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## ELIZABETHAE II REGINAE

A.D. 1960

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## No. 68 of 1960

## An Act to amend the Education Act, 1915-1958.

[Assented to 1st December, 1960.]

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

- 11/10/60*
- Short titles.**      **1.** (1) This Act may be cited as the "Education Act Amendment Act, 1960".
- (2) The Education Act, 1915-1958, as amended by this Act, may be cited as the "Education Act, 1915-1960".
- (3) The Education Act, 1915-1958, is hereinafter referred to as "the principal Act".
- Incorporation.**      **2.** This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.
- Commence-  
ment.**                **3.** This Act shall come into operation on a day to be fixed by proclamation.
- Amendment of  
principal Act,  
s. 3.**                  **4.** The following line is inserted in section 3 of the principal Act after the line commencing "PART IIA":—
- PART IIB.—The Teachers Appeals Board (Sections 28za to 28zd).
- Amendment of  
principal Act,  
s. 18b.**                **5.** (1) Subsection (1) of section 18b of the principal Act is amended by striking out the word "twenty" in paragraph (b) thereof and inserting in lieu thereof the word "thirty".
- (2) The amendment made by subsection (1) of this section shall be deemed to have taken effect as from the passing of the Statutes Amendment (Long Service Leave) Act, 1958.

6. Section 28t of the principal Act is repealed and the heading immediately preceding the said section is struck out. Repeal of principal Act, s. 28t.

7. The following headings and sections are enacted and inserted in the principal Act after section 28z thereof:— Enactment of principal Act, Part IIB—

## PART IIB.

### *The Teachers Appeals Board.*

28za. In this part, unless the context otherwise requires, or some other meaning is clearly intended— Teachers Appeals Board.

“the Board” means the Teachers Appeals Board constituted under this part :

“position” means position held by a teacher :

“teacher” means teacher employed under this Act.

### *Constitution of Board.*

28zb. (1) For the purposes of this Part there shall be a board to be called the Teachers Appeals Board which shall consist of a chairman appointed by the Governor, two members to represent the Director to be appointed by the Governor on the recommendation of the Minister and two members (one of whom shall, except in relation to representatives of teachers in trade schools, be a woman) to represent teachers.

(2) The members to represent teachers shall be elected by and representative of the teachers in the respective branches of the teaching service as defined by the regulations. The teachers in each branch of the teaching service as so defined shall elect two representatives in manner to be prescribed by regulations. The members to represent teachers on the board on the consideration, hearing and determination of any appeal under section 28zc shall be the two representatives of the branch of the teaching service in which the special position in respect of which the appeal is brought exists.

(3) A person who has been dismissed from the Education Department on the grounds of misconduct shall not be appointed or elected to the board or be capable of holding office on the board.

(4) If for any reason the chairman or a member appointed by the Governor is unable to act in his office or there is a vacancy in the office of the chairman or any such member the Governor may appoint a person to act as chairman or a member during such inability or in the case of a vacancy until it is filled by a permanent appointment.

(5) If for any reason a member of the board representing teachers is unable to act in his office or there is a vacancy in the office of any such member the person elected as the deputy of that member by the teachers in the branch concerned may act in his place.

(6) A deputy member or an acting chairman or member shall, whilst acting as a member or chairman, have all the authorities, powers and duties of the member or chairman for whom he is acting and the provisions of this part relating to tenure of office, retirement and eligibility for re-election shall apply to a deputy member in the same way as they apply to an elected member.

(7) The provisions of sections 28d, 28e, 28f, (except sub-paragraph (e) thereof), 28g, 28h, 28i, 28j, 28k, 28l, 28m, 28v and 28z shall *mutatis mutandis* apply to and in respect of the board as if the same with the necessary modifications were included in this Part.

#### *Appeals Concerning Special Positions.*

Appeals  
against special  
appointments.

28zc. (1) A person shall not be appointed to a special position in the teaching service except in accordance with this section.

In this section "special position" means a position to be filled otherwise than in accordance with a promotion list compiled under the regulations.

(2) The Director shall provisionally recommend to the Minister the person whom he considers most suitable for the special position.

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

(4) Subject to the provisions of section 28zd any such teacher may appeal to the board in writing in manner prescribed by the regulations against the provisional recommendation.

(5) The board shall consider the written submission of the appellant and may confirm the provisional recommendation made by the Director or may, if in its opinion the written submission discloses sufficient grounds for further enquiry, hear the appellant in person and the Director and consider all relevant information and evidence submitted to it by or on behalf of the appellant and the Director and either confirm the provisional recommendation made by the Director or recommend the appellant for the vacant position.

28zd. Notwithstanding the provisions of section 28zc, the following provisions shall apply in relation to appointments to positions in such groups of special positions in this section referred to as "defined special positions" as may be defined from time to time by the regulations, that is to say :—

Appeals in  
respect of  
defined special  
positions.

- (i) appointments to any defined special position shall be made from special promotion lists containing the names of teachers selected by the Director from all teachers who apply for appointment to any such defined special position. The Director shall in relation to each defined special position compile special promotions lists containing respectively the names of selected male teachers and the names of selected female teachers and notice thereof shall be given to every teacher who has applied for any such defined special position ;
- (ii) any such teacher may appeal to the board in writing in manner prescribed by the regulations against his exclusion from or his place in any such special promotion list ;
- (iii) the board shall consider the written submission of the appellant and may confirm the appellant's exclusion from or place in the special promotion list or may, if in its opinion the written submission discloses sufficient grounds for further enquiry, hear the appellant in person and the Director and consider all relevant information and evidence submitted to it by or on behalf of the appellant and the Director and either confirm the appellant's exclusion from or place in the special promotion list or recommend the appellant's inclusion therein or that his name be accorded a higher place therein.

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

J. M. NAPIER, Lieutenant-Governor.