



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 113 of 1976

An Act to amend the Education Act, 1972-1976.

[Assented to 16th December, 1976]

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

1. (1) This Act may be cited as the "Education Act Amendment Act (No. 2), 1976". Short titles.

(2) The Education Act, 1972-1976, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Education Act, 1972-1976".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "Government school" the passage "primary, secondary or technical education" and inserting in lieu thereof the passage "primary or secondary education";

(b) by striking out the definition of "handicapped child";

(c) by striking out from the definition of "officer" the passage "under this Act";

(d) by inserting after the definition of "parent" the following definition:—

"recognized kindergarten" means—

(a) any kindergarten registered by the Kindergarten Union of South Australia as a branch kindergarten or affiliated kindergarten;

or

(b) any other prescribed kindergarten ;

Amendment of principal Act, s. 5—
Interpretation.

(e) by inserting after the definition of "school" the following definition:—

"special school" means a school established for the benefit of a particular class of children who require some special form of education, treatment or care: ;

(f) by striking out the definition of "teacher" and inserting in lieu thereof the following definition:—

"teacher" means a person who gives or is qualified to give instruction in any course of—

(a) pre-school education;

(b) primary education;

or

(c) secondary education: ;

and

(g) by striking out the definition of "the teaching service" and inserting in lieu thereof the following definition:—

"the teaching service" means the teaching service constituted under Part III of this Act and includes the teaching service as constituted under the repealed Act.

Amendment of
principal Act,
s. 9—
General powers
of the
Minister.

4. Section 9 of the principal Act is amended—

(a) by striking out from subsection (3) the passage "and sell or otherwise dispose of the land, buildings and equipment acquired or set apart for the purposes of the school";

and

(b) by inserting after subsection (9) the following subsection:—

(10) The Minister may acquire, deal with, or dispose of real or personal property as he thinks fit.

Amendment of
principal Act,
s. 22—
Interruption
of service.

5. Section 22 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "and is subsequently employed" and inserting in lieu thereof the passage "and is or was subsequently employed";

and

(b) by striking out from subsection (2) the passage "and he is subsequently appointed" and inserting in lieu thereof the passage "and he is or was subsequently appointed".

Amendment of
principal Act,
s. 24—
Rights of
persons
transferred
to the
teaching
service.

6. Section 24 of the principal Act is amended by striking out from subsection (1) the passage "Where a person who has previously been in prescribed employment is appointed as an officer under this Act," and inserting in lieu thereof the passage "Where an officer has previously been in prescribed employment,".

7. Section 25 of the principal Act is amended by inserting after subsection (2) the following subsection:—

Amendment of principal Act, s. 25—
Retiring age.

(3) This section does not prevent the Minister from appointing to the teaching service, on a temporary basis, a person of or above the age of sixty-five years, but a person after being so appointed acquires no right to long service leave under this Act.

8. Section 55 of the principal Act is amended—

Amendment of principal Act, s. 55—
Constitution of Teachers Registration Board.

(a) by striking out from paragraph (c) of subsection (2) the passage “two persons” and inserting in lieu thereof the passage “six persons (of whom at least one is a teacher employed by a non-Government school)”;

(b) by striking out the word “and” between paragraphs (e) and (f) of subsection (2);

and

(c) by inserting after paragraph (f) the following paragraph:—

and

(g) one person appointed by the Governor on the nomination of the Kindergarten Union of South Australia.

9. Section 57 of the principal Act is amended—

Amendment of principal Act, s. 57—
Quorum, etc.

(a) by striking out from subsection (1) the passage “Five members” and inserting in lieu thereof the passage “Eight members”;

and

(b) by striking out from subsection (5) the passage “, and, in the event of an equality of votes on any matter, the person presiding shall have a second, or casting, vote”.

10. Section 60 of the principal Act is amended—

Amendment of principal Act, s. 60—
Functions of the Board.

(a) by inserting in subsection (1) after the passage “the public interest in” the passage “pre-school,”;

and

(b) by striking out from subsection (2) the passage “and with institutions providing tertiary education in this State” and inserting in lieu thereof the passage “, the Kindergarten Union of South Australia, and with other institutions providing tertiary education in this State”.

11. Section 61 of the principal Act is amended—

Amendment of principal Act, s. 61—
Qualifications for registration.

(a) by striking out subparagraph (iii) of paragraph (b) of subsection (1) and inserting in lieu thereof the following subparagraph:—

(iii) in the case of a person to whom this Part is applicable by virtue of the provisions of the Education Act Amendment Act (No. 2), 1976, and who applies for registration

within two years after the commencement of that amending Act—he has had satisfactory experience as a teacher over the period of two years immediately preceding the date of his application,;

and

(b) by striking out subsection (4) and inserting in lieu thereof the following subsection:—

(4) The Board may grant registration or provisional registration of a teacher subject to conditions—

(a) restricting the subjects that he may teach;

or

(b) restricting the kind, level or grade of instruction that he may provide.

Amendment of
principal Act,
s. 63—
Unregistered
person not to
hold certain
appointments
etc.

12. Section 63 of the principal Act is amended—

(a) by striking out paragraphs (a) and (b) of subsection (1) and inserting in lieu thereof the following paragraphs:—

(a) accept or undertake employment in a Government or non-Government school—

(i) as a teacher;

or

(ii) as administrator of the school, or as administrator or supervisor of any course of instruction in primary or secondary education provided at the school;

(b) accept or undertake employment, after the expiration of two years from the commencement of the Education Act Amendment Act (No. 2), 1976, in a recognized kindergarten—

(i) as a teacher;

or

(ii) as administrator of the kindergarten or as administrator or supervisor of any course of instruction in pre-school education provided at the kindergarten;

or

(c) provide, or offer to provide, for fee or reward, instruction in any course of primary or secondary education, ;

(b) by striking out from paragraph (c) of subsection (2) the passage “school or schools” and inserting in lieu thereof the passage “kindergartens or schools”;

and

(c) by inserting in subsection (4) after the passage “Minister may” the passage “, upon the recommendation of the Board,”.

13. Section 67 of the principal Act is amended by striking out from subsection (1) the passage "at least fourteen" and inserting in lieu thereof the passage "at least twenty-one".

Amendment of principal Act, s. 67—
Notice of inquiry.

14. Section 75 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "(other than a handicapped child) who is not resident within a school district";

and

(b) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) Where, in the opinion of the Director-General, it is in the best interests of a child that he be enrolled at a special school, the Director-General may direct that the child be enrolled at a special school nominated in the direction, and where such direction has been given, the child must be enrolled at that special school.

Amendment of principal Act, s. 75—
Compulsory enrolment of children.

15. Section 80 of the principal Act is amended—

(a) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) Where an authorized officer observes any child who appears to him to be a child of compulsory school age in any public place at a time when the child should normally be attending school, he may accost the child and seek to obtain from the child the following information:—

(a) the name and address of the child;

(b) the age of the child;

and

(c) the reason for his non-attendance at school.;

and

(b) by striking out from subsection (3) paragraph (b) and the word "and" immediately preceding that paragraph, and inserting in lieu thereof the following paragraphs:—

(b) the respective ages of those children;

and

(c) the schools (if any) at which those children are enrolled in pursuance of this Part.

Amendment of principal Act, s. 80—
Authorized officers.

16. Section 85 of the principal Act is amended by striking out paragraph (c) of subsection (3) and inserting in lieu thereof the following paragraph:—

(c) the council seeking the guarantee has—

Amendment of principal Act, s. 85—
Borrowing powers of councils.

(i) where the building, structure or facilities are to be erected, constructed or provided by the Government or a department or instrumentality of the Government—deposited with the Minister, in cash, not less than fifty per centum of the proportion of the cost of the building structure or facilities to be borne by the council;

or

(ii) in any other case—satisfied the Minister that it is in a position to contribute, in cash, not less than fifty per centum of the proportion of the cost of the building, structure or facilities to be borne by the council.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. NICHOLLS, Governor