor or any person acting under arrangements made with the proprietor;
- (i) regulating the sale of articles or commodities produced in private technical schools so that those schools shall not compete unfairly with any factory or shop;
- (j) fixing the fees payable on applications under this Part and for licences, permits or other documents issued under this Part;
- (k) regulating the issue of certificates of competency or other similar documents by private technical schools generally or by any specified private technical school, and prescribing fees for any such certificate or for any examination;
- (l) providing for the making of returns and the furnishing of information to the Minister by the proprietors of private technical schools;
- (m) generally, as to the conduct, operation and management of private technical schools, and as to examinations for certificates of competency, the manner, times, and places of holding such examinations, and the persons who shall act as examiners;
- (n) prescribing penalties recoverable summarily and not exceeding fifty dollars for breach of any regulation.

PART X

PART X

MISCELLANEOUS

Religious  
education.

**102.** (1) Regular provision shall be made for religious education at a Government school under such conditions as may be prescribed at times during which the school is open for instruction.

(2) The regulations shall include provision for permission to be granted for exemption from religious education on conscientious grounds.

Census of  
school district.

**103.** (1) The Minister may at any time, by notice in the *Gazette*, direct that an educational census be taken in the area specified in such notice.

(2) For the purpose of taking such census the Minister may appoint some person or persons to call at every dwelling-house within the area and collect information.

(3) Every occupier of a dwelling-house in the area shall, upon the request of any person appointed under this section, give him such information as will enable him to complete a return in a prescribed form.

(4) If from any cause such information is not supplied when a person appointed under this section calls at any dwelling-house to obtain the information, a return may be left at the dwelling-house.

(5) The occupier of the dwelling-house at which the return is left shall, within seven days thereafter, complete the return and give it to a person appointed under this section when he calls and asks for the return, after the expiration of those seven days.

(6) If any occupier of a dwelling-house—

(a) fails to comply with any of the provisions of subsection (5) of this section;

or

(b) wilfully supplies any false information,

he shall be guilty of an offence and liable to a penalty not exceeding fifty dollars.

104. Any person who behaves in an offensive or insulting manner to a teacher who is acting in the course of his duties as such shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Insulting  
teachers.

105. (1) Proceedings for offences against this Act shall be disposed of summarily.

Offences.

(2) Proceedings for an offence against this Act shall not be commenced without the consent in writing of the Minister.

(3) In any proceedings for an offence against this Act an apparently genuine document purporting to be under the hand of the Minister and to record his consent to the commencement of the proceedings shall be accepted as proof of that consent in the absence of proof to the contrary.

106. The moneys required for the purposes of this Act shall be paid out of moneys provided by Parliament for those purposes.

Moneys  
required for the  
purposes of this  
Act.

107. (1) The Governor may make such regulations as are contemplated by this Act, or as he considers necessary or expedient for the purposes of this Act.

Regulations.

(2) Without limiting the generality of subsection (1) of this section those regulations may make provision with respect to the following matters:—

(a) the establishment, maintenance and control of Government schools and the management of all land, buildings and equipment used in connection therewith;

(b) the provision of residences for teachers and boarding accommodation to be used in connection with a Government school;

(c) the provision of religious education in Government schools and exemption from religious education on conscientious grounds;

(d) the terms and conditions upon which officers of the teaching service shall hold office, their rights to leave of absence and any other privileges, their rights upon retirement from the teaching service, and any other matter whatsoever affecting their employment;

(e) the salary and other remuneration to be paid to officers of the teaching service;

(f) the appointment, practice and procedure of any Board, committee or council established under this Act;

(g) the courses of instruction to be provided in Government schools;

(h) the provision of books and materials for pupils at any school;

(i) the provision of grants to schools and the conditions applicable to those grants;

(j) enrolment of pupils;

- (k) the conditions upon which pupils are to be admitted to schools;
- (l) the establishment of scholarships and the provision of allowances to pupils;
- (m) school vacations, the hours at which instruction is to be provided at schools, the method to be adopted in teaching, and the discipline to be observed and enforced in Government schools;
- (n) the transport of children to and from school and the payment of part or all of the costs of transport;
- (o) the use of the buildings or facilities of Government schools;
- (p) the prohibition of trespass upon the grounds of any Government school and the regulation of the driving, parking or ranking of vehicles on the grounds of any Government school;
- (q) the conditions governing registration of teachers, and any other matter affecting the registration of teachers;
- (r) the fees to be charged in relation to any registration, or renewal of registration, as a teacher;
- (s) the furnishing of returns to the Department by the head teachers of schools, the matters to be contained in any such returns, and any other information to be provided to the Minister or the Director-General;

and

- (t) any other matter necessary or expedient for the proper administration of this Act.

(3) A regulation made under this Act shall not be invalid on the ground that it relates to circumstances that occurred before the commencement of this Act.

(4) A regulation under this Act may provide for a penalty not exceeding one hundred dollars for breach of, or non-compliance with, any provision of the regulation.

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