



ANNO VICESIMO TERTIO

ELIZABETHAE II REGINAE

A.D. 1974

No. 97 of 1974

An Act to amend the Education Act, 1972-1974.

[Assented to 5th December, 1974]

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

Short titles.

1. (1) This Act may be cited as the "Education Act Amendment Act (No. 2), 1974".

(2) The Education Act, 1972-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Education Act, 1972-1974".

Amendment of
principal Act,
s. 53—
Appeals against
recommendations.

2. Section 53 of the principal Act is amended—

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

(3) Applications for a position to which this section applies shall be submitted in accordance with the regulations either—

(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 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.;

(b) by striking out from subsection (5) the word "Any" and inserting in lieu thereof the passage "Subject to subsection (6) of this section, any";

and

(c) by striking out subsection (6) and inserting in lieu thereof the following subsections:—

(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.

(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.

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

M. L. OLIPHANT, Governor