



ANNO VICESIMO QUINTO

# ELIZABETHAE II REGINAE

A.D. 1976

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## No. 17 of 1976

An Act to make provision for further education in this State;  
and for other purposes.

[Assented to 4th March, 1976]

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

Short title.

1. This Act may be cited as the "Further Education Act, 1975".

Commence-  
ment.

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

(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, or a day to be fixed by subsequent proclamation.

Arrangement  
of this Act.

3. This Act is arranged as follows:—

PART I—PRELIMINARY

PART II—THE MINISTER AND THE DEPARTMENT

PART III—THE TEACHING SERVICE

DIVISION I—APPOINTMENT TO THE TEACHING SERVICE

DIVISION II—RETRENCHMENT AND RETIREMENT OF OFFICERS

DIVISION III—LONG SERVICE LEAVE

DIVISION IV—RETIRING AGE

DIVISION V—DISCIPLINE

PART IV—COLLEGE COUNCILS

PART V—LICENSING OF CERTAIN INSTITUTIONS BY  
WHICH FURTHER EDUCATION IS PROVIDED

PART VI—MISCELLANEOUS.

4. In this Act, unless the contrary intention appears—
- “the Appeal Board” means the Teachers Appeal Board established under the Education Act, 1972-1975:
- “college of further education” means an educational institution at which further education is provided in pursuance of this Act:
- “the Director-General” means the person for the time being holding, or acting in, the office of Director-General of Further Education:
- “the Department” means the Department of Further Education:
- “further education” means instruction or training in any academic, vocational or practical discipline except any such instruction or training excluded from the application of this Act:
- “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 Teachers Salaries Board” means the Teachers Salaries Board established under the Education Act, 1972-1975.

5. This Act does not apply in respect of—

Application  
of Act.

- (a) instruction or training provided at any Government school maintained by the Minister under the Education Act, 1972-1975;
- (b) instruction or training in primary or secondary education provided at any non-Government school that is attended by the students, or a majority of the students, enrolled at the school on a full-time basis;
- (c) instruction or training provided by any university or college of advanced education established by statute;
- or
- (d) pre-school instruction or training.

PART II

PART II

THE MINISTER AND THE DEPARTMENT

6. (1) 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.

(2) The Minister may, in determining the courses of further education to be provided under this Act, collaborate with—

- (a) the South Australian Board of Advanced Education;
- (b) the Australian Council on Awards in Advanced Education;
- (c) the Australian Commission on Advanced Education;
- and
- (d) any other body constituted under the law of the State or the Commonwealth with which collaboration is desirable in the interests of promoting the objects of this Act.

7. (1) For the purposes of this Act, the Minister—

The Minister.

- (a) shall be a body corporate with perpetual succession and a common seal;
- (b) shall be capable 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 and being sued;

and

(d) shall have the powers, authorities, duties and obligations prescribed 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.

Power of delegation.

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.

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

General powers of the Minister.

9. (1) The Minister shall establish and maintain such colleges of further education as he considers necessary or desirable for the purposes of providing further education.

(2) The Minister may, where in his opinion the public interest does not require the continuance of any college of further education, close the college permanently or temporarily and sell or otherwise dispose of the land, buildings and equipment acquired or set apart for the purposes of that college.

(3) The Minister may establish and maintain such institutions as he considers necessary for the education and training of those who are to give instruction in colleges of further education.

(4) The Minister may establish and maintain boarding houses for the accommodation of students at any college of further education or any institution established under subsection (3) of this section.

(5) The Minister may make available any premises and equipment for the purposes of further education.

(6) 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.

(7) The Minister may, subject to and in accordance with the Land Acquisition Act, 1969-1972, acquire land for the purposes of this Act.

Advisory committees.

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

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

(3) The members of the 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 he thinks fit.

PART II

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

Continuance  
of the  
Department.

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

(3) 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;

(b) shall have such other powers and perform such other duties as are vested in and 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.

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

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

PART III

THE TEACHING SERVICE

DIVISION I—APPOINTMENT TO THE TEACHING SERVICE

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.

(7) The salary of an officer appointed under this section shall be in accordance with the appropriate determination of the Teachers Salaries Board.

## PART III

## DIVISION II

Retrenchment  
of officers of  
the teaching  
service.

## DIVISION II—RETRENCHMENT AND RETIREMENT OF OFFICERS

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

(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 and, if the retrenchment has taken effect at the date of the order, the re-instatement shall be retroactive to the date on which the retrenchment took effect.

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 Minister may, on the recommendation of the Director-General, by a written determination under his hand—

(a) transfer that officer to an office or position of reduced status;

or

(b) retire the officer from the teaching service.

(2) An officer may, within fourteen days after he receives notice of a determination 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, and, where effect has been given to the determination, order that the officer be re-instated as if no determination had been made.

## DIVISION III

Interpretation.

## DIVISION III—LONG SERVICE LEAVE

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

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

(2) The Minister may determine in such manner as he considers just any question as to whether service constitutes full-time service for the purposes of this Division, 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 course of instruction with a view to qualifying as a teacher 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 by the Minister prior to the commencement of this 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 an academic year, his service shall be considered to commence on the first day of February in that year.

**PART III**  
**DIVISION III**

(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 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.

**22. (1)** Where a person retires or is retired from employment under this Act on the ground of invalidity and is subsequently re-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 the service of an officer is 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 Govern-  
 ment employ-  
 ment.

(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.



**PART III**  
**DIVISION III**

(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.

(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.

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

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

**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 status 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 re-instated 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 given 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.

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#### PART IV

PART IV

#### COLLEGE COUNCILS

28. (1) The Minister may establish a council for any college of further education. Establishment  
of college  
councils.

(2) The Minister may establish an interim council for any proposed college of further education.

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

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

**PART IV****Incorporation  
of councils.**

**29. (1)** A council shall—

- (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.

**Borrowing  
power of  
councils.**

**30. (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 this State for the purposes of paying in whole or in part for the erection or construction of any building or structure, or the provision of any facilities, for any college.

(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 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;
- (b) the council seeking the guarantee has deposited with the Minister in cash an amount not less than 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 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

- (d) the council seeking the guarantee gives such undertakings to, 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 the Minister or the Treasurer with such information relating to the loan or proposed loan, or to the purposes of the loan or proposed loan, as the Minister or Treasurer 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 banking corporation and the council after the guarantee has been given shall affect the liability under the guarantee unless approved in writing by the Treasurer;

(b) the banking 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;

and

(c) the banking 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 shall be sufficient authority for any such payment.

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

32. (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. Accounts.

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

33. (1) Where a college 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 V

## PART V

### LICENSING OF CERTAIN INSTITUTIONS BY WHICH FURTHER EDUCATION IS PROVIDED

34. In this Part—

Interpretation.

“prescribed course of instruction” means a course of academic, vocational or practical instruction or training—

(a) declared by regulation to be a course of instruction or training to which this Part applies;

and

(b) provided by a school or institution, or a school or institution of a class, declared by regulation to be a school or institution, or a class of schools or institutions, to which this Part applies.

**PART V**

Duty to obtain licence in respect of prescribed course of instruction.

**35. (1)** After the day fixed by proclamation for the purposes of this Part, a person shall not provide for fee or reward or hold himself out as prepared to provide for fee or reward a prescribed course of instruction unless he is licensed under this Part.

(2) After the day fixed by proclamation for the purposes of this Part, a person shall not provide for fee or reward a prescribed course of instruction otherwise than in accordance with the terms and conditions of his licence.

(3) For the purposes of this Part a person provides a prescribed course of instruction if he receives or is entitled to receive the fees paid by those for whom the instruction is provided.

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

Application for licence.

**36. (1)** An application for a licence must be made in the prescribed manner and form.

(2) An applicant for a licence shall furnish the Minister with such information as the Minister may require.

(3) Subject to this Part, if the Minister is satisfied—

(a) where instruction is to be given otherwise than by correspondence, that the premises in which the instruction is to be given are satisfactory;

(b) that the instruction is to be given in a proper manner by competent instructors;

and

(c) that the instruction is to be provided at reasonable fees,

the Minister may grant a licence to the applicant.

Term and renewal of licence.

**37. (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 the licence.

Power to inspect approved colleges.

**38. (1)** The Minister, or any person authorized by him in writing, may inspect any premises at which a prescribed course of instruction is provided, and may inspect any books, records or papers that appertain to the provision of that course of instruction.

(2) Any person who obstructs the Minister, or any such authorized person from making any such inspection, or who fails or refuses the authorized person any such book, paper or record, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

Licence not to be transferable.

**39.** A licence is not transferable.

## PART VI

## PART VI

## MISCELLANEOUS

40. Any person who behaves in an offensive or insulting manner to an officer of the teaching service 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.

41. (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.

42. 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.

43. (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 colleges of further education by the Minister under this Act and the management of all land, buildings and equipment used in connection therewith;
- (b) the provision of residences or other accommodation for officers of the teaching service;
- (c) 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;
- (d) the courses of instruction to be provided by the Minister under this Act;
- (e) the provision of grants to colleges of further education and the conditions applicable to these grants;
- (f) the establishment of scholarships and the provision of allowances to pupils;
- (g) college vacations, the hours at which instruction is to be provided, the method to be adopted in teaching, and the discipline to be observed and enforced in colleges of further education;
- (h) the use of the buildings or facilities of colleges of further education;

- (i) the prohibition of trespass upon grounds of any college of further education and the regulation of the driving, parking or ranking of vehicles on the grounds of any such college;
  - (j) the furnishing of returns to the Director-General by the head of any college of further education, and the matters to be contained in any such returns;
  - (k) providing for the constitution of associations of students, or students and staff, of colleges of further education;
  - (l) conferring upon officers a right of appeal to the Appeal Board against specified administrative acts or decisions of the Minister or the Director-General;
  - (m) regulating the provision of prescribed courses of instruction by persons licensed under this Act, and, in particular—
    - (i) requiring any person by which a prescribed course of instruction is provided to give security as the Minister thinks fit for the due performance of any contracts he makes with pupils, or their parents or guardians;
    - (ii) prescribing the equipment to be provided in the premises in which a prescribed course of instruction is given;
    - (iii) prescribing the hours at which instruction is to be provided in a school conducted by a licensed person in pursuance of his licence;
    - (iv) prescribing the maximum fees to be paid or received in respect of a prescribed course of instruction, and prescribing the times or intervals at which, and the instalments in which, fees for any prescribed course of instruction are to be paid;
    - (v) regulating advertisements relating to prescribed courses of instruction, and prohibiting any specified method of advertising in such course of instruction;
    - (vi) prescribing the price at which material required by students may be sold to them by the person conducting the prescribed course of instruction or any person acting on his behalf or by arrangement for him;
    - (vii) regulating the sale of articles or commodities produced by students to whom any licensed person is providing instruction;
    - (viii) fixing fees payable upon applications for licences;
    - (ix) regulating the issue of certificates of competency or other similar documents by licensed persons, and prescribing the fees for any such certificate, or for any examination conducted in relation to a prescribed course of instruction;
- and
- (x) providing for the making of returns and the furnishing of information by licensed persons;
- and
- (n) 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 two hundred dollars for breach of, or non-compliance with, any provision of the regulation.

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

M. L. OLIPHANT, Governor