



Western Australia

EDUCATION ACT 1928

Education Regulations 1960

These regulations were repealed by the *School Education Act 1999* s. 246(2) (No. 36 of 1999) as at 1 Jan 2001 (see *Gazette* 29 Dec 2000 p. 7904).

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Education Regulations 1960

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Western Australia

EDUCATION ACT 1928

Education Regulations 1960

Part I — Preliminary

1. Citation and commencement

These regulations may be cited as the *Education Regulations 1960*, and shall take and have effect on and after 26 July 1960.

[Regulation 1 amended by Gazette 21 January 1994 p.145.]

2. Repeal

[Regulation 2 omitted under Reprints Act 1984 s.7 (4) (f).]

[3. Repealed in Gazette 4 July 1986 p.2319.]

4. Interpretation

In these regulations, unless the context requires otherwise —

“**administrative instructions**” means instructions or directions issued from time to time by the chief executive officer, and includes departmental orders lawfully issued;

“**approved**” means approved by the chief executive officer;

“**agricultural college**” means a school which is declared under regulation 180 (3) to be an agricultural college;

“**approved teacher training institution**” means an institution offering courses in teacher education which are approved by the Minister;

“**certification**” of a teacher means his status as the holder of a Teacher’s Certificate, a Teacher’s Higher Certificate, or the holder of any other qualification approved by the Minister;

“**classification**” of a teacher means his classification in the service of the department in relation to his certification and grade;

“**degree**”, in relation to the eligibility of a teacher for promotion, includes a certificate to the effect that the teacher has fulfilled the requirements for the conferring on him of the

degree, signed by an officer authorized in that behalf by the body empowered to confer such degree;

“Director” means an officer of the department duly appointed as a Director to be in charge of the schools, educational services, technical education, staffing or planning directorates of the department;

“district high school” means a school which is declared a district high school by the chief executive officer under regulation 180A;

“four-year teaching qualification” means the successful completion of one or more courses comprising an aggregate of 4 years full-time study or part-time equivalent where —

- (a) at least one year’s study was in teacher education;
and
- (b) each course was undertaken at a tertiary institution in Australia or an approved tertiary institution outside Australia;

“grade” in reference to teacher’s classification, means position on the basic salary scale;

“high school” means a school that has pupils in the first, second and third years only of a secondary course;

“junior primary school” means a primary school in which the classified school standard of education is not higher than year 3;

“leave” means permission to be absent from duty;

“long service leave” means long service leave on full pay;

“parent” includes guardian, and every person who is liable to maintain or has the actual custody of any child;

“primary school” means primary school Class IA, I, II, III or IV, or school for aboriginal children, established or maintained under the Act;

“principal” includes, when applied to schools generally or to primary schools generally, the teacher in charge of a single-teacher school;

“promotion” means movement from one position to another position that has a salary and conditions of employment that, when viewed as a whole, are, in the opinion of the Minister or the chief executive officer (whichever will effect the promotion), superior to those of the first position;

“school” means Government school or college unless expressly referred to as one other than a government school or college;

“school dress code”, in relation to a school, means the dress code approved by the school’s school decision-making group under Part VA of the Act;

“school year” means the period from the date of commencement of school in the month of February in each year to the commencement of the summer vacation in the month of December of the same year;

“secondary school” means agricultural college, district high school, high school or senior high school established or maintained under the Act;

“senior college” means any premises of the Minister which pursuant to regulation 193A are declared to be a senior college;

“senior high school” means a school that has pupils in the first, second, third, fourth and fifth years of a secondary course;

“special position” means a position declared to be a special position under regulation 90B (2);

“special school” means a school which, because it differs in some way from an ordinary primary school or secondary school, is declared by the chief executive officer to be a special school;

“Superintendent” means an officer of the department holding the position of a Superintendent of Education and includes any other officer occupying a higher position than Superintendent;

“Teachers Handbook” means the handbook of information issued by the chief executive officer;

“the Act” means the *Education Act 1928*, as amended.

“the Board” means the Teachers Promotions and Review Advisory Board constituted under regulation 90A;

“Union” means the State School Teachers’ Union of W.A. (Incorporated).

[Regulation 4 amended in Gazette 29 June 1961 p.2066; 4 October 1962 p.3274; 20 December 1962 p.4059; 29 August 1963 p.2606; 11 August 1964 p.2895; 16 December 1965 p.4183; 30 December 1966 p.3466; 12 November 1968 p.3339; 9 March 1972 p.567; 10 May 1974 p.1538; 6 September 1974 p.3413; 20 December 1974 p.5658; 31 January 1975 p.315; 27 June 1975 p.2162; 30 July 1976 p.2644; 25 February 1977 p.612; 4 November 1977 p.4113; 14 September 1979 p.2850; 25 January 1980 p.271; 2 May 1980 p.1436; 8 August 1980 p.2692; 16 July 1982 p.2760; 24 April 1986 p.1490; 30 December 1988 p.5113; 27 March 1992 p.1345; 24 December 1996 p.7112.]

4A. Exemption from requirements of regulations

- (1) The chief executive officer may exempt a person or school from a requirement of these regulations.
- (2) The power in subregulation (1) shall not be exercised unless the chief executive officer is satisfied that the exemption is necessary for the participation of the person or school in a pilot education project.
- (3) An exemption under this regulation shall be for a limited period of time specified by the chief executive officer.
- (4) An exemption under this regulation shall be evidenced in writing signed by the chief executive officer, stating —
 - (a) the persons to whom (whether named or designated by office) or the schools to which exemption is granted;
 - (b) the regulations or provisions from which exemption is granted; and

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- (c) the period of exemption.
- (5) At any time, the chief executive officer may in writing revoke an exemption under this regulation.
- (6) In this regulation —
 - “a pilot education project”** means a project undertaken by the department in which changes to —
 - (a) terms and conditions of teachers’ employment;
 - (b) teaching practices and methods; or
 - (c) management of, and responsibility in, schools,are researched, practised or assessed to ascertain whether the changes may contribute to an improvement in the quality of education of students.

[Regulation 4A inserted by Gazette 7 December 1993 p.6507.]

Part II — Pupils

Division 1 — Admission and transfer — primary and secondary schools

5. Admission of child

- (1) Before a child is admitted to a school, a parent of the child, on being requested so to do by the principal of the school, shall fill in and sign the appropriate admission form, and shall produce for inspection by the principal a duly authenticated birth certificate or extract from the birth certificate relating to that child.
- (2) A parent who, on being so requested, fails or refuses to fill in and sign the form or to produce the certificate or extract, or who furnishes to the principal, or enters in the form, information relating to the child which he knows is false, commits an offence.
Penalty, on conviction by a court of summary jurisdiction: \$40.
- (3) Upon admission of a child to a school the principal shall enter the name of the child and all appropriate and necessary information in the admission register.

[Regulation 5 amended in Gazette 27 June 1975 p.2163.]

6. Transfer of child

- (1) A child may be transferred from one school to another —
 - (a) during the first fortnight of a school year; or
 - (b) at any time, if the child's parent changes his residence to one in a locality in or near which the other school is situated;

but a child shall not be admitted to a school specially set apart to serve a particular district unless the child lives within that district.

- (2) Where a parent desires to have his child transferred from one school to another in circumstances other than those set out in subregulation (1) (a) or (b), the parent shall obtain the written consent of the chief executive officer to the transfer and produce that consent to the principal of the school to which the transfer is desired.
- (3) The principal of a school to which a parent desires to transfer his child in the circumstances referred to in subregulation (2), shall not admit the child to that school unless the written consent of the chief executive officer to the transfer is produced.

[Regulation 6 amended in Gazette 29 June 1961 p.2065; 27 June 1975 p.2163; 30 December 1988 p.5114.]

7. Transfer note

Where a child transfers from one school to another school, the principal of the school to which the child is admitted shall send a transfer note to the principal of the school that the child has left.

[Regulation 7 inserted in Gazette 11 August 1964 p.2895; amended in Gazette 27 June 1975 p.2163.]

Division 2 — Compulsory attendance

8. Certificate of exemption

- (1) Where a parent of a child who has not reached leaving age informs a welfare officer or the chief executive officer that the child is under regular and efficient instruction at home or elsewhere, a Superintendent may after examining the child, grant that child a certificate exempting him from attending a school.
- (2) (a) A certificate so granted may, by notice in writing served on a parent of the child, be cancelled by the chief executive officer if it appears to him that there has been an alteration of the circumstances under which the

certificate was granted and that the child should not be exempted from attending a school.

- (b) Upon service of the notice of cancellation, the certificate ceases to have any force or effect.
- (3) A school shall not be declared efficient or placed on the list of efficient schools if it has less than 8 pupils in attendance each day; but the Minister may require an officer of the department to make a report on persons being over 18 years of age who instruct a less number of children each day, in order to decide whether the instruction is such as may provide a reasonable excuse for the children not attending a school.

*[Regulation 8 amended in Gazette 29 June 1961 p.2065;
30 December 1988 p.5114.]*

9. Reckoning of half day attendance

For the purpose of this division a continuous attendance by a child of not less than 2 full hours' secular instruction shall be reckoned as a half day's attendance.

10. Child to attend school

- (1) Except as otherwise provided in these regulations, or unless in possession of a certificate exempting him from attending a school, a child who is not less than 6 years of age nor more than leaving age shall attend school.

[(2) repealed]

- (3) A teacher shall inform a welfare officer or the department of any child who to his knowledge is living within the area served by his school and does not attend a school, unless the child has a reasonable excuse as defined in the Act and these regulations for nonattendance.

*[Regulation 10 amended in Gazette 29 June 1961 p.2065;
14 September 1973 p.2484; 13 December 1974 p.5371;
30 December 1988 p.5114.]*

11. Absenteeism

- (1) If a child on the roll of a school is absent, a parent of the child, on being required by the class teacher, or the principal, shall forward a written excuse for the absence of the child.
- (2) A teacher shall forward to a parent of any child who is absent for one half day or longer an absentee note which shall be despatched within 2 days of the first half day's absence of the child.
- (3) The principal of a school shall obtain from the department and maintain in his school a supply of absentee notes for use by teachers as required.
- (4)
 - (a) A teacher shall file for reference all letters of excuse received by him for a child's absence from school.
 - (b) Where a parent fails or refuses to furnish a letter of excuse when required, the principal of the school in which the child is enrolled shall make an entry in the appropriate compulsion form stating the periods of the child's absence from the school.
 - (c) The principal of a school shall notify the chief executive officer immediately a serious case of default in attendance occurs, or if a child without a reasonable excuse as defined in section 14 of the Act or in this regulation, fails or neglects to attend school.
 - (d) When notifying the chief executive officer as required by paragraph (c), the principal shall after carefully verifying the same give the name and address of each child who is mentioned in the notification.
- (5) Sickness or other unavoidable cause may be regarded as a reasonable excuse for a child's absence from school if a parent of the child gives the class teacher written notice of the cause of absence within 7 days after the first day of absence.
- (6) Within 7 days after the Minister, or a person authorized by the Minister, requires a parent to produce a medical certificate in

support of a child's absence from school on the ground of sickness, the parent shall obtain and furnish the certificate to the Minister or person so authorized.

- (7) (a) A teacher shall at frequent intervals, and at least once each term, revise the register of names of the children in his class so that the register contains accurate information for the welfare officer relating to the addresses of parents of the children, and in the case of those residing in the metropolitan area, the street numbers of their houses should where possible be shown in the register.
- (b) The principal of a school shall withdraw from the school roll the name of any child who —
- (i) leaves the district and goes to another school;
 - (ii) by reason of being exempted from attending school on account of his age, has left the school;
 - (iii) leaves the state; or
 - (iv) resides beyond the compulsory radius and does not attend the school for one term or longer.

*[Regulation 11 amended in Gazette 29 June 1961 p.2065;
11 August 1964 p.2895; 27 June 1975 p.2163;
30 December 1988 p.5114.]*

12. School Welfare Returns

School Welfare Returns in respect of each month shall be forwarded to the department by the principal of a government or non-government school within 7 days after the end of each month in respect of which the return is made up.

*[Regulation 12 amended in Gazette 27 June 1975 p.2163;
30 December 1988 p.5114.]*

Division 3 — Assistance in conveyance of children to school

13. Grants for transport

- (1) The Minister may make a grant to a parent or guardian of a child or student who is transported to a Government school or to an efficient school included in the list of “efficient” private schools published from time to time in the *Government Gazette* provided the child or student is punctual and attends the full day.
- (2) (a) Where public transport is available the grant shall be equal to the amount by which the fares or cost of conveyance by public transport exceed or exceeds the sum of 40c per school day for each child or student subject to the fares on public transport being those approved by the Transport Commission of Western Australia.
- (b) Where a public transport system is available in an area not served by the Metropolitan (Perth) Passenger Transport Trust and the Minister is of the opinion that, if that public transport were not available, a departmental school bus service would be approved, the Minister may, notwithstanding paragraph (a), make a grant to the proprietor of that public transport system equal to the fares or cost of conveyance for such children or students as the Minister is satisfied are resident more than 5 kilometres from the nearest school of the appropriate class and those children or students shall be conveyed to school without charge to their parents or guardians.
- (c) Where public transport is not available to a child or student and the child is driven by the shortest practicable route from his residence to the school or to the nearest practicable point on the closest departmental bus service to the residence a distance exceeding 4½ kilometres the Minister may make a grant of 5.2 cents per kilometre subject to the provision that the grant made under this subregulation in respect of any one vehicle shall not exceed the rate per kilometre referred to regardless of the number of children or students driven in that vehicle.

- (3) (a) No payment under this regulation (other than a payment to a proprietor of a public transport system pursuant to subregulation (2) (b) shall be made until an application in writing signed by the parent or guardian has been duly certified as correct by the principal of the school or by a teacher authorized to give a certificate and the application has been approved by the Minister.
- (b) No grant shall be made in respect of a period prior to a date approved by the Minister.
- (c) No grant under this regulation shall be made by the Minister in respect of any student beyond the end of the year in which the student attains the age of 19 years.

[Regulation 13 inserted in Gazette 28 November 1975 pp.4344-45; amended in Gazette 9 July 1976 p.2404; 13 January 1978 p.160; 21 July 1978 p.2659; 14 September 1979 p.2850; 11 July 1980 p.2332; 18 July 1980 p.2445; 24 April 1981 p.1352; 30 December 1988 p.5115.]

[Division 4 repealed in Gazette 4 May 1974 p.1142.]

Division 5 — Health provisions

(a) General

18. Child to be clean

A child who attends a school in a dirty condition shall, on being so required by a teacher, cleanse himself or return home for the purpose of cleansing himself.

19. Hair style or clothing may be a hazard

- (1) Where the principal of a school is of the opinion that —
- (a) the kind of clothes worn by a student; or
 - (b) the length of hair of, or, the hair style adopted by, a student, constitutes a hazard to the student or to other

members of the school community the principal may exclude the student from any particular school activity.

- (2) A principal may take action under subregulation (1) whether or not the clothes worn by the student comply with the school's school dress code.

[Regulation 19 inserted in Gazette 4 December 1987 p.4351; amended in Gazette 24 December 1996 p.7112.]

19A. Head may be examined for head lice

- (1) Where a teacher has reasonable grounds to believe that a child's head is infested with head lice he may examine that child's head, and, if satisfied that the child's head is so infested he may report that fact to the principal.
- (2) Where a principal receives a report from a teacher in respect of a child under subregulation (1) he may exclude the child from the school and shall immediately report the fact of the exclusion to the chief executive officer.

[Regulation 19A inserted in Gazette 7 September 1973 p.3398; amended in Gazette 27 June 1975 p.2163; 30 December 1988 p.5114.]

20. Administrative instructions relating to health

- (1) Every teacher shall ensure that all children obey and comply with the administrative instructions relating to health provisions and infectious or other diseases.
- (2) Administrative instructions relating to health provisions and infectious or other diseases apply equally to children and teachers at any school.

(b) Infectious Diseases

21. Exclusion of child from school

The principal of a school may for such period as he deems necessary exclude from the school any child who is suffering

from any contagious, offensive or infectious disease, or who is habitually of unclean habits.

[Regulation 21 amended in Gazette 27 June 1975 p.2163.]

22. Further circumstances for exclusion

- (1) A child who in any manner disobeys a lawful direction of a teacher, or fails to comply with any administrative instruction relating to infectious or other diseases, may be excluded from a school by the principal of the school.
- (2) A child so excluded under this regulation or under regulation 21 shall be reported immediately to the chief executive officer.

*[Regulation 22 amended in Gazette 27 June 1975 p.2163;
30 December 1988 p.5114.]*

*[23. Regulation 23 and heading thereto repealed in Gazette
27 March 1987 p.1020.]*

Part III — General

Division 1 — Discipline and conduct of teachers and pupils generally

24. Teachers to acquaint themselves with the regulations and administrative instructions

- (1) Every teacher shall make himself acquainted with the regulations and administrative instructions supplied to his school.
- (2) A teacher is bound by and shall comply with all administrative instructions which apply to him.

25. Teachers to observe departmental orders and directions of Superintendent

- (1) A teacher shall obey and strictly observe all departmental orders and every direction given to him by the Superintendent in the course of his employment as a teacher.
- (2) If a teacher is aggrieved by an order or direction referred to in subregulation (1), he may appeal to the Minister for such redress as the Minister deems fair and reasonable: But pending the hearing of his appeal the teacher shall comply with the order or direction.
- (3) Where a teacher appeals to the Minister under the provisions of subregulation (2), the Minister may, after due inquiry, dismiss the appeal, or cancel or vary the order or direction appealed against.

25A. Duty statements

- (1) Without limiting regulation 36, the chief executive officer may from time to time prepare and issue duty statements for teachers.
- (2) A duty statement is a document providing for the duties that a teacher is to perform.

- (3) A duty statement —
- (a) need not be exhaustive of all of the duties that a teacher is to perform;
 - (b) may be expressed to apply to —
 - (i) a particular teacher; or
 - (ii) any group or category of teachers, either with or without exceptions;
 - (c) may be expressed to apply at all times or at a specified time or for a specified period;
 - (d) may confer a discretionary authority on the principal;
 - (e) may be amended, added to or cancelled by the chief executive officer; and
 - (f) may be replaced by another duty statement made by the chief executive officer.
- (4) A duty statement for a teacher is not binding on the teacher unless a copy of it has been given to the teacher personally by the principal.
- (5) Subject to subregulation (4), a teacher is to comply with a duty statement that applies to the teacher or the group or category of teachers to which the teacher belongs.
- (6) In this regulation —
“duty statement” includes any amendment or addition to a duty statement.

[Regulation 25A inserted by Gazette 19 September 1995 pp.4435-6.]

26. Prohibition on political material

A teacher shall not —

- (a) use in a school any sectarian or denominational publication or party political propaganda of any kind whatsoever; or

- (b) inculcate or attempt to inculcate in a student any sectarian, denominational or party political propaganda.

27. Prohibition of certain things, matter and behaviour

- (1) The principal of a school shall not permit or suffer any matter or thing which is of an advertising nature to be distributed or exhibited in the school unless the name of the advertiser is obliterated; but this provision shall not apply where in any case the Minister is satisfied that the matter or thing is genuinely serviceable as a school requisite or is of an educational or useful nature for the purpose of teaching.
- (2) A teacher shall not without the express permission of the chief executive officer allow collecting cards, raffle tickets or subscription lists to be given to or used by the children in a school for raising money from the public or from one another.
- (3) A teacher shall not permit or suffer a child who is on the roll of a school, when in the school premises, to solicit or beg for money for any purpose or to trade with, or sell any article to, any person for money, or seek by any means to promote the sale of any article.
- (4) A child shall obey and give effect to every order given by a teacher in the course of his duties, or in exercise of his powers, as a teacher.

[Regulation 27 amended in Gazette 29 June 1961 p.2065; 27 June 1975 p.2163; 30 December 1988 p.5114.]

28. Discipline of child

- (1) For the purpose of disciplining a child a teacher may detain him in the school after the hours laid down in the time table, on the grounds of —
 - (a) idleness in school;
 - (b) unpunctuality;
 - (c) disobedience; or

- (d) any other similar fault, other than inability to learn.
- (2) Subject to these regulations and any directions received from time to time from the chief executive officer, a teacher has authority to secure the good behaviour of his pupils both within the school and in the school playground and when a child comes to or returns from the school.

*[Regulation 28 amended in Gazette 29 June 1961 p.2065;
30 December 1988 p.5114.]*

29. Exceptions from regulations 28 and 34

- (1) Except as provided in regulation 28 and 34, a teacher shall not detain a child at the school after the hours laid down in the time table.
- (2) (a) Subject to regulation 34, a teacher shall not detain a child at the school —
- (i) during a lunch recess;
 - (ii) during a recess in the middle of the morning or afternoon session,

except in exceptional circumstances and for such period of time as is approved by the principal; or

- (iii) after the afternoon session for a period exceeding half an hour, except in exceptional circumstances.
- (b) Where a teacher detains a child at the school for a period exceeding half an hour, he shall enter particulars of the period and the circumstances of the detention in the school punishment book which shall be kept by the principal of the school for the purpose.

*[Regulation 29 amended in Gazette 31 January 1975 p.315;
27 June 1975 p.2163; 24 July 1987 p.2829.]*

30. Supervision of children

The principal of a school shall make proper provisions for the supervision of the children attending the school when such children are at play both in the recesses during school hours and in the recess for dinner.

[Regulation 30 amended in Gazette 27 June 1975 p.2163.]

31. Duties of teacher

A teacher shall be present in a primary or secondary school at least 15 minutes before the school commences in order to prepare the materials for his work and to secure good behaviour among his pupils.

- (2) A teacher shall not fail to carry out his normal teaching duties, or the duties that the teacher has under regulation 25A, in respect of his pupils.

[Regulation 31 amended in Gazette 27 June 1975 p.2163; 16 July 1981 p.2863; 19 September 1995 p.4436.]

31A. Prohibition on certain actions by teachers

- (1) A teacher shall not encourage, counsel or incite a parent to withhold his child from attending school.
- (1a) A teacher shall not encourage, counsel or incite a child not to attend school.
- (2) A teacher shall not during normal school hours encourage, counsel or incite another teacher from a school other than the school to which the first-mentioned teacher is appointed not to carry out his normal teaching duties, or the duties that the teacher has under regulation 25A.

[Regulation 31A inserted in Gazette 16 July 1981 p.2863; amended by Gazette 19 September 1995 p.4436.]

32. Discipline to be mild but firm

The discipline enforced in a school shall be mild but firm, and any degrading or injurious punishment shall be avoided.

33. Restraining child

A teacher on the staff of a school may take such physical action as is appropriate to prevent or restrain a child from acting in a manner which places at risk the safety of that child, any other child or a member of the staff of the school.

[Regulation 33 inserted in Gazette 24 July 1987 p.2829.]

34. Child may be isolated

(1) Notwithstanding regulations 29, 174, 175 and 192, the principal of a school may, for the purpose of disciplining a child, direct that while the child is at school he be isolated from other children attending the school for a period not exceeding 10 days.

(2) A direction under subregulation (1) may provide —

- (a) that the child continue with such educational programme as is specified;
- (b) that the child attend at the school at such times as are specified;
- (c) that the child have such lunch recess and recess in the middle of the morning or afternoon session as is specified; and
- (d) that the child be restricted from engaging in such school activities as are specified.

[Regulation 34 inserted in Gazette 24 July 1987 p.2829.]

35. Child may be suspended from school

- (1) Subject to subregulation (2), the principal of a school may, pursuant to section 20G of the Act, suspend a child from attendance at that school for a period not exceeding 10 days.
- (2) A period of suspension shall terminate at the end of the term in which it is imposed.
- (3) Where a principal of a school suspends a child from attendance at that school he shall —
 - (a) give notice in writing of the suspension to the child;
 - (b) forward, by means independent of the child, a copy of the notice referred to in paragraph (a) to a parent of the child; and
 - (c) forthwith report the suspension to an officer of the department holding a position not lower than Superintendent.
- (4) The notice referred to in subregulation (3) (a) shall contain the following information —
 - (a) the term of the suspension; and
 - (b) short reasons for the suspension.

*[Regulation 35 inserted in Gazette 22 June 1984 p.1715;
amended in Gazette 30 December 1988 p.5114.]*

35A. Suspension of child for 30 days or more

- (1) Where a period of suspension imposed pursuant to section 20G of the Act will result in a child being suspended for a total of 30 days or more in any school year, whether in one or more schools, the principal imposing that period of suspension shall recommend to the Minister that the child be excluded from attending the school of which he is principal.
- (2) Where a principal of a school recommends to the Minister that a child be excluded from attending that school he shall give notice, in writing, of that recommendation to the child and shall

forward, by means independent of the child, a copy of that notice to a parent of the child.

- (3) The panel referred to in section 20G (3) of the Act shall consist of 3 members appointed by the chief executive officer of whom —
- (a) one shall be a teacher, officer or employee of the department;
 - (b) one shall be a person nominated by The Western Australian Council of State School Organizations; and
 - (c) one shall be a person who is not a teacher, officer or employee of the department.
- (4) Nothing contained in subregulation (1) affects or limits the power of the principal of a school to recommend the exclusion of a child from that school pursuant to section 20G (2) of the Act.
- (5) In this regulation and in regulation 35 “**day**” means a school day.

[Regulation 35A inserted in Gazette 22 June 1984 p.1715; amended in Gazette 30 December 1988 p.5114.]

35B. Discipline for not complying with a requirement of school dress code

- (1) If —
- (a) a student at a school does not comply with a requirement of the school’s school dress code; and
 - (b) the student is not exempted under regulation 291A from complying with the requirement,

then, for the purpose of disciplining the student for the non-compliance, the principal of the school may prevent the student from attending any activity in respect of which the student would have been representing the school.

- (2) Notwithstanding any other regulation in this Division, a student to whom subregulation (1) (a) and (b) applies is not to be disciplined in relation to the non-compliance in any manner other than the manner set out in subregulation (1).

[Regulation 35B inserted in Gazette 24 December 1996 p.7112.]

Division 2 — General management of primary and secondary schools

36. Programme of instruction and time table to be prepared by principal

- (1) The principal of a school shall prepare or cause to be prepared a programme of instruction and a time table for the general work of the school and shall ensure that each teacher has in his possession a copy of the time table in respect of the class or classes for which the teacher is responsible.
- (2) The programme of instruction in a school shall be in accordance with the Curriculum published from time to time by authority of the chief executive officer, or as approved by the appropriate Superintendent.

[Regulation 36 amended in Gazette 29 June 1961 p.2065; 27 June 1975 p.2163; 2 May 1980 p.1436; 30 December 1988 p.5114; 19 September 1995 p.4436.]

37. School not to close on any school day and airing of rooms

- (1) Except as provided in these regulations, no school shall be closed on any school day without the written authority of the chief executive officer or of a departmental officer acting with the authority of the Minister or the chief executive officer.
- (2) During each recess in the middle of the morning and the afternoon sessions, a teacher shall ensure that all rooms in the school in his charge are aired.

*[Regulation 37 amended in Gazette 29 June 1961 p.2065;
30 December 1988 p.5114.]*

38. Absences by teachers and principals

- (1) The principal of a school shall enter in the school journal, or other appropriate school record, particulars of all absences of teachers.
- (2) In the absence of the principal of a school, the deputy principal, as determined by regulation 167 shall take charge of the school and where the deputy principal is also absent or where there is no deputy principal appointed to that school, the teacher who is the senior teacher of the school, as determined by that regulation, shall take charge.

*[Regulation 38 amended in Gazette 14 June 1967 p.1603;
27 June 1975 p.2162; 23 June 1989 p.1858.]*

Division 2A — Holidays and vacations

[Heading inserted in Gazette 24 January 1986 p.305.]

38A. Holidays other than vacations

Subject to 38B holidays allowed, other than vacations referred to in regulations 38C and 228 shall be Good Friday, Easter Monday, Easter Tuesday, Anzac Day (25 April), Labour Day (the first Monday in March), Foundation Day (the first Monday in June), Queen's Birthday (on the day proclaimed), Christmas Day, Boxing Day, New Years Day and Australia Day where any of those holidays fall within a school term.

[Regulation 38A inserted in Gazette 24 January 1986 p.305.]

38B. Special holidays

- (1) The chief executive officer may grant a special holiday of one day —

- (a) to a primary or secondary school outside the metropolitan area in respect of an agricultural show or important local function held within the district in which that primary or secondary school is situated if it is likely that that show or function will be attended by a majority of the pupils of that primary or secondary school;
 - (b) subject to subregulation (2), to a primary or secondary school outside the metropolitan area but within the South-West Division to enable the pupils of that primary or secondary school to attend the Royal Agricultural Show in Perth.
- (2) Where the chief executive officer grants a special holiday of one day under subregulation (1) (b) the primary or secondary school in question shall not be allowed the Easter Tuesday holiday falling within the same calendar year as that special holiday.

- (3) In subregulation (1) (b) —

“the South-West Division” means the South-West Division of the State as defined by section 28 of the *Land Act 1933*.

[Regulation 38B inserted in Gazette 24 January 1986 p.306; amended in Gazette 30 December 1988 p.5114.]

38C. Commencement of classes

- (1) Primary and secondary schools shall commence classes —
- (a) for the first term, after a summer vacation of not less than 47 days and not more than 53 days;
 - (b) for the second term after a vacation of not less than 10 days and not more than 11 days;
 - (c) for the third term after a vacation of 18 days; and
 - (d) for the fourth term after a vacation of 16 days,
- as determined by order made by the Minister.
- (2) An order under subregulation (1) —

- (a) may specify different days for primary, secondary and technical schools; and
 - (b) shall be published in the *Government Gazette*.
- (3) The Minister may amend, vary or revoke any order made under this regulation by further order published in the *Government Gazette*.
- (4) Vacation periods referred to in regulations 38C and 228 shall include weekends and public holidays if any.

[Regulation 38C inserted in Gazette 24 January 1986 p.306; amended in Gazette 30 December 1988 p.5114.]

Division 3 — Records and returns

39. Form of records and registers

Where the chief executive officer has prescribed by administrative instruction or otherwise the form and manner in which registers and records are to be kept and maintained in any school and in which returns or any particular return shall be kept and furnished by any school, the principal of the school shall comply or ensure compliance with the instruction.

[Regulation 39 amended in Gazette 29 June 1961 p.2065; 27 June 1975 p.2163; 30 December 1988 p.5114.]

40. Returns and registers to be compiled, furnished and maintained

- (1) A principal or teacher shall compile, furnish and maintain such returns and registers as he is required to compile, furnish and maintain according to any instructions relating to the returns and registers published in the *Education Circular* from time to time.
- (2) A principal or teacher shall promptly and properly reply to any official correspondence or to any departmental notice which requires a reply from him connected with his employment and functions as a teacher that is addressed to him.

*[Regulation 40 inserted in Gazette 17 August 1979 p.2522;
amended in Gazette 30 December 1988 p.5115.]*

Division 4 — Books and materials

41. Books and materials

- (1) The Minister may approve of the free supply for use by school children of such materials and books as he thinks fit.
- (2) Where books are laid down for any course of study, a child undertaking that course shall procure at his own expense such materials and books required for that course as are not supplied to him free of charge.
- (3) The chief executive officer may ban the use of any book which he considers unsuitable for school purposes and no teacher or pupil shall bring to or use in the school any book so banned.

*[Regulation 41 amended in Gazette 29 June 1961 p.2065;
25 January 1980 p.271; 30 December 1988 p.5114.]*

Division 5 — Religious instruction

42. Religious denomination to be recorded

- (1) A parent of a child shall, at the request of a teacher of the school attended by the child, inform the teacher as to the religious denomination to which the child belongs, and such information shall be recorded by the teacher in the appropriate register.
- (2) A parent who wishes his child to attend the religious instruction given by the delegate of a denomination other than that to which the child belongs, shall notify the teacher in writing to that effect.
- (3) Where a parent notifies the principal of a school in writing that he objects to his child receiving special religious instruction, a teacher shall not require the child to receive that instruction.

- (4) Where a parent notifies a teacher in writing that he wishes his child to attend the religious instruction given by the delegate of a denomination other than that to which the child belongs, the teacher shall retain the notification.

[Section 42 amended in Gazette 27 June 1975 p.2163.]

43. Rooms available for religious instruction

- (1) In a school where only one room is available for religious instruction, religious instruction of different persuasions shall be given at different times, and when children of one religious denomination are receiving instruction, arrangements shall be made for the children of other denominations to receive instruction in secular subjects.
- (2) In a school where more than one room is available for religious instruction, religious instruction of the different persuasions shall be given at the same time in each of the rooms.
- (3) If the same representative is duly delegated to act for more than one religious denomination, each denomination shall be regarded as a separate class, and so noted in the appropriate record of attendances.
- (4) Where a parent objects to his child receiving the general religious instruction specified in a school programme, he shall notify the teacher in writing of his objection, and thereupon the teacher shall arrange for that child to be instructed in other subjects during the time assigned for the giving of religious instruction to the group or class of that child.

44. Person who gives religious instruction to be authorized to do so by the chief executive officer

- (1) No person shall give, or be allowed by the principal of a school to give, special religious instruction at a school unless such person has received from the chief executive officer a letter authorizing him so to do.

- (2) The letter of authority shall, if required by the principal of the school, be produced by the holder for inspection and return by the principal.

*[Regulation 44 amended in Gazette 29 June 1961 p.2065;
27 June 1975 p.2163; 30 December 1988 p.5114.]*

Division 6 — School premises

45. Cleaning of rooms, cleaners, etc.

- (1) The principal of a school shall make necessary arrangements for the regular cleaning of the school rooms and shall ensure that the closets and all external premises are kept clean.
- (2) An allowance for the cleaning of school premises is payable to the principal of the school in accordance with the provisions of this regulation.
- (3) (a) The allowance for the cleaning of school premises is payable in accordance with rates prescribed by appropriate industrial agreements.
- (b) An allowance for the cleaning of shelter sheds is payable at one-half the rates for a classroom, unless the sheds are equipped with desks in which case full rates are payable.
- (c) For the purposes of calculating any allowance for the cleaning of school premises, 6 closets shall be regarded as equivalent to an area of 51 square metres and proportionate rates shall apply where there are smaller or larger numbers of closets.
- (d) Where a school is held in a public hall or other hired building, special rates for cleaning, to be fixed by the chief executive officer, shall apply.
- (4) The Minister shall indemnify every principal of a school against any claim under the *Workers' Compensation Act 1912*² (as amended), or any other law, for personal injury by accident sustained by a cleaner or other employee and arising out of or in the course of his employment by the principal to perform work

in or about school premises at the instance or with the permission of the Minister or the principal.

- (5) The Minister or chief executive officer may determine the person to be given employment as a cleaner or to perform work in or about school premises.

[Regulation 45 amended in Gazette 29 June 1961 p.2065; 14 September 1973 p.3484; 15 February 1974 p.400; 27 June 1975 p.2163; 30 January 1988 p.5114.]

46. Consequences of cleaning allowance

A principal of a school in consideration of the allowances paid or payable to him for cleaning, or causing to be cleaned, the school premises, shall —

- (a) have the premises, including all outbuildings, swept and dusted daily and washed with sufficient frequency to keep them thoroughly clean; and
- (b) have all necessary fires laid and ready to be lighted during the period from 1 May to 1 October in each year.

[Regulation 46 amended in Gazette 27 June 1975 p.2163.]

47. Custody of buildings, furniture, repairs, etc.

- (1) The principal of a school is responsible for the safe custody of the school buildings and furniture.
- (2) In a school where a Cadet Corps is established, the principal of that school is responsible for such government property as is issued to the school in connection with that Corps.
- (3) (a) Where urgent minor repairs are required to school buildings or fittings, or to teachers' quarters, the principal of the school may arrange for the work to be carried out by a local contractor if the cost thereof does not exceed \$20.

- (b) Accounts, accompanied by a brief description of the work so carried out, shall be certified by the principal and forwarded by him to the department.

[Regulation 47 amended in Gazette 29 June 1961 p.2065; 30 March 1966 p.829; 27 June 1975 p.2163; 30 December 1988 p.5114.]

48. Where attendance exceeds capacity

Where the average attendance in a classroom at a school exceeds its capacity calculated on the basis of 1.1 square metres for each child, the principal of that school shall report the matter to the department, but shall not refuse the admission of a child unless the chief executive officer authorizes such refusal.

[Regulation 48 amended in Gazette 29 June 1961 p.2065; 14 September 1973 p.3484; 27 June 1975 p.2163; 30 December 1988 p.5114.]

[49. Repealed in Gazette 28 August 1981 p.3597.]

50. School residence

- (1) A teacher who occupies a school residence shall take reasonable care of it.
- (2) (a) A teacher to whom a residence is allotted by the department shall keep the residence clean and fit for habitation.
- (b) A teacher who vacates a residence leaving it in a dirty condition shall, if required by the chief executive officer, pay to his successor or to the department the costs incurred by the successor or the department in cleaning the residence.

[Regulation 50 amended in Gazette 29 June 1961 p.2065; 19 March 1982 p.947; 30 December 1988 p.5114.]

Division 7 — School concerts and entertainments

51. Statement of receipts and expenditure

Where a school concert or entertainment is held, the teacher in charge of that concert or entertainment shall forward to the chief executive officer a statement showing the receipts and expenditure, if any, relating thereto, and also after expenditure the balance, if any, and shall attach to such statement receipts for all items of expenditure.

[Regulation 51 amended in Gazette 29 June 1961 p.2065; 30 December 1988 p.5114.]

52. Accounts for inter-school sports

Where inter-school sports are held, the principal of the school responsible for preparing the accounts relating to the sports shall forward within 4 weeks after the of the event a copy of the accounts to each of the schools concerned and to the chief executive officer.

[Regulation 52 amended in Gazette 29 June 1961 p.2065; 27 June 1975 p.2163; 30 December 1988 p.5114.]

53. Pupils and staff of school only to be in school concert

A teacher shall not accept for the purposes of any school concert or entertainment, whether to be held during or after school hours, the services, whether as a lecturer, or entertainer or otherwise, of any person who is not a student or member of the staff of the school, unless authority for admission of that person to the school premises is obtained from the appropriate director.

[Regulation 53 amended in Gazette 29 June 1961 p.2065.]

[Division 8. Repealed in Gazette 28 August 1981 p.3597.]

Division 9 — Amenities in schools

56. Amenities, associations, etc.

- (1) The principal of a school may, with the approval of the chief executive officer —
 - (a) establish and conduct within the premises of the school a library, book-shop, book hire scheme, school fund, or other amenity not being conducted by a Parents and Citizens' Association that is likely to facilitate, assist or be of advantage to the teachers and instructors in their professional duties and to students at the school in the course of their studies, as the case may be;
 - (b) issue directions, seek voluntary contributions from parents not exceeding an amount approved by the chief executive officer and make charges for the conduct, management and use of a library, book-shop, book hire scheme, school fund or other amenity so established or conducted;
 - (c) enlist for any of those purposes the aid of one or more members of the teaching staff of the school; and
 - (d) enlist the assistance of members of the Parents and Citizens' Association of the school.

- (2) A Parents and Citizens' Association of a school may, with the approval of the chief executive officer —
 - (a) establish and conduct within the premises of the school an oslo lunch centre, canteen, cafeteria or other amenity not being conducted by the principal of a school, where such amenity is likely to facilitate, assist or be of advantage to the teachers and instructors in their professional duties and to students at the school in the course of their studies, as the case may be;
 - (b) organize and conduct such activities approved by the chief executive officer and seek voluntary contributions from parents, such contributions together with money

raised by approved activities to form a fund to be known as the "Parents and Citizens' Fund."

- (3) Where a library, book-shop, book hire scheme, school fund or other amenity is established and conducted on school premises in accordance with this regulation, the principal of the school shall, at the end of each school year, furnish or cause to be furnished to the Director of Schools a report in writing concerning the conduct, management and activities of or in connection with that amenity for that school year, together with a certified statement of receipts and expenditure showing the financial transactions during that year of all amenities other than those for which the Parents and Citizens' Association has financial responsibility, and shall also forward at the same time a copy of such statement to the Secretary of the Parents and Citizens' Association of the school.
- (4) A committee comprising the principal and 2 members of the staff of a school in the premises of which an amenity is established and conducted under this regulation, may dispose to the best advantage, as the committee sees fit, of such voluntary contributions and of the profits that arise from the conduct of that amenity.
- (5) Where the assistance of the Parents and Citizens' Association of the school has been enlisted, the Association shall be represented on the committee established under subregulation (4) by not more than 2 of the office bearers of the Association.
- (6) Where the Parents and Citizens' Association is conducting the amenity under this regulation the Association may dispose to the best advantage, as it sees fit, of such voluntary contributions and of the profits that arise from the conduct of that amenity, and the principal or his representative shall be on the appropriate committee of the Association.

- (7) Unless the chief executive officer directs otherwise, the books of account and supporting receipts and other documents relating to amenities or school funds conducted by the principal shall be retained in the school and made available for examination as and when required by the departmental auditor who shall submit a report on his findings to the appropriate director.
- (8) The chief executive officer may at any time order the closure or abolition of any amenity established or conducted under this regulation and the principal or Parents and Citizens' Association shall give effect to the order according to the tenor thereof.

[Regulation 56 inserted in Gazette 16 June 1964 pp.2429-30; amended in Gazette 27 June 1975 p.2164; 30 July 1976 p.2644; 30 December 1988 p.5114 and p.5115.]

57. School banking

School banking may be conducted in accordance with the procedures set out from time to time in the Administrative Instructions.

[Regulation 57 inserted in Gazette 19 August 1965 p.2364.]

Division 10 — Subsidies to schools

[Heading inserted in Gazette 18 March 1965 p.846.]

57A. Minister may determine nature and extent of subsidies

- (1) The Minister may determine the nature and extent of subsidies available from the department for the purchase of equipment as set out in Schedule 6.
- (2) No claims will be accepted by the department for the purchase of equipment set out in Schedule 6 unless the approval of the chief executive officer is obtained before the equipment is purchased.
- (3) In cases where assistance is available annually, the year shall mean the fiscal year from 1 July to the next following 30 June.

*[Regulation 57A inserted in Gazette 5 February 1971 p.374;
amended in Gazette 30 December 1988 p.5114.]*

[57B. Regulation 57B repealed in Gazette 21 April 1989 p.1200.]

[57C. Regulation 57C repealed in Gazette 19 March 1982 p.947.]

*[57D. Regulation 57D repealed in Gazette 21 April 1989
p.1201.]*

57E. Payment of grants pursuant to section 27C of the Act

- (1) This regulation applies, pursuant to section 27C of the Act, to the payment of grants to pre-school centres in relation to the number of children enrolled therein.
- (2) When a pre-school centre wishes to apply for grants under this regulation, the teacher in charge of the pre-school centre shall apply therefor to the Minister at such time and in such form as the Minister from time to time determines.
- (3) There shall be payable to a non-profit pre-school centre by way of recurrent funding in respect of every child attending the pre-school centre who is a permanent resident in Australia the moneys specified in subregulation (3a) (referred to as “recurrent funds”).
- (3a) Recurrent funds shall be payable according to the classification of the pre-school centre determined by the Minister on a scale commencing from a base amount of \$264 per child to a maximum amount of \$306 per child and the amount so payable shall be increased —
 - (a) in accordance with movements in the School Prices Index issued by the Commonwealth Department of Employment, Education and Training; and
 - (b) in respect of the years 1990 and 1991, by a percentage amount on a scale commencing from 1.0% to a

maximum of 3% according to the classification of the school determined by the Minister,

but so that the percentage variation in a year subsequent to 1989 shall be calculated on the total amount payable in respect of the preceding year.

- (3b) Payment of moneys under subregulations (3) and (3a) shall be as follows —
- (a) subject to this regulation payments shall be made according to the attendance of children during the school year;
 - (b) payments shall be made in the months of February, May, August and September;
 - (c) the February payment shall be made according to the number of children in attendance during the second semester of the year immediately preceding;
 - (d) the May payment shall be increased or decreased according to the number of children in attendance during the first semester of that year;
 - (e) where the first semester enrolment figures indicate any surplus or deficit in the February payment the May payment shall be adjusted by decreasing or increasing that payment accordingly; and
 - (f) the August and September payments shall be according to the number of children in attendance during the second semester of that year.
- (3c) Where a pre-school centre has not had a previous enrolment the amounts of money payable in respect of children attending the pre-school centre shall be calculated on the basis of actual enrolments at the pre-school centre and for this purpose payments may be made in arrears.
- (4) Subject to this regulation, the Minister —
- (a) may pay grants under this regulation in the form of —
 - (i) money;

- (ii) goods and services supplied by the Minister to the pre-school concerned;
 - (iii) goods and services supplied by a person other than the Minister to the pre-school concerned but paid for by the Minister; or
 - (iv) any combination of 2 or 3 of the forms referred to in subparagraphs (i) to (iii);
- (b) shall not pay a grant under this regulation in respect of a child —
- (i) who is not a pupil at the pre-school centre which applied for the grant;
 - (ii) who does not attain the age of 5 years during the calendar year in which the grant is applied for;
 - (iii) none of whose parents is a permanent resident of Western Australia.
- (5) In subregulation (3) —
- “applicant preschool centre”** means pre-school centre which applied under subregulation (2) during the current calendar year for grants.

[Regulation 57E inserted in Gazette 29 September 1978 pp.3603-04; amended in Gazette 21 April 1989 p.1201.]

Part IV — Teachers

Division 1 — Admission and appointment

58. Classes to be conducted by duly appointed teachers

The principal of a school shall ensure that no person is allowed to conduct a class in the school, whether on payment of remuneration or not, unless that person has been duly appointed a teacher of the school or has received from the chief executive officer permission to conduct that class.

[Regulation 58 amended in Gazette 29 June 1961 p.2065; 27 June 1975 p.2163; 30 December 1988 p.5114.]

59. Criteria for appointment as teacher

- (1) An applicant for appointment as a teacher —
 - (a) shall satisfy the chief executive officer of his good character, his relevant attainments, his practical or potential skill in teaching and his physical ability to perform the duties of a teacher without risk to himself or the students; and
 - (b) may be required to pass such examinations and undergo such courses of training as are prescribed or as the chief executive officer may require.
- (2) The chief executive officer may refuse to recommend a person for permanent appointment to the teaching staff if that person does not undertake to accept employment in any part of the State.

[Regulation 59 amended in Gazette 29 June 1961 p.2065; 16 November 1979 p.3623; 4 December 1987 p.4351; 30 December 1988 p.5114.]

60. Teachers who may be employed without further examination

- (1) (a) A person who —

- (i) holds a certificate from an approved teachers' training institution;
- (ii) is a University graduate and has had experience as a teacher; or
- (iii) holds a teacher's certificate of the Education Department of the United Kingdom or of a British Dominion,

may be employed as a teacher in a school without further examination, if the chief executive officer is satisfied as to the teaching experience or ability of that person.

- (b) In this regulation “**approved**” means recognized by the chief executive officer as of a sufficiently high standard.
- (2) A person may be appointed or employed as a teacher in the Technical Education Division or in a Senior College if, in the opinion of the chief executive officer, he has special qualifications for such appointment or employment.

[Regulation 60 amended in Gazette 29 June 1961 p.2065; 23 July 1971 p.2735; 16 July 1982 p.2760; 30 December 1988 p.5114.]

61. Teacher to be appointed at a certain classification

The chief executive officer may appoint a person as a teacher on such classification as the chief executive officer thinks fit, subject to an appeal by that person to the Minister against the classification.

[Regulation 61 amended in Gazette 29 June 1961 p.2065; 30 December 1988 p.5114.]

62. Appointment to the department

- (1) A person may be appointed to the department as a teacher —
 - (a) on a temporary basis, which may be —

- (i) for a fixed term; or
 - (ii) at the discretion of the chief executive officer; or
 - (b) on a permanent basis which may be on probation.
- (2) Where a teacher is appointed under subregulation (1) (b) —
 - (a) the probation period shall be for such period not exceeding 2 years in the first instance as may be determined by the chief executive officer;
 - (b) as soon as practicable before the period of probation has expired —
 - (i) the appointment shall be confirmed;
 - (ii) the teacher shall continue on probation for a further period as the chief executive officer thinks fit but not exceeding 2 terms; or
 - (iii) the appointment shall be terminated.
- (3) Where a direction is made under subregulation (2) (b) (ii) before that further period expires the appointment shall be —
 - (a) confirmed; or
 - (b) terminated.

[(4) repealed]

[(5) repealed]

- (6) Notwithstanding this regulation, a person may be appointed as a teacher in a permanent capacity if the position to which he is appointed is a position established for the purposes of Part X.

[Regulation 62 inserted in Gazette 6 December 1985 p.4583; amended in Gazette 4 July 1986 p.2320; 30 October 1987 p.4056; 30 December 1988 p.5114; 3 September 1996 p.4381.]

62A. Teacher on probation

Where a teacher has been appointed to the permanent staff on probation before 1 January 1977, and the period of probation continues after 1 January 1977, the teacher is liable while he is

on probation to have his appointment cancelled if unsatisfactory written reports of his teaching skill are received.

*[Regulation 62A inserted in Gazette 20 May 1977 p.1544;
amended in Gazette 4 August 1978 p.2836.]*

[63. *Repealed in Gazette 22 October 1976 p.3996.]*

64. Commencement of duty at school

A teacher when appointed to a school shall notify the chief executive officer of the date when he commences duty in that school.

*[Regulation 64 amended in Gazette 29 June 1961 p.2065;
30 December 1988 p.5114.]*

65. Stock and inventory to be checked

A teacher, on taking charge of a school, shall check the stock and inventory of the school left by his predecessor and shall notify the chief executive officer of any discrepancies ascertained in so checking.

*[Regulation 65 amended in Gazette 29 June 1961 p.2065;
30 December 1988 p.5114.]*

[66. *Repealed in Gazette 20 December 1974 p.5658.]*

67. Person holding one or more certificates in manual arts or in home economics

A person who holds one or more certificates in manual arts or in home economics from any institution approved by the chief executive officer may be appointed a teacher without examination and may be classified according to the certificate or certificates and his skill in teaching.

*[Regulation 67 amended in Gazette 29 June 1961 p.2065;
12 November 1968 p.3339 6 February 1969 p.486;
30 December 1988 p.5114.]*

68. Teacher employed as Tradesman Instructor

A teacher who has been employed as a Tradesman Instructor in the primary or secondary service, or in both the primary and the secondary service, shall be granted the Teachers' Certificate (Conditional) and an allowance in accordance with the appropriate rate prescribed under the classification of teachers' salaries, until the teacher fulfils the requirements for the Teachers' Certificate.

Division 2 — Transfers

69. Interpretation

For the purposes of this Division —

“Group A school” means a high school or senior high school within the prescribed area;

“Group B school” means a high school or senior high school outside the prescribed area;

“prescribed area” means the portion of the State included in the Cities of Belmont, Canning, Cockburn, Fremantle, Gosnells, Melville, Nedlands, Perth, South Perth, Stirling, Subiaco, the Towns of Bassendean, Claremont, Cottesloe, East Fremantle, Kwinana, Mosman Park, the Shires of Bayswater and Peppermint Grove, included within the red coloured boundary marking on Plan No. 1 held in the office of the chief executive officer and such portions of the municipal districts of the Town of Armadale and the Shires of Kalamunda, Mundaring, Rockingham, Serpentine-Jarrahdale, Swan and Wanneroo as are included within the red coloured boundary marking on that plan;

“Schedule” means the Schedule appearing after regulation 74.

[Regulation 69 inserted in Gazette 18 July 1980 p.2439; amended in Gazette 8 August 1980 p.2692; 30 December 1988 p.5113 (erratum 27 January 1989 p.321); 23 June 1989 p.1859.]

70. Teacher may be transferred

Subject to the Act and these regulations, a teacher may be transferred to any position on the teaching staff.

[Regulation 70 inserted in Gazette 18 July 1980 p.2439.]

[70A. Repealed in Gazette 5 February 1999 p.401.]

71. Application for transfer to be in writing

- (1) A teacher who desires to be transferred shall apply in writing.
- (2) An application made pursuant to subregulation (1) shall be in the form of Form 3, Form 4, or Form 5 in Schedule 1 (whichever is applicable) and shall be made in the manner directed in the form.

[Regulation 71 inserted in Gazette 18 July 1980 p.2439.]

72. Transfer under amended title

Where the title of a position on the teaching staff is amended but the status of the position otherwise remains unchanged the occupant of the position may be transferred to the position under its amended title.

[Regulation 72 inserted in Gazette 18 July 1980 p.2439.]

73. Teacher may apply for position of lower status

A teacher may apply for a position of a status lower than the status held by him at the time of his application and, if his application is granted, may, subject to these regulations, again apply for a position of a status equivalent to the position held by him at the time of his firstmentioned application and in any case he shall be credited with service according to his service in those positions.

[Regulation 73 inserted in Gazette 18 July 1980 p.2439.]

[74. Repealed in Gazette 5 February 1999 p.401.]

[75. *Repealed in Gazette 23 June 1989 p.1860.*]

Division 3 — Certification

76. Teacher qualified may be awarded a certificate

- (1)
 - (a) A teacher appropriately qualified may be awarded a certificate of a class specified in paragraph (b).
 - (b) Teachers' Certificates are designated —
Teachers' Higher Certificate;
Teachers' Higher Certificate (Conditional);
Teachers' Certificate;
Teachers' Certificate (Technical);
Teachers' Certificate (Conditional).
 - (c) A teacher who holds the classification "A3 Special" which was awarded because of service in the 1939-1945 war is entitled to the Teachers' Higher Certificate (Conditional).
- (2) Certification of a teacher depends upon attainments based on examinations as prescribed together with satisfactory service.

*[Regulation 76 amended in Gazette 25 March 1970 p.884;
23 December 1971 p.5359; 23 April 1976 p.1271.]*

77. Minimum satisfactory service required

In order to qualify for higher certification, the following minimum periods of satisfactory service are required: —

[(1) repealed]

- (2) From Teachers' Certificate or its equivalent to Teachers' Higher Certificate — minimum of 6 years' satisfactory service, except that —
 - (a) a teacher, whose course of training has been approved by the chief executive officer as being of 5 years' duration, may qualify after 3 years' satisfactory service;

- (b) a teacher, whose course of training has been approved by the chief executive officer as being of 4 years' duration, may qualify after 4 years' satisfactory service;
 - (c) a teacher, whose course of training has been approved by the chief executive officer as being of 3 years' duration, may qualify after 5 years' satisfactory service.
- (3) From Teachers' Certificate (Technical) to Teachers' Higher Certificate —
- (a) a teacher who holds an honours or higher degree may qualify after 3 years' service with a Teachers' Certificate (Technical);
 - (b) a teacher who holds a degree or equivalent qualification may qualify after 3 years' service with a Teachers' Certificate (Technical);
 - (c) a teacher who holds a diploma of the Technical Education Division or equivalent qualification may qualify after 5 years' service with a Teachers' Certificate (Technical);
 - (d) other technical teachers may qualify after 6 years' service with a Teachers' Certificate (Technical); and
 - (e) a teacher who does not hold a Teachers' Certificate (Technical) is required to have 2 years of experience in addition to the period specified in paragraph (a), (b), (c), or (d) according to the qualifications which that teacher holds.

[Regulation 77 amended in Gazette 15 February 1962 p.474; 28 March 1962 p.815; 4 October 1962 p.3274; 16 June 1964 p.2430; 16 December 1965 p.4184; 30 December 1966 p.3466; 14 June 1967 p.1603; 12 October 1967 p.2877; 25 March 1970 p.884; 28 September 1973 p.3632; 23 April 1976 p.1271; 30 December 1988 p.5114.]

78. Date of promotion to higher certification

Promotion to higher certification of a teacher who satisfies the requirements of these regulations dates from the day on which the satisfactory service required under the appropriate regulation is completed.

[Regulation 78 amended in Gazette 25 March 1970 p.884.]

79. Date of entitlement of certificate

- (1) No teacher is entitled, as a result of the completion of an examination, to be granted the Teachers' Certificate or the Teachers' Certificate (Technical) before 1 January following the year in which he completes the examination.
- (2) Where a teacher completes the academic requirements applicable in respect of a Higher Teachers' Certificate he is not entitled to the grant of the certificate unless he has completed the service requirements prescribed in respect of the certificate under these regulations.
- (3) A teacher is not entitled to be granted a Teachers' Higher Certificate under these regulations until —
 - (a) in the case of a teacher who completes the service requirements under these regulations before the academic requirements whether he completes the academic requirements in the same year or not, 1 January next following the completion of the academic requirements;
 - (b) in the case of a teacher who completes the academic requirements before 1 January of the year in which he completes the service requirements under these regulations, the day that he completes the service requirements;
 - (c) in the case of a teacher who completes the academic requirements and then the service requirements under these regulations in the same calendar year, 1 January next following the completion of both requirements.

*[Regulation 79 amended in Gazette 29 June 1961 p.2066;
14 June 1967 p.1603; 25 March 1970 p.885; 24 December 1980
p.4404.]*

Division 4 — Examination

80. Examinations may be written or oral

- (1) The attainments of a teacher shall be tested by written examinations or oral examinations, or by both such examinations.
- (2) A teacher may sit for an annual examination, but is not entitled to sit for any part of an examination for a higher certificate so long as his examination for a lower certificate is incomplete.

[Regulation 80 amended in Gazette 11 August 1964 p.2895.]

81. Examination for Certificate in parts

- (1)
 - (a) A teacher wishing to take an examination for a Teachers' Certificate in parts — shall offer at least 3 complete subjects for each part.
 - (b) The provisions of paragraph (a) do not apply to an examination for the Teachers' Certificate (Technical), or to a case where the teacher has less than 3 complete subjects remaining to complete the examination.
- (2) In this regulation “**complete subject**” means all that is included under one heading in the syllabus for the examination.
- (3) Where it appears to the chief executive officer from the results of an examination that a teacher has clearly neglected to prepare sufficiently for the subjects offered by him at the examination, the chief executive officer may refuse the teacher permission to sit again for that examination the following year.

[Regulations 81 amended in Gazette 29 June 1961 p.2065.]

82. Examinations to be held annually

Teachers' examinations, other than examinations for the Teachers' Higher Certificate, shall be held annually and the syllabuses and the conditions pertaining to those examinations and for the Teachers' Higher Certificate examination shall be published from time to time as occasion requires in the Education Circular or in the Teachers' Handbook.

83. Travelling expenses to be reimbursed

- (1) A teacher is entitled to be reimbursed his travelling expenses necessarily incurred by him in attending that sitting of the departmental examinations held at the centre nearest to his school at which he is successful in completing the full and final requirements of the certificate for which he is being examined.
- (2) In this regulation "**travelling expenses**" means the appropriate fares and allowances according to section 2 of the minister's determination of allowances payable to teaching staffs and shall relate only to the period covered by the actual journey to and from the centre nearest to the teachers' school.

*[Regulation 83 amended in Gazette 16 June 1964 p.2430;
20 December 1974 p.5658.]*

84. Candidate who has passed in a part only

- (1) A candidate who has passed in a part only of an examination need not sit again for the subjects in which he has passed.
- (2) A candidate is, on making application within one month of the publication of the results of an examination and payment of a fee of \$1.05, entitled to secure a special report on any paper for which he sat at the examination.

[Regulation 84 amended in Gazette 30 March 1966 p.829.]

Division 5 — Resignation

[Heading amended by Gazette 16 May 1995 p.1843.]

85. Resignation

- (1) Subject to this regulation, a teacher who desires to resign from the department may do so at any time if he gives written notice of his resignation to the chief executive officer not less than one month (including at least 20 working days) before the date that his resignation takes effect but the chief executive officer may at his discretion in special circumstances accept a notice of resignation given in a shorter period.
- (2) A teacher shall not resign from the department at any time within the period commencing on 1 January and ending on the day immediately preceding the first term vacation or 31 March in any year whichever is the earlier unless —
 - (a) he commenced his employment with the department within the period commencing on 2 January and ending on 30 March; and
 - (b) his resignation takes effect only on a date subsequent to the anniversary of the date on which he began the continuous service which is terminated by the resignation.
- (3) Where the period of the notice of resignation given by a teacher pursuant to subregulation (1) —
 - (a) includes —
 - (i) any day or part of a day in the period commencing on any day in the first term and ending on the 7th day of the second term, the chief executive officer may at his option accept the resignation as being effective from the last day of the first term or 31 March of that year, whichever is the earlier;
 - (ia) any day or part of a day in the period commencing on a day in the second term and ending on the 7th day of the third term the chief executive officer may at his option accept the

resignation as being effective from the last school day immediately preceding the second term vacation;

- (ib) any day or part of a day in the period commencing on a day in the third term and ending on the 7th day of the fourth term, the chief executive officer may at his option accept the resignation as being effective from the last school day immediately preceding the third term vacation.
- (b) includes any period during the summer vacation, the chief executive officer may at his option accept the resignation as being effective as from the 31 December during that vacation.
- (4) Subject to subregulation (5), the employment of a temporary teacher may be terminated at any time upon the giving of one week's notice of termination of employment.
- (5) Where a temporary teacher is employed to fill a short term vacancy his employment with the Department lapses from the date that the chief executive officer determines that the vacancy filled by the temporary teacher no longer exists.
- (6) Where a teacher (including a temporary teacher) does not give the appropriate notice of resignation to the chief executive officer that is applicable in relation to him under this regulation the chief executive officer may direct that the teacher shall not be paid in respect of —
 - (a) the period of notice that is applicable in relation to the teacher under this regulation; or
 - (b) such portion of the period that is applicable in relation to the teacher under this regulation as is determined by the chief executive officer,

and if any moneys have already been paid to the teacher for a period in respect of which the chief executive director has directed that the teacher shall not be paid the moneys so paid

may be recovered by the Minister in any court of competent jurisdiction.

[Regulation 85 inserted in Gazette 23 April 1976 p.1270; amended in Gazette 20 May 1977 p.1544; 4 July 1986 p.2320; 30 December 1988 p.5114.]

85A. Leave without pay

- (1) Where following application from a teacher the chief executive officer is of the opinion that by reason of special circumstances connected with the family of the teacher, a teacher is unable to —
 - (a) accept a transfer to another position; or
 - (b) continue in the position held by the teacher,

the chief executive officer may approve of the teacher taking leave without pay for such period not exceeding 12 months as is approved by the chief executive officer.

- (2) Where a teacher having taken leave without pay for the period approved by the chief executive officer, does not accept the position in which the chief executive officer requires the teacher to be employed, the teacher's employment is deemed to be terminated on the date of the expiration of the period of leave without pay.

[Regulation 85A inserted in Gazette 4 December 1987 p.4351; amended in Gazette 30 December 1988 p.5114.]

[86. Repealed by Gazette 16 May 1995 p.1843.]

Division 5A — Dismissal for inefficiency

[Heading inserted in Gazette 9 November 1979 p.3582.]

86A. Penalties for inefficiency

- (1) Subject to this regulation, a teacher who is inefficient is liable to be —

- (a) reduced to a position carrying a lower salary or remuneration; or
 - (b) dismissed.
- (2) Where the chief executive officer receives no less than 2 reports that a teacher is inefficient the chief executive officer shall forward a copy of the reports to the teacher and request that the teacher submit a written explanation on the reports within the time specified in the request.
- (2a) Each of the reports referred to in subregulation (2) shall come from —
 - (a) the principal of the school at which the teacher is employed; or
 - (b) a person holding or acting in a position of Superintendent or a higher position,and may be given by the same person or by different persons.
- (3) Where after considering the reports made under subregulation (2) in relation to a teacher and the written explanation (if any) given by the teacher in respect of the reports the chief executive officer is satisfied that the teacher is inefficient the chief executive officer may —
 - (a) direct that the teacher be reduced to a position carrying a lower salary or remuneration; or
 - (b) recommend to the Minister that the teacher be dismissed.
- (5) Upon considering the —
 - (a) reports made pursuant to subregulation (2) that a teacher is inefficient;
 - (b) explanation (if any) given by the teacher pursuant to subregulation (2) in respect of the reports; and
 - (c) recommendation made by the chief executive officer pursuant to subregulation (3) (b),

the Minister may by order in writing dismiss the teacher and the order has effect accordingly.

[Regulation 86A inserted in Gazette 9 November 1979 p.3582; amended in Gazette 24 April 1980 p.1245; 30 December 1988 p.5114.]

Division 6 — Appointments and promotion

Section A — General

[87. Repealed in Gazette 5 February 1999 p.401.]

[88. Repealed in Gazette 25 March 1970 p.885.]

89. When position raised to higher class, position deemed vacant

- (1) Where by reason of a school being raised to a higher class, or for any other reason, a position becomes altered to a higher class, that position shall be deemed vacant and action shall be taken to fill it in accordance with these regulations.
- (2) Where by reason of a school being reduced to a lower class, or for any other reason, a position becomes altered to a lower class, the teacher is, if his service has been satisfactory in the opinion of the chief executive officer, entitled to retain his salary as it was prior to the alteration until he is offered a school or position corresponding to that salary; but if he is permitted to decline the transfer, his salary shall then be reduced to that which corresponds to the position in the lower class.

[Regulation 89 inserted in Gazette 29 June 1961 p.2066; amended in Gazette 30 December 1988 p.5114.]

[90. Repealed in Gazette 5 February 1999 p.401.]

90A. Teachers Promotions and Review Advisory Board

- (1) There shall be a board to be known as the Teachers Promotions and Review Advisory Board.
- (2) Subject to these regulations the Board shall consist of the following members —
 - (a) one person appointed by the Minister who shall be chairman;
 - (b) 2 persons nominated by the chief executive officer; and
 - (c) 2 persons nominated by the Union.
- (3) The Minister may appoint a person to be deputy of the person appointed under subregulation (2) (a).
- (4) A nomination for the purposes of subregulation (2) (b) or (c) may be made from time to time and may be expressed to operate for a period or in such circumstances as are specified in the instrument of nomination.

[Regulation 90A inserted in Gazette 24 April 1986 p.1491; amended in Gazette 30 December 1988 p.5114.]

90B. Functions of the Board

- (1) Subject to these regulations, the functions of the Board shall be —
 - (a) to make recommendations relating to appointments, promotions and promotion lists in relation to promotional positions and special positions as required under these regulations; and
 - (b) to consider and determine appeals with respect to any recommendation for an appointment or promotion in relation to which an appeal may be made to the Board under these regulations.
- (2) For the purposes of these regulations the chief executive officer may declare any position on the teaching staff to be a special position.

- (3) Notwithstanding anything in these regulations, where under subregulation (2) a position on the teaching staff is declared to be a special position the relevant provisions of these regulations that apply in relation to special positions of that class apply to and in relation to that position in lieu of any other provisions of these regulations that, but for that declaration, would have applied in relation thereto.

*[Regulation 90B inserted in Gazette 24 April 1986 p.1491;
amended in Gazette 30 October 1988 p.5114.]*

90C. Proceedings of the Board

- (1) The Board shall meet at such times and places as are appointed by the Chairman.
- (2) Except to the extent that they are prescribed the Board shall determine the procedures to be adopted at any meetings thereof.
- (3) At any meeting of the Board a quorum shall consist of the Chairman or deputy of the Chairman and one member appointed under regulation 90A (2) (b) and one member appointed under 90A (2) (c).
- (4) A member shall not take part in any proceedings of the Board in which that member or any person related to that member has an interest.
- (5) A nomination for the purposes of regulation 90A (2) (b) or (c) may be withdrawn by the nominator at any time.
- (6) The Minister may for reasonable cause remove a member at any time.
- (7) For the purposes of subregulation (4), a person is related to a member if that person —
- (a) is married to the member or is living with the member in a *de facto* relationship; or

- (b) is the father or mother or a brother or sister of the member.

[Regulation 90C inserted in Gazette 24 April 1986 p.1491.]

[Section B. (other than regulation 91) repealed in Gazette 30 October 1987 p.4056.]

[91. Repealed in Gazette 24 April 1986 p.1491.]

[Section BA. Repealed in Gazette 30 October 1987 p.4056.]

Section C — Advertised Vacancies

101. Vacancies to be advertised

- (1) (a) Subject to the Act and these regulations, vacancies in positions on the teaching staff that are to be filled by promotion shall be advertised as directed by the chief executive officer.
- (b) An advertisement under a direction given by the chief executive officer shall specify the qualifications required to be held by any applicant for the position referred to in the advertisement.
- [(c) and (d) deleted]*
- (e) If it appears to the chief executive officer, in any particular case, that the processes of filling a vacancy and of hearing appeals against a recommendation for appointment thereto are unlikely to be completed by 31 December preceding the year from which the appointment is to take effect, he may refrain from making the appointment, to fill the position by a temporary appointment and to re-advertise the position in the following year.
- (f) When applying for more than one advertised position, a teacher must state which position he prefers and list the other positions for which he applies in order of his preference for appointment thereto.

[(2) repealed]

- (3) The chief executive officer shall give written notice to a teacher who is an unsuccessful applicant for an appointment within 14 days of a recommendation being made.

[Regulation 101 inserted in Gazette 29 June 1961 p.2071; amended in Gazette 4 October 1962 p.3279; 29 August 1963 p.2604; 16 December 1965 p.4184; 31 May 1966 p.1423; 12 November 1968 p.3340; 25 March 1970 p.886; 5 February 1971 pp.374-75; 11 April 1974 p.1317; 30 July 1976 p.2644; 1 November 1979 p.3477; 25 January 1980 p.271; 18 July 1980 p.2441; 30 October 1987 p.4052; 30 December 1988 p.5114; 3 September 1996 p.4381; 5 February 1999 p.401.]

[102. Repealed in Gazette 5 February 1999 p.401.]

Section D — Principals and Deputy Principals of Senior Colleges and Secondary Schools

[Heading inserted in Gazette 16 July 1982 p.2760.]

Subsection D1 — Positions in Secondary Schools for which Promotion Lists are prepared

[Heading inserted in Gazette 9 March 1972 p.568.]

[102A. Repealed in Gazette 24 April 1986 p.1492.]

[102B. Repealed in Gazette 30 October 1987 p.4055.]

102C. Appeal

- (1) A teacher aggrieved by any decision of the Board may within 14 days after the publication of the decision appeal against the decision by lodging with the Board a notice in writing signed by him setting out fully the grounds of appeal.
- (2) The decision of the Board after considering the appeal shall be final and no further appeal of any kind shall be allowed.

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*[Regulation 102C inserted in Gazette 9 March 1972 p.569;
amended in Gazette 30 October 1987 p.4055.]*

[102D-102DA. Repealed in Gazette 30 October 1987 p.4055.]

[102DB. Repealed in Gazette 25 January 1980 p.272.]

[102DBA. Repealed in Gazette 30 October 1987 p.4055.]

*[102DBB. Regulation 102DBB repealed in Gazette 30 October 1987
p.4056.]*

**102DC. Conditions relating to permanent positions of principals of
secondary schools**

[(1) repealed]

- (1a) An appointment to a position of principal of a secondary school to take effect on or after 1 January 1986 may be made for such term not exceeding 5 years as is specified in the instrument of appointment.

[(2), (3), (4), (5) and (6) repealed]

- (6a) Where a teacher is appointed or promoted to the position of principal of a secondary school under subregulation (1a) and that position is abolished or that term expires by effluxion of time and the teacher is not re-appointed to a position of principal of a secondary school, the teacher is entitled to be appointed to a position not lower in status than the position which the teacher occupied immediately prior to his appointment to that position.

[(7) repealed]

*[Regulation 102DC inserted in Gazette 9 March 1972
pp.571-72; amended in Gazette 10 May 1974 p.1542;
30 August 1974 p.3279; 8 August 1980 p.2692; 24 May 1985
p.1796; 30 October 1987 p.4055; 30 October 1987 p.4056;
16 May 1995 p.1843.]*

[Subsection D2. Repealed in Gazette 18 July 1980 p.2441.]

[Section E. Repealed in Gazette 18 July 1980 p.2441.]

Section F — Appointments to Special Positions

[Heading inserted in Gazette 20 May 1977 p.1545.]

[102I., 102J. Repealed in Gazette 24 April 1986 p.1492.]

102K. Appointment to special position

[(1) repealed]

- (2) The chief executive officer may make appointments to special positions.
- (3) Vacancies in special positions shall be advertised as directed by the chief executive officer and, where the special position is that of principal of an agricultural college, may be advertised outside the teaching service if the chief executive officer considers such advertisement necessary.

[Regulation 102K inserted in Gazette 20 May 1977 p.1545; amended in Gazette 2 December 1977 p.4459; 30 June 1978 p.2178; 8 August 1980 p.2693; 24 April 1986 p.1492; 30 December 1988 p.5114.]

102L. Board to make recommendation

[(1) and (2) repealed]

- (3) The Board shall, after considering applications for appointments to special positions, make recommendations thereon to the chief executive officer.

[Regulation 102L inserted in Gazette 20 May 1977 p.1545; amended in Gazette 30 June 1978 p.2178; 16 July 1982 p.2761; 24 April 1986 p.1492; 4 July 1986 p.2320; 30 October 1987 p.4052; 30 December 1988 p.5114.]

102M. Appeal

- (1) An applicant for appointment to a special position, aggrieved by a recommendation of the Board may within 14 days of being notified by post of the Board's recommendation appeal against the Board's recommendation by lodging with the Board a notice in writing and signed by the applicant, setting out fully the grounds of appeal.
- (2) The Board shall consider the appeal and may confirm its original recommendation or make a new recommendation.
- (3) The decision of the Board after considering the appeal shall be final and no further appeal of any kind shall be allowed.

[Regulation 102M inserted in Gazette 20 May 1977; amended in Gazette 24 April 1986 p.1492.]

Division 7 — Quarters and accommodation

[Heading inserted in Gazette 23 April 1969 p.1301.]

103. Rent for quarters may be deducted from salary

Where a teacher occupies any living quarters leased to the teacher from the Crown, the Minister or any agent or instrumentality of the Crown, the rent payable by the teacher in respect of those quarters may be deducted by the department from the teacher's salary.

[Regulation 103 inserted in Gazette 25 January 1980 p.272; amended in Gazette 30 December 1988 p.5114.]

[104. Repealed in Gazette 25 January 1980 p.272.]

[105. Repealed in Gazette 31 October 1975 p.4107.]

106. Circumstances where relieving teacher may pay the rent

- (1) Subject to the approval of the chief executive officer, a teacher who is on long service leave or sick leave may retain possession of quarters allotted to him by the department, but if the teacher

does not require the quarters during his leave and they are made available to and are occupied by the relieving teacher the latter shall pay the rent.

- (2) Where a teacher who is on long service leave or sick leave retains possession of his quarters, he may let the quarters to a responsible tenant approved by the chief executive officer, but the teacher is responsible to the department for the rent unless the relieving teacher enters into occupation of the quarters.

*[Regulation 106 amended in Gazette 29 June 1961 p.2065;
4 December 1987 p.4351; 30 December 1988 p.5114;
23 June 1989 p.1859.]*

[107., 108. Repealed in Gazette 20 December 1974 p.5658.]

Division 8 — Salaries and allowances

[Heading amended in Gazette 20 December 1974 p.5658.]

109. Proportion of school vacations, increments and responsibility allowance

[(1) repealed]

- (2) A temporary teacher who —
- (a) does not work a full school year; and
 - (b) is employed for a continuous period of 4 weeks or more,
- shall be entitled to payment for the same proportion of a teacher's annual vacations as the period he has worked bears to a full school year's work.
- (2a) For the purposes of subregulation (2) (b) the school vacation periods shall not be included as service, but shall not constitute a break in a teacher's continuity of service.
- (2b) Subject to regulation 118 and without affecting regulation 110 —

- (a) a permanent teacher on probation who does not work a full school year; or
- (b) a permanent teacher granted leave without pay for a period not exceeding the full school year,

shall be entitled to payment for the same proportion of a teacher's annual vacations as the period he has worked bears to a full school year's work.

- (3) A teacher who is employed part-time shall work for such period of time as is in inverse proportion to his part-time hours of duty before being eligible for an increment in basic salary or in responsibility allowance.

[Regulation 109 amended in Gazette 31 May 1966 p.1423; 23 April 1969 p.1301; 26 March 1976 p.889; 25 January 1980 p.272; 6 December 1985 p.4583.]

110. Proportion of school vacation when period of maternity leave taken

- (1) Where a teacher does not work a full school year because a period of maternity leave commences or expires, or both commences and expires, during that year she is entitled to payment for the same proportion of a school vacation in that year as the period worked during that year bears to a full school year.
- (2) Notwithstanding subregulation (1), a teacher who has received payment for any school vacation in a year is not required to repay any part of that payment if, on account of maternity leave subsequently taken in that year, the payment exceeds the amount to which she is entitled under that subregulation.
- (3) Where a teacher will be on maternity leave on the first day of a school term, she is not entitled to payment for any part of the immediately preceding school vacation except to the extent that an entitlement arises from work performed before the commencement of that vacation.

- (4) A teacher shall be paid at the commencement of maternity leave any sum to which she is entitled under this regulation for any school vacation which falls during the period for which maternity leave has been approved.
- (5) In this regulation “**maternity leave**” means maternity leave granted under regulation 119.

[Regulation 110 inserted in the Gazette 29 November 1985 p.4505.]

111. Teacher temporarily filling position

- (1) (a) A teacher who is continuously employed for more than 2 weeks in temporarily filling a position the salary for which is higher than that prescribed for his permanent position shall, subject to paragraph (b), be paid for the full period during which he holds the temporary position the salary to which he would be entitled if he held that position permanently.
- (b) Subject to paragraph (c), a teacher referred to in paragraph (a) who is so employed —
 - (i) for a full calendar year, shall be paid the higher salary for the whole of that period;
 - (ii) within 2 weeks of the commencement of the school year and remains so employed for the remainder of the full school year, shall be paid the higher salary from the date he commences to be so employed until the end of the calendar year;
 - (iii) within 2 weeks of the commencement of the school year and for a lesser period than the remainder of the full school year, shall be paid the higher salary for the period during which he is so employed including any vacations which may fall within that period;
 - (iv) more than 2 weeks after the commencement of the school year, shall be paid the higher salary for the period

during which he is so employed including any vacations which may fall within that period.

- (c) A teacher referred to in paragraph (a) shall not be paid the higher salary for any period of absence on long service leave or on sick leave of more than 2 weeks' duration.

[(2) repealed]

[Regulation 111 amended in Gazette 20 December 1962 p.4059; 29 August 1963 p.2604; 30 March 1966 p.830; 12 November 1968 p.3340; 25 March 1970 p.888; 5 February 1971 p.375; 19 March 1971 p.854; 10 June 1971 p.1922; 20 December 1974 p.5658; 2 May 1986 pp.1561-62.]

[112. Repealed in Gazette 25 January 1980 p.272.]

[113. Repealed in Gazette 19 December 1969 p.4195.]

[114. Repealed in Gazette 20 December 1974 p.5658.]

Division 9 — Leave

115. Teacher not to be absent from duty without leave

- (1) A teacher shall not be absent from duty without leave.

[(2) repealed]

[Regulation 115 inserted in Gazette 4 November 1977 p.4113; amended in Gazette 19 March 1982 p.947.]

116. Application for leave

- (1) Subject to these regulations, a teacher who wishes to be absent on leave shall apply for and obtain leave before being absent from duty.
- (2) An application pursuant to subregulation (1) shall be made to the chief executive officer in the form of the form approved of by him.

[Regulation 116 inserted in Gazette 4 November 1977 p.4113; amended in Gazette 4 July 1986 p.2320; 30 December 1988 p.5114.]

117. Resumption of duty

A teacher who, not being on leave, does not resume duty immediately following —

- (a) the summer vacation — shall be regarded as having been absent from duty during the period commencing on 1 January of that year and ending with the day that he resumes duty;
- (b) a term vacation — shall be regarded as having been absent from duty during that period and until he resumes duty,

unless the Minister is satisfied as to the reasons for the inability of the teacher to resume duty immediately following that vacation and directs that the teacher shall be regarded as having been on leave until the day that he in fact resumes duty.

[Regulation 117 inserted in Gazette 4 November 1977 p.4114.]

118. Leave without pay

- (1) The chief executive officer may at his discretion grant a teacher leave without pay.
- (2) Any continuous period of leave without pay exceeding working days granted under this regulation —
 - (a) does not count as service;
 - (b) does not constitute a break in continuous service,under these regulations.
- (3) Notwithstanding anything in this regulation the Minister may on the recommendation of the chief executive officer declare that leave granted to a teacher on and after 1 January 1964 for the

purpose of undertaking studies directly related to his duties as a teacher constitutes service for the purposes of these regulations.

[Regulation 118 inserted in Gazette 4 November 1977 p.4114; amended in Gazette 30 December 1988 p.5114.]

119. Maternity leave

- (1) Subject to subregulation (8), a pregnant teacher shall apply for, and the chief executive officer shall grant, maternity leave in accordance with this regulation.
- (2) Subject to subregulation (8), if a pregnant teacher does not apply for maternity leave in accordance with this regulation she shall be deemed to have resigned 6 weeks before the date of birth.
- (3) The period of maternity leave shall be —
 - (a) not less than the period commencing 6 weeks before the expected date of birth and expiring 6 weeks after the actual date of birth; and
 - (b) not greater than 12 months commencing 6 weeks before the expected date of birth,but in the case of a teacher appointed for a fixed term shall not extend beyond that term.
- (4) Except as provided in regulation 110 (1) maternity leave is leave without pay.
- (5) The application for maternity leave shall —
 - (a) be made not later than 20 working days before the last day on which, under subregulation (3) (a), leave may commence;
 - (b) be accompanied by a certificate of a registered medical practitioner showing the expected date of birth.
- (6) Where application is made for a period of maternity leave or for an amended period under subregulation (7), not being the minimum period referred to in subregulation (3) (a), the chief

executive officer may in granting leave determine that it shall expire on the last day of a school vacation.

- (7) The chief executive officer may, on application, at any time amend a grant of maternity leave but so that the amended period is not contrary to subregulation (3).
- (8) Nothing in this regulation shall be read so as to prevent long service leave being taken by a teacher, in accordance with these regulations, for any period, or part of a period, referred to in subregulation (3) (a).
- (9) For the purpose of these regulations maternity leave —
 - (a) does not constitute a break in continuous service;
 - (b) does not count as service, except for any part of the leave for which payment is made under regulation 110; and
 - (c) subject to subregulation (10), where a provision of these regulations prescribes a qualifying period for promotion, does not constitute a break in the qualifying period for promotion if that period has commenced at the time that maternity leave is taken.
- (10) The provisions of subregulation (9) (c) —
 - (a) apply only in relation to a qualifying period for promotion required to be served by a teacher for promotion after 1 January 1987; and
 - (b) do not apply in relation to —
 - (i) more than 1 period of maternity leave taken while qualifying for a particular promotional position;
 - (ii) a qualifying period for promotion that was completed before 1 January 1987.
- (11) In subregulations (9) and (10) the term **“qualifying period for promotion”** includes any requirement under these regulations

that is expressed as a requirement to have a period of experience of a particular kind for a specified promotion.

[Regulation 119 inserted in Gazette 4 November 1977 p.4114; amended in Gazette 5 September 1986 p.3318; 30 December 1988 p.5114.]

120. Short leave

- (1) The chief executive officer may grant a teacher leave with pay (in this regulation referred to as “**short leave**”) for absence not exceeding a total of 3 days in any year to conduct urgent personal business which cannot reasonably be transacted outside hours of duty.
- (2) The chief executive officer shall not grant short leave in respect of any day —
 - (a) immediately preceding or immediately following a school vacation or the Easter holiday period; or
 - (b) immediately preceding leave granted to attend examinations.

[Regulation 120 inserted in Gazette 4 November 1977 p.4114; amended in Gazette 30 December 1988 p.5114.]

121. Sick leave

Subject to these regulations the chief executive officer may grant a teacher leave on full pay, leave on half pay or leave without pay because of illness or disability (in these regulations referred to as “**sick leave**”).

[Regulation 121 inserted in Gazette 4 November 1977 p.4114; amended in Gazette 30 December 1988 p.5114.]

122. Application for sick leave

- (1) An application for sick leave shall be made by a teacher not later than the day on which he resumes duty following his absence because of sickness.

(2) The chief executive officer shall not grant sick leave unless the application therefor is supported by the certificate of a legally qualified medical practitioner approved of by the chief executive officer stating —

- (a) the nature of the teacher’s illness or disability; and
- (b) the period during which the teacher is unfit for duty,

unless he is satisfied that in the circumstances of a particular case it is not possible for the teacher to obtain such a certificate and where the chief executive officer is so satisfied he may instead require the applicant to produce the certificate of a person specified by him.

(3) The chief executive officer may grant a teacher non-cumulative sick leave with pay without the production of a medical certificate for absence not exceeding a total of 3 days in any year except that he shall not grant such leave on any day —

- (a) immediately preceding or immediately following a school vacation or the Easter holiday period; or
- (b) immediately preceding leave granted to attend examinations.

[Regulation 122 inserted in Gazette 4 November 1977 p.4114; amended in Gazette 30 December 1988 p.5114.]

123. Cumulative credit in working days towards sick leave

(1) Subject to these regulations in respect of service on and after 1 January 1954, a permanent teacher is entitled to a cumulative credit in working days towards sick leave on full pay and half pay (referred to in these regulations as a “**sick leave credit**”) as follows: —

	Credit towards leave on full pay	Credit towards leave on half pay
On permanent appointment	5	2
On completion of 6 months’		

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continuous service from permanent appointment	5	3
On completion of 12 months' continuous service from permanent appointment	10	5
On completion of each additional 12 months' continuous service	10	5

- (2) In respect of service on and after 1 January 1954, a temporary teacher is entitled to a cumulative credit of one day towards sick leave on full pay and of one half day towards sick leave on half pay for each completed period of 4 weeks of continuous service to a maximum in any one calendar year of 10 days towards sick leave on full pay and of 5 days towards sick leave on half pay.
- (3) Notwithstanding anything in subregulation (2), a person appointed as a temporary teacher on a full-time basis immediately following completion of initial teacher training at an approved teacher training institution in Western Australia is entitled to the sick leave credits referred to in subregulation (1) as if he were a permanent teacher, and the references in that subregulation to permanent appointment were references to his appointment as a temporary teacher.
- (4) A teacher employed on a fractional-time basis is entitled to that proportion of the entitlement towards sick leave on full or half pay of a teacher employed full-time as the proportion his employment bears to full-time employment.

[Regulation 123 inserted in Gazette 11 November 1977 p.4115 amended in Gazette 4 August 1978 p.2836; 8 December 1978 p.4658.]

124. Sick leave to be granted where teacher has appropriate credit

- (1) The chief executive officer shall not grant a teacher sick leave with pay unless the teacher has an appropriate sick leave credit.
- (2) Sick leave with pay taken by a teacher shall be deducted from his sick leave credit at the rate of one day for each working day

including public holidays that the teacher is on sick leave with pay.

- (3) Where a teacher's sick leave credit on full pay becomes exhausted, the chief executive officer may, on application by the teacher, grant a credit towards sick leave on full pay of one day for each 2 days that the teacher is entitled to a credit towards sick leave on half pay and the credit towards sick leave on half pay shall be reduced accordingly.
- (4) When a teacher's credit towards sick leave with pay becomes exhausted, the chief executive officer may grant a credit towards sick leave on full pay of one day for each day that the teacher is entitled to long service leave and the entitlement to long service leave shall be reduced accordingly.

[Regulation 124 inserted in Gazette 11 November 1977 p.4115 amended in Gazette 30 December 1988 p.5114.]

125. Interpretation of service and when teacher not entitled to sick leave

- (1) For the purposes of regulations 121-129 "**service**" includes —
 - (a) any period of leave except —
 - (i) subject to regulation 118 (3), leave granted without pay in excess of 10 working days; and
 - (ii) any continuous period of sick leave without pay in excess of 3 months;
 - (b) service before 1 January 1975 as a monitor or as a student with allowances in a teachers college.
- (2) A teacher is not entitled to sick leave with pay in respect of an illness or disability —
 - (a) caused by that teacher's misconduct; or
 - (b) caused by circumstances within that teacher's control.

*[Regulations 125 inserted in Gazette 4 November 1977
pp.4115-16 (correction in Gazette 11 November 1977 p.4269.)]*

125A. Re-appointment following resignation in relation to sick leave

- (1) Subject to this regulation, the re-appointment of a teacher following his resignation shall, in relation to his entitlement to a credit towards sick leave with pay, be deemed to be a first appointment.
- (2) Where a teacher —
 - (a) resigns from the permanent staff;
 - (b) is appointed a temporary teacher; and
 - (c) his temporary appointment is, exclusive of school vacations, continuous with his service as a permanent teacher,

he shall be credited with any sick leave to which he was entitled on the date of his resignation.

- (3) Where a teacher who retires on medical grounds is subsequently re-appointed a teacher he shall be credited with any sick leave credit to which he was entitled as of the date of his retirement.
- (4) Where a temporary teacher is appointed to the permanent staff and his permanent appointment is continuous with his service as a temporary teacher he shall retain any sick leave credit to which he was entitled as a temporary teacher immediately before his appointment as a permanent teacher.
- (5) Where a temporary teacher ceases service he loses his sick leave credit unless —
 - (a) the cessation is due to a term vacation; or
 - (b) his services are not required for a period that does not exceed 12 weeks.

*[Regulation 125A inserted in Gazette 4 November 1977
p.4116.]*

125B. Sick leave whilst on leave

- (1) Subject to this regulation the chief executive officer shall not grant sick leave with pay to a teacher who is on leave.
- (2) Where the chief executive officer is satisfied that the sick leave sought by a teacher —
 - (a) arises from illness during the teacher's long service leave; and
 - (b) results in the teacher being confined to his residence or a hospital for a period of 14 days or more,

he may grant the teacher sick leave in respect of the period during which he was sick while on leave and where he does so the period shall not be reckoned as long service leave for the purposes of these regulations.

[Regulation 125B inserted in Gazette 4 November 1977 p.4116; amended in Gazette 30 December 1988 p.5114.]

126. Sick leave on last working day before a school vacation

- (1) Where a teacher is on sick leave on the last working day before the beginning of a school vacation or public holiday and resumes duty on the first working day following the vacation or public holiday his period of sick leave shall be deemed to have ended on the last working day before the vacation or public holiday.
- (2) Where a teacher is on sick leave on the last working day before the beginning of a school vacation and continues on sick leave on the first working day following the vacation he shall —
 - (a) in relation to the summer vacation, receive full pay for the period of the vacation; and
 - (b) in relation to a term vacation —
 - (i) receive full pay for the period of the vacation if on sick leave on full pay;

- (ii) receive half pay for the period of the vacation if on sick leave on half pay;
- (iii) receive no pay for the period of the vacation if on sick leave without pay,

but the period of the vacation shall not form part of the period of sick leave.

[Regulation 126 inserted in Gazette 4 November 1977 p.4116 (correction in Gazette 11 November 1977 p.4269).]

127. Where long service leave may be taken as sick leave

Where a teacher —

- (a) applies for sick leave with pay because of an illness or disability in respect of which he is not required to be confined to his house or a hospital; and
- (b) is entitled to a period of long service leave,

the chief executive officer may require the teacher to apply for and take all or part of the period of long service leave to which he is entitled in place of an equivalent period of sick leave.

[Regulation 127 inserted in Gazette 4 November 1977 p.4116 (correction in Gazette 11 November 1977 p.4269); amended in Gazette 30 December 1988 p.5114.]

128. Appointment of Commonwealth or State employee

- (1) In this regulation the terms “**Commonwealth employee**”, “**Commonwealth instrumentality**”, “**State employee**”, and “**State instrumentality**” have the same meaning as in regulation 132.
- (2) A Commonwealth or State employee whose appointment as a teacher is continuous with his employment by a Commonwealth or State instrumentality is entitled, on appointment, to be credited with a sick leave credit equal to any entitlement to sick leave with pay to which he was entitled, under the sick leave

conditions of the Commonwealth or State instrumentality, on the date of his leaving the employment of the instrumentality.

- (3) For the purposes of this regulation, the employment of a person with a Commonwealth or State instrumentality shall be regarded as continuous with his service as a teacher if the period commencing with the date he ceases his employment with the instrumentality and ending with the date of his appointment as a teacher does not exceed 4 weeks, or such longer period as the Minister, in special circumstances, determines.

[Regulation 128 inserted in Gazette 4 November 1977 p.4116 (correction in Gazette 11 November 1977 p.4269).]

129. War-caused injury or disability

- (1) A teacher who is absent from duty because of a war-caused injury or disability is entitled, in addition to any other sick leave credit under these regulations, to an additional credit in working days towards sick leave on full pay as follows —
- (a) in respect of service before 1 July 1967 —
 - (i) on the date of appointment — 10 days;
 - (ii) on completion of 12 months' continuous service — 10 days;
 - (iii) for each 12 months' of continuous service after the first 12 months' of continuous service and any further service up to his fifth year of service — 10 days for each year but with no accumulation in excess of 60 days and no reaccumulation;
 - (b) in respect of service on and after 1 July 1967 —
 - (i) on the date of appointment — 15 days;
 - (ii) on completion of 12 months' continuous service — 15 days;
 - (iii) for each 12 months' continuous service after the first 12 months' of continuous service — 15 days.

- (2) A teacher's additional sick leave credit under the provisions of subregulation 1 (a) or (b) shall be reduced by one day for each working day including public holidays the teacher is on sick leave with pay because of war-caused injury or disability.
- (3) A war-caused injury or disability is an injury or disability which is certified by the Department of Veterans' Affairs of the Commonwealth to be war-caused.

*[Regulation 129 inserted in Gazette 4 November 1977 p.4116
(correction in Gazette November 1977 p.4269).]*

130. Long Service Leave entitlement

- (1) Subject to these regulations, a teacher is entitled to long service leave of 13 weeks in respect of —
 - (a) a period of 10 years continuous service; and
 - (b) any subsequent period of 7 years continuous service following the period of 10 years referred to in paragraph (a).
- (2) A temporary teacher is required to accrue his or her entitlement to long service leave —
 - (a) under subregulation (1) (a) — within 11 calendar years;
 - (b) under subregulation (1) (b) — within 8 calendar years;
- (3) In these regulations the term “**continuous service**” when used in relation to long service leave shall be read and construed in accordance with subregulation (4).
- (4) Any interruption in the service of the teacher shall not count as service and shall break his or her continuity of service but —
 - (a) any period of sick leave with pay;
 - (b) any continuous period of approved sick leave without pay that does not exceed 13 weeks;
 - (c) any continuous period of approved leave (other than sick leave) without pay that does not exceed 2 weeks;

- (d) any continuous period of absence on workers' compensation that does not exceed 26 weeks; or
- (e) any period of approved leave without pay for the purpose of undertaking studies under regulation 118 (3),

counts as service and does not break the continuity of service and —

- (f) any period of long service leave and any period of school vacation within that period;
- (g) any period during a vacation in which the teacher is not entitled to payment;
- (h) any portion of a continuous absence on approved sick leave without pay that exceeds 13 weeks;
- (i) any portion of continuous absence on approved leave without pay that exceeds 2 weeks;
- (j) any portion of a continuous absence on workers compensation, that exceeds 26 weeks;
- (k) any default period; and
- (l) in the case of a temporary teacher, any period not exceeding 13 weeks during which the teacher's services are not required,

does not count as service but does not break the continuity of service.

- (5) In subregulation (4) (k) “**default period**” means —
 - (a) the period commencing from the third anniversary —
 - (i) of the date on which a teacher becomes entitled to take long service leave for 13 weeks; or
 - (ii) if a postponement election by a teacher has been approved under regulation 130E, the date on which the teacher becomes entitled to take long service leave for one semester;

- (b) the period commencing from the date on which a teacher is required to take long service leave under regulation 6 (3) of the *Education Amendment Regulations (No. 4) 1991*,

and ending on the date on which that entitlement has been completely taken.

- (6) For the purposes of these regulations where a teacher takes long service leave over more than one term any period of school vacation that occurs between the terms shall be regarded as long service leave.

[Regulation 130 inserted in Gazette 25 October 1991 pp.5451-52.]

130A. Conversion to extended long service leave

- (1) The chief executive officer may at his or her discretion on application by a teacher approve the conversion of the teacher's ordinary long service leave entitlement to extended long service leave.
- (2) In subregulation (1) "**extended long service leave**" means long service leave for a period longer than the period of ordinary long service leave specified in regulation 130 (1) (a) or (b) at a salary that is reduced in proportion to the longer period so taken but so that the long service leave taken is not greater than twice the long service leave the teacher would have been entitled to take plus any school vacation that occurs during that period had the teacher taken the long service leave to which the teacher is entitled under regulation 130 (1) (a) or (b).

[Regulation 130A inserted in Gazette 25 October 1991 p.5452.]

130B. Full time and part time service

A teacher who during the period of continuous service has served on —

- (a) a part time basis is entitled to be paid during long service leave according to the part time service during that period of continuous service;
- (b) a full time basis and a part time basis is entitled to be paid during long service leave according to the full time service and the part time service served during that period of continuous service.

[Regulation 130B inserted in Gazette 25 October 1991 p.5453.]

130C. Compaction

Subject to regulation 130F, any entitlement to long service leave arising from part time service may be converted to long service leave for a shorter period on a proportionately higher salary.

[Regulation 130C inserted in Gazette 25 October 1991 p.5433.]

130D. Application for long service leave

- (1) An application for long service leave shall be made by completing a long service leave application form authorized by the chief executive officer.
- (2) An application for long service leave shall be made to the chief executive officer —
 - (a) in the year preceding the year in which long service leave is proposed to be taken;
 - (b) not later than the date specified by the chief executive officer by notice published in the Education Circular; and
 - (c) not later than 2 years after the date on which an entitlement to 13 weeks long services leave has accrued.

[Regulation 130D inserted in Gazette 25 October 1991 p.5433.]

130E. Postponement election

Notwithstanding anything in regulation 130D (2) (c), the chief executive officer may, on application by a teacher made within 2 years of the date on which the teacher becomes entitled to long service leave for 13 weeks, approve of the teacher postponing the taking of that entitlement (“**a postponement election**”) until the teacher becomes entitled to take long service leave over one semester.

[Regulation 130E inserted in Gazette 25 October 1991 p.5453.]

130F. Long service leave to be taken over a term or semester

- (1) Long service leave shall be taken over a complete term or a complete semester or complete school year commencing in the year specified by the applicant from such date as is approved by the chief executive officer and any portion of a long service leave entitlement that is not exhausted by virtue of the operation of this subregulation shall be credited to the teacher (in these regulations referred to as a “**carryover entitlement**”).
- (2) Notwithstanding subregulation (1), the chief executive officer may in special circumstances direct that the provisions of subregulation (1) do not apply.

[Regulation 130F inserted in Gazette 25 October 1991 pp.5453-54.]

130G. Pro-rata long service leave and carryover credit

- (1) A teacher who has a carryover entitlement or carryover entitlements may take the long service leave entitlement conferred by regulation 130 (1) (b) on a pro-rata basis (in these regulations referred to as “**pro-rata long service leave**”) before the expiry of 7 years if the period of any carryover entitlement or carryover entitlements of the teacher when added to the period of pro-rata long service leave equals one complete term.
- (2) Any long service leave taken under subregulation (1) may be taken only where the period of pro-rata long service leave and

the period of the carryover entitlements equal a period of a complete term but the chief executive officer may in special circumstances permit a teacher to take a carryover entitlement before the teacher's long service leave entitlement and the prorata long service leave equals one complete term.

[Regulation 130G inserted in Gazette 25 October 1991 p.5454.]

130H. Salary during vacations

The rate of salary payable to a teacher in respect of a school vacation, other than a summer vacation, that occurs within a period of long service leave, shall be the rate of salary payable to the teacher in respect of the period of long service leave.

[Regulation 130H inserted in Gazette 25 October 1991 p.5454.]

131. Lump sum payment

- (1) A lump sum payment for the money equivalent of any long service leave entitlement of a teacher under the provisions of regulation 130, and any proportional long service leave credit of a teacher under the provisions of this regulation shall be made —
 - (a) as of the date of his retirement, to a teacher who is retired because of incapacity, provided that he has completed at least 12 months of continuous service prior to the date of his retirement;
 - (b) as of the date of his retirement, to a teacher who retires voluntarily at or over the age of 55 years provided that he has completed at least 3 years of continuous service prior to the date of his retirement;
 - (c) as of the date of his death, in respect of a teacher who dies —
 - (i) to his estate if he is not survived by a spouse or other person legally dependent on him;

- (ii) to his spouse if he is survived by a spouse legally dependent on him; or
 - (iii) where he is not survived by a spouse legally dependent on him to such person legally dependent on him as the Minister approves, provided that the teacher has completed not less than 12 months of continuous service prior to the date of his death.
- (2) A lump sum payment for the money equivalent of any long service leave entitlement of a teacher under the provisions of regulation 130 shall be made, as soon as practicable after the date of his resignation or dismissal, to a teacher who —
 - (a) resigns;
 - (b) is dismissed.
- (3) The proportional long service leave credit of a teacher, for each period of continuous service less than that required to entitle the teacher to long service leave —
 - (a) shall be, in relation to the first ten years of continuous service, for a period of less than ten years, that proportion of 13 weeks as the period bears to 10 years; and
 - (b) shall be, in relation to a subsequent period of 7 years continuous service, for a period of less than 7 years, that proportion of 13 weeks as the period bears to 7 years.
- (4) A reference in this regulation to any long service leave entitlement of a teacher under the provisions of regulation 130 includes any carryover entitlement that the teacher has but does not include pro rata long service leave.
- (5) Except as provided by this regulation, a teacher is not entitled to a lump sum payment in respect of any period of continuous service that is less than the period of continuous service prescribed in regulation 130 (1) (a) or (b) but is entitled to a

lump sum payment in relation to any carryover entitlement that remains to be taken.

[Regulation 131 inserted in Gazette 25 February 1977 p.614; amended in Gazette 6 July 1984 p.2055; 10 July 1987 p.2635; 25 October 1991 pp.5454-55; 16 May 1995 p.1843.]

132. Long service leave credit for Commonwealth or State employee

(1) In this regulation —

“Commonwealth employee” means a person who is appointed as a teacher and whose appointment is continuous with his employment with a Commonwealth instrumentality;

“Commonwealth instrumentality” means —

- (a) any department of the Australian Public Service;
- (b) any body constituted under an Act of the Parliament of the Commonwealth; or
- (c) any body subject to the administration of a Minister of the Crown in right of the Commonwealth,

as the Minister declares by notice in the *Government Gazette* to be a Commonwealth instrumentality for the purposes of this regulation;

“period of accrued long service leave” means a period of long service leave —

- (a) to which, under the long service leave conditions of, and by virtue of his service with, a State instrumentality, a State employee is entitled as of the date he ceases to be employed by that instrumentality;
- (b) which he has not taken as long service leave; and
- (c) for which he has received no benefit in lieu of long service leave;

“State employee” means a person who is appointed as a teacher and whose appointment is continuous with his employment with a State instrumentality;

“State instrumentality” means any body within the State which is, or is capable of being declared to be, a department for the purposes of the *Superannuation and Family Benefits Act 1938*.

(2) (a) A Commonwealth or State employee is entitled to a credit towards an entitlement to long service leave under regulation 130, hereinafter referred to as a **“long service leave credit”**, in respect of his service with a Commonwealth or State instrumentality, calculated according to the prescribed formula.

(b) For the purposes of paragraph (a) the prescribed formula is the formula —

$$A = \frac{B}{C} \times D$$

where

A represents the long service leave credit, in days;

B represents the period, in days, of continuous service with the instrumentality which —

(i) ended on the date the employee left the service of the instrumentality;

(ii) was, under the long service leave conditions of the instrumentality —

(1) countable as service towards entitlement to a period of long service leave; and

(2) less than the period of service required to entitle an employee to a period of long service leave; and

(iii) in respect of which the employee has not taken long service leave or received from the instrumentality any benefit in lieu of long service leave;

- C represents the period, in days, of continuous service with the instrumentality which, under the long service leave conditions of that instrumentality, would have entitled the employee to a period of long service leave had he remained in the employ of the instrumentality; and
- D represents the period, in days, of long service leave to which the employee would have been entitled under the long service leave conditions of the instrumentality had he completed the period of continuous service with the instrumentality represented by B.
- (c) A Commonwealth or State employee credited with a long service leave credit shall be deemed to be entitled to long service leave under the provisions of regulation 130 on the day after he has completed the period of service from the date of his appointment as a teacher calculated according to the prescribed formula.
- (d) For the purposes of paragraph (c) the prescribed formula is —
- (i) in respect of an entitlement to a period of long service leave of 13 weeks, the formula —
- $$E = (91-A) \times 40; \text{ and}$$
- where
- E represents the period of service, in days, a Commonwealth or State employee must complete, from the date of his appointment as a teacher, in order to be entitled to long service leave; and
- A represents, in days, the employee's long service leave credit.
- (3) Where a State employee is entitled to a period of accrued long service leave, he shall be deemed to be entitled, as of the date of his appointment as a teacher, to that period of long service leave as long service leave under these regulations.

- (4) For the purposes of this regulation, the employment of a person with a Commonwealth or State instrumentality shall be deemed to be continuous with his service as a teacher if the period commencing with the date he ceases his employment with the instrumentality and ending with the date of his appointment as a teacher does not exceed 4 weeks, or such longer period as the Minister, in special circumstances, determines.
- (5) A Commonwealth employee shall not proceed on long service leave until he has completed a period of over 3 years of continuous service as a teacher.

[Regulation 132 inserted in Gazette 25 February 1977 pp.615-616; amended in Gazette 25 October 1991 p.5455.]

[133 Repealed in Gazette 25 February 1977 p.616.]

Division 10 — Misconduct and complaints

[134. Repealed in Gazette 19 March 1982 p.947.]

135. Complaint

- (1) (a) Where a complaint is made against a teacher by a parent of a pupil or by some other person, the chief executive officer shall cause a copy of the complaint as so made to be referred to the teacher for his remarks.
- (b) After receipt of the teacher's remarks, the chief executive officer shall, if he considers the complaint worthy of investigation, inform the complainant that an investigation of the complaint will be made upon receipt by the chief executive officer of the complaint in writing on a departmental form and signed by the complainant before a Justice of the Peace and that upon the application of the complainant the appropriate departmental form shall be supplied to him.
- (c) If the complaint so signed differs in substance from the original complaint referred to in paragraph (a) no further action shall be taken by the chief executive officer and the complainant shall be

informed accordingly; but if the complaint so signed does not differ in substance from the original complaint, the chief executive officer may cause an inquiry to be held, and notice of that inquiry shall be given to the teacher against whom the complaint was made, and to the complainant, at least a week before the date fixed for the inquiry.

- (2) If it appears to the chief executive officer that the complaint is of a nature which would admit of a settlement between the parties, without a formal inquiry, every assistance shall be given to the parties to reach a settlement.
- (3)
 - (a) At an inquiry referred to in this regulation, the officer holding, or presiding over, the inquiry may permit a member of the Parents and Citizens' Association or one other person, who is not a legal practitioner, to be present.
 - (b) The teacher against whom the complaint was made may, if he so desires, have a friend or an adviser present, and the complainant may, if he so desires, have a friend or an adviser present; but the friend or adviser shall not be a legal practitioner or a person employed by a legal practitioner.
 - (c) Except as provided in paragraphs (a) and (b), no person, other than those whose attendance is necessary, shall be present at an inquiry.

*[Regulation 135 amended in Gazette 29 June 1961 p.2065;
30 December 1988 p.5114.]*

136. Inquiry to be relevant to complaint

An inquiry shall be confined only to matters relevant to the complaint notice of which shall be given to the teacher against whom the complaint was made.

Division 11 — Other conditions of service

137. Restrictions on business activities, office holding, etc.

- (1) Except with the express permission of the Minister, which permission may at any time be withdrawn, no teacher or employee shall —
 - (a) apply for any licence or permit under any Federal or State law for the purpose of conducting, carrying on or engaging in any business, trade or occupation for gain or reward; or
 - (b) accept or continue to hold an office in or under the Government or a paid office in or under any public or municipal corporation; or
 - (c) accept or continue to hold or discharge the duties of or be employed in a paid office in connection with any banking, insurance, mining, mercantile, or other commercial business, whether the same be carried on by any corporation, company, firm or individual; or
 - (d) engage in or undertake any such business whether as principal or agent; or
 - (e) engage or continue in the private practice of any profession; or
 - (f) accept or engage in any employment for reward other than in connection with the duties of his office or offices under the State or the Commonwealth.
- (2) Nothing contained in this regulation shall be deemed to preclude a teacher or employee —
 - (a) from becoming a member or shareholder only of any incorporated company or of any company or society of persons registered under any statute; or
 - (b) from accepting and continuing to hold any office in any society founded under the law relating to friendly societies for the benefit of such teachers or employees.

[Regulation 137 amended in Gazette 25 January 1980 p.272.]

138. Not to seek patronage

No teacher shall seek directly or indirectly the interest or influence of any person for the purpose of obtaining promotion, transfer or any other advantage in the department.

*[Regulation 138 amended in Gazette 30 December 1988
p.5114.]*

[139. Repealed in Gazette 10 June 1971 p.1923.]

Part V — Specialist and advisory services

Division 1 — Establishment

140. Appointment of specialists and advisers

- (1) Staff may be appointed to the Guidance Branch as follows: —
 - (a) Senior Psychologists;
 - (b) Senior Guidance Officers;
 - (c) District Guidance Officers;
 - (d) Guidance Officers;
 - (e) Such other teachers or employees as the chief executive officer may determine.
- (2) In particular subject areas or in such other fields as the chief executive officer may determine, specialist staff may be appointed as follows: —
 - (a) Principal Advisory Teachers;
 - (b) Senior Advisory Teachers;
 - (c) Senior Education Officers;
 - (d) Advisory Teachers;
 - (e) Education Officers;
 - (f) Such other teachers or employees as the chief executive officer may determine.
- (3) In order to be appointed to the position of Senior Guidance Officer, Senior Advisory Teacher, Senior Education Officer or Principal Advisory Teacher, a teacher shall be required to have a degree approved by the chief executive officer or an Associateship of the Technical Education Division, or its equivalent or such other qualification approved of by the chief executive officer having regard to the position in question.
- (4) Advisory Teachers, Grade II and Education Officers, Grade II shall be appointed for a term of 4 years, except for such

positions as the chief executive officer may determine in which case the duration of the appointment may be extended.

- (4a) In addition to the appointments made pursuant to subregulation (2), appointments may be made of Education Officer Grade I for such period not exceeding 4 years as is specified in any such instrument of appointment.
- (5) Vacancies or new offices for education officers may be advertised outside the teaching service where in any case the chief executive officer considers such advertisement necessary.
- (6) Appointments to the position of Education Officer, Grade I, or Education Officer, Grade II, may be made —
- (a) on the recommendation of the chief executive officer; or
 - (b) on the recommendation of the Board.
- (7) In addition to the powers conferred on it by regulation 102L the Board may make a recommendation in respect of any application for appointment to a position of Education Officer, Grade I, or Education Officer, Grade II, that is referred to the Board by the chief executive officer and where the Board makes such a recommendation the provisions of regulation 102M apply to and in relation to any application so referred to the Board as though the recommendation were a recommendation in respect of an application for a position declared to be a special position under regulation 90B (2).
- (8) The following provisions apply to and in relation to a teacher who is appointed to a position of Education Officer, Grade I, or Education Officer, Grade II, after a recommendation made under subregulation (6) (b) during the period that he holds the appointment —
- (a) for the purposes of these regulations other than this regulation the teacher retains the status that he had before his appointment; and
 - [(b) repealed]*

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Part V Specialist and advisory services

Division 2 Conditions of service

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- (c) the teacher retains his absolute position on any transfer list for which he is qualified prior to his appointment.

[Regulation 140 inserted in Gazette 2 July 1970 p.1888; amended in Gazette 5 February 1971 p.375; 10 June 1971 p.1923; 21 September 1971 p.3512; 23 December 1971 p.5359; 22 October 1976 p.3995; 29 September 1978 p.3604; 25 January 1980 p.272; 18 July 1980 p.2441; 24 December 1980 pp.4404-05; 16 April 1981 p.1312; 30 October 1987 p.4053; 30 October 1987 p.4056; 30 December 1988 p.5114.]

Division 2 — Conditions of service

141. Annual leave and working hours

- (1) The annual leave entitlement of persons employed in the positions referred to in regulation 140 (1) (a) and, subregulation (2) (c), (e) and (f) of that regulation shall be 4 weeks per year and shall be taken at the convenience of the department.
- (2) The working hours of the persons employed in the positions referred to in regulation 140 (1) (a) and in subregulation (2) (c), (e) and (f) of that regulation shall be from 8.15 a.m. to 4.30 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays except public service holidays.

[Regulation 141 inserted in Gazette 25 January 1980 p.272; amended in Gazette 30 December 1988 p.5114.]

142. Annual leave of Youth Education Officer

[(1) and (2) repealed]

- (3) The annual leave of a Youth Education Officer shall be 4 weeks per year, and every such officer may qualify for sick leave and long service leave in accordance with the conditions prescribed for teachers by these regulations.

*[Regulation 142 amended in Gazette 11 August 1964 p.2895;
30 December 1966 p.3408; 2 July 1970 p.1888;
19 September 1975 p.3641; 25 January 1980 p.272.]*

[Heading to Division 3 repealed in Gazette 4 July 1986 p.2320.]

[143. Repealed in Gazette 4 July 1986 p.2320.]

[144. Repealed in Gazette 19 September 1975 p.3641.]

[145. Repealed in Gazette 4 July 1986 p.2320.]

Part VI — Duties of Superintendents

146. Functions and duties of Superintendents

- (1) The duties and functions of a Superintendent include the following: —
 - (a) To advise and assist teachers, and make themselves available when possible for consultation and discussion;
 - (b) to evaluate the work of the school as an educational institution, and to indicate whether it is adequately meeting departmental requirements either as a whole or in particular fields of instruction; and
 - (c) to report on the nature of the service of departmental teachers as required by the chief executive officer.
- (2) During any advisory visit a Superintendent may make such reports, either oral or written, as he deems necessary; but those reports are solely for the guidance and information of the teaching staff, and are not required to be forwarded to the department.

[Regulation 146 amended in Gazette 29 August 1963 p.2604; 25 March 1970 p.888; 30 December 1988 p.5114; 30 December 1988 p.5115.]

147. School visits within district

Every Superintendent shall, if possible, pay at least 2 visits per year to each government school in his district.

[Regulation 147 amended in Gazette 25 March 1970 p.888; 2 May 1980 p.1426.]

148. Report on school and individual report on a teacher

- (1) A Superintendent shall make a report on each school as directed by the chief executive officer.

- (2) On completing the evaluation of a school, the Superintendent shall make out a report on the work of the school as a whole and as many of the individual classes as he considers necessary.
- (3) The school report shall be handed to the principal who shall forward it to the department after he has ensured that an accurate copy has been made and is retained in the school.
- (4) A teacher who wishes to appeal against the whole or any part of the report shall do so within 7 days of its receipt.
- (5) When a Superintendent considers it necessary to make an individual report as to a teacher, a copy of the report shall be handed to the teacher concerned and be retained by him.

[Regulation 148 amended in Gazette 16 December 1965 p.4184; 25 March 1970 p.888; 29 November 1974 p.5191; 27 June 1975 p.2163; 30 December 1988 p.5114.]

149. Criteria for Superintendent to use when evaluating school

- (1) In the course of making a report a Superintendent shall be free to employ whatever procedures he deems necessary to enable him to form an accurate estimate of the effectiveness of the teaching and to evaluate the work of the school in the broadest possible terms.
- (2) A Superintendent should devote a considerable part of his visits to observing the conduct of the ordinary work of the school in order that he might become acquainted with its government and organization and with the character of the training and instruction, and with a view to conducting whatever tests he considers necessary to assist him in making a fair evaluation.
- (3) He should take into consideration the methods of government in the school and the training of the children in social co-operation and citizenship, and should also consider the condition of buildings, furniture and grounds and the part taken by the children in caring for them.

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- (4) He should take an interest in all institutions and agencies of an educational character connected with the school, such as the school library, savings bank, museum, gardens, clubs and sport, etc.

[Regulation 149 amended in Gazette 25 March 1970 p.888.]

150. Superintendent to confer with school staff

A Superintendent should confer with the principal and other members of the staff upon points that arise during his visit and each staff member should be given the opportunity to discuss with the Superintendent any professional or personal problems he may have.

[Regulation 150 inserted in Gazette 25 March 1970 p.888; amended in Gazette 27 June 1975 p.2163.]

151. Complaint by teacher

Any teacher who has reason to complain of the manner in which a visit has been conducted by a Superintendent shall report the circumstances to the department within 48 hours of the conclusion thereof.

[Regulation 151 amended in Gazette 25 March 1970 p.888; 30 December 1988 p.5114.]

152. Appointment of temporary Superintendent

The Minister may from time to time appoint any person temporarily to perform the duties of a Superintendent at such remuneration as he may deem fit, and the person so appointed shall have all the powers of a Superintendent under these regulations.

[Part VIA heading repealed in Gazette 25 March 1970 p.888.]

[153., 154., 155. Repealed in Gazette 25 March 1970 p.888.]

[156. Repealed in Gazette 29 August 1963 p.2605.]

[157. Repealed in Gazette 16 June 1964 p.2431.]

[158., 158A. Repealed in Gazette 25 March 1970 p.888.]

Part VIB — Care-centres and pre-school centres

[Heading inserted in Gazette 13 January 1978 p.159.]

158B. Forms

- (1) An application for the purposes of section 27B (1) of the Act shall be in the form of Form No. 10 in Schedule 1.
- (2) The permit for the purposes of section 27B (2) of the Act shall be in the form of Form No. 11 in Schedule 1.

[Regulation 158B inserted in Gazette 13 January 1978 p.159.]

Part VII — Primary schools

Division 1 — Establishment

159. Minister may establish a primary school in any locality

- (1) Subject to subregulation (2), a fulltime government primary school may be established in any locality where in the opinion of the Minister —
 - (a) the permanence of settlement is sufficiently assured and there is a reasonable prospect of a continued average attendance of not less than 10 children between the ages of 6 years and 14 years; or
 - (b) there is a reasonable prospect of an average attendance of 8 children, a suitable school room is available, and there is no other government school within 5 kilometres of the locality; or
 - (c) there is a reasonable prospect of an average attendance of 8 children within 12 months, the school is in a remote area where settlement is in progress, and a suitable school room is made available by the parents.
- (2) A primary school shall not be established in a locality referred to in subregulation (1) (a), which locality is within 5 kilometres of an existing government primary school, if the average attendance of the proposed school is likely to be less than 20 pupils.
- (3)
 - (a) Where a school is established pursuant to subregulation (1) (a), the department shall provide the necessary buildings, furniture and equipment for that school.
 - (b) Where a school is established pursuant to subregulation (1) (b) or (c), the department shall provide the necessary furniture and equipment for that school.

- (4) A primary school established in a locality referred to in subregulation (1) (b) or (c) —
- (a) shall have not less than 1.1 square metres of floor space for each pupil, a boarded floor and adequate lighting and ventilation;
 - (b) shall be equipped with satisfactory sanitary arrangements and a suitable and adequate supply of drinking water; and
 - (c) shall provide suitable accommodation for the teacher at a rental approved by the department.

[Regulation 159 amended in Gazette 14 September 1973 p.3484; 13 December 1974 p.5371; 16 November 1979 p.3623; 30 December 1988 p.5114.]

160. Correspondence school

- (1) A child who resides beyond the compulsory radius of a school may apply for admission to the Western Australian Correspondence School, and on such application may be admitted to that school without payment of a fee and be taught by correspondence as a full time student.
- (2) A student, not being a child to whom subregulation (1) applies, who is not in full time attendance at a school may apply for admission to the Western Australian Correspondence School for any course conducted by that school and on such application and upon payment of the prescribed fees may be enrolled in that school and be taught by correspondence.
- (3) Every student enrolled in the Western Australian Correspondence School pursuant to subregulation (2) shall pay fees in accordance with the scales set out in Schedule 5, and the full annual fee shall be paid in one payment upon enrolment.
- (4) Notwithstanding the provisions of this regulation the Minister may, upon application made to him in any case, permit payment of the annual fee by such instalments and at such times as he may determine, and may in any case where in his opinion it is

inequitable to require payment of the prescribed fees, waive payment of the whole or any part of those fees.

[Regulation 160 inserted in Gazette 11 August 1964 p.2896.]

161. Notification in *Gazette* of established primary school

The chief executive officer shall cause to be published in the *Gazette* notification of the establishment of every primary school established in accordance with this division.

[Regulations 161 amended in Gazette 29 June 1961 p.2065; 30 December 1988 p.5114.]

Division 2 — Classification

162. Classifications of full-time primary school

- (1) Subject to the provisions of regulations 163 and of subregulation (3), full time primary schools are classified as follows —
 - Class IA — schools having an average daily enrolment of not less than 500 pupils;
 - Class I — schools having an average daily enrolment of not less than 300 but less than 500 pupils;
 - Class II — schools having an average daily enrolment of not less than 100 but less than 300 pupils;
 - Class III — schools having an average daily enrolment of less than 100 pupils and to which not less than 2 full-time teachers are assigned;
 - Class IV — schools to which less than 2 full-time teachers are assigned.
- (2) A school may be declared a “special school” if, in the opinion of the chief executive officer it carries additional responsibilities.

- (3) The classification of a special school, shall be determined by the chief executive officer in accordance with the particular circumstances of the school.

[Regulation 162 inserted in Gazette 31 August 1961 p.2591; amended in Gazette 10 May 1974 p.1542; 17 February 1978 p.529; 30 December 1988 p.5114.]

163. Review of classification of school

- (1) The classification of a school shall be reviewed once every 2 years and the school may be raised to a higher, or reduced to a lower, class upon the figures for the year if the chief executive officer is satisfied that the alteration is likely to be permanent.
- (2) An alteration of classification of a school may be made at any time other than that referred to in subregulation (1) if the chief executive officer considers that special circumstances render the alteration necessary or advisable.

[Regulations 163 amended in Gazette 29 June 1961 p.2065: 30 December 1988 p.5114.]

164. School may be closed

If a school does not maintain an average attendance of 8 pupils, the Minister may, if he thinks fit, cause it to be closed.

[165. Repealed in Gazette 10 May 1974 p.1542.]

Division 3 — Age of admission to primary schools

166. Age of admission

- (1) At the beginning of each school year any child who will attain the age of 6 years on or before 31 December of that year may be admitted to a primary school, but a child who has attained the age of 6 years may be admitted at any time.
- (2) Where the enrolment in a primary school does not exceed 10 pupils and the school is likely to close because of an

insufficient number of pupils, a child who has attained the age of 4 years may be admitted to the school.

Division 4 — Staffing

167. Basis of assigning teachers to primary schools

- (1) Teaching staff shall be assigned to primary schools on the following basis —
 - (a) in each primary school — one principal or, in the case of a one-teacher school, one teacher in charge;
 - [(b) deleted]*
 - (c) in each Class I and Clas IA primary school but being a junior primary school — one deputy principal (male) and one deputy principal (female);
 - (d) in each Class I junior primary school and Class IA junior primary school — one deputy principal (female) and one deputy principal (male);
 - (e) in such Class II primary schools as are form time to time specified by the chief executive officer — one senior assistant; and
 - (f) such teachers as are required, appointed in accordance with the Act and these regulations.
- (2) In addition to the teaching staff referred to in subregulation (1) there shall be assigned to a primary school such teaching and other staff as are determined by the chief executive officer.
- (3) Where the chief executive officer considers that the enrolment in a primary school of years 1 to 7 is likely to be maintained at not less than 276 pupils, he may relieve the principal of full-time responsibility for any class.

*[Regulation 167⁴ amended in Gazette 29 June 1961 p.2065;
31 August 1961 p.2591; 14 June 1967 pp.1604-05;
23 December 1971 p.5359; 10 May 1974 p.1542;
6 September 1974 p.3413; 20 December 1974 p.5658;
27 June 1975 pp.2163-64; 20 May 1977 p.1545;
2 December 1977 p.4459; 17 February 1978 p.529;
4 August 1978 p.2836; 15 August 1985 p.975; 24 May 1985
p.1796; 30 December 1988 p.5114; 23 June 1989 p.1859;
5 February 1999 p.401 (disallowance in Gazette 29 June 1999
p.2835).]*

[168. Repealed in Gazette 23 September 1988 p.3954.]

169. Eligibility of teacher for appointment by promotion

- (1) A teacher applying for appointment by promotion to a position in a primary school shall have —
- (a) an approved teaching qualification; and
 - (b) such other qualifications as may be specified by the Minister or the chief executive officer in the advertisement for the position.

[(2), (3) repealed]

*[Regulation 169 inserted in Gazette 27 March 1992
pp.1345-46; amended in Gazette 5 February 1999 p.402.]*

[170. Repealed in Gazette 27 March 1992 p.1345.]

Division 5 — Hours of instruction

[Heading inserted in Gazette 24 January 1986 p.306.]

[171-173. Repealed in Gazette 24 January 1986 p.306.]

174. Length of primary school instruction

In primary schools instruction shall be given for a total period of 5 hours and 25 minutes each day (inclusive of recess periods), and unless a variation is authorized by the chief executive

officer, the instruction shall be given for 3 hours each morning and 2 hours and 25 minutes each afternoon.

[Regulation 174 amended in Gazette 20 June 1961 p.2065; 30 December 1988 p.5114.]

[174A. Repealed in Gazette 24 January 1986 p.306.]

175. Recess periods

- (1) For children in Year 1 the sessions shall be broken by recess periods not exceeding 30 minutes in the morning and not exceeding 15 minutes in the afternoon.
- (2) For primary classes other than Year 1 the sessions shall be broken by a recess period of 10 minutes in the morning and 5 minutes in the afternoon.
- (3) Lunch time shall be at least one hour in duration but where special circumstances make it necessary, the lunch time shall be as the Superintendent approves.
- (4) The actual time for commencing and finishing instruction shall be determined by the principal and submitted to the Superintendent for approval.
- (5) Rolls shall be called, marked and closed 30 minutes after the beginning of the morning sessions, and 15 minutes after the beginning of the afternoon session.

[Regulation 175 amended in Gazette 20 December 1974 p.5658; 27 June 1975 p.2164; 2 May 1980 p.1436.]

Division 6 — Instruction, examination and promotion of pupils

176. Home lessons

A teacher may give a child home lessons which would occupy a reasonable period of time each week, but formal written home lessons shall not be given to any child who is in Year 1, 2, 3, 4 or 5 of a primary school.

[Regulation 176 amended in Gazette 20 December 1974 p.5658.]

177. Programme of work

- (1) A teacher shall divide the programme of work prescribed for each grade into monthly assignments which shall be shown in the programme forms supplied by the department.
- (2) Each programme shall be kept in the classroom and be signed both by the principal and the class teacher.

[Regulation 177 amended in Gazette 27 June 1975 p.2164; 30 December 1988 p.5114.]

178. Half yearly examinations

- (1) Subject to subregulation (2), half-yearly examinations shall be held by the principal of a school at the end of June and at the close of the school year in order to test the progress in each subject of each grade and of each pupil, and the results of and comments upon the examinations shall be entered in the teacher's half-yearly examination book.
- (2) A principal who wishes to use some other form of examination may do so after first obtaining the approval of the Superintendent.

[Regulation 178 amended in Gazette 27 June 1975 p.2164; 2 May 1980 p.1436.]

179. Promotion and classification of pupils

- (1) The principal of a school is responsible for the promotion and classification of the pupils in his school, and may promote a pupil at any time during the school year, and may classify pupils in different grades for different subjects.
- (2) As a rule a child shall be expected to advance one grade each year.

[Regulation 179 amended in Gazette 27 June 1975 p.2165.]

Part VIII — Secondary schools

Division 1 — Establishment and classification

180. Minister may establish a high or senior high school in any locality

- (1) The Minister may establish a high or senior high school in any locality where there is a reasonable prospect of an average attendance of not less than 150 children in secondary classes Years 8, 9 and 10.
- (2) A school may be declared a “special school” if in the opinion of the chief executive officer, it carries special additional responsibilities.
- (3) The chief executive officer may declare a school to be an agricultural college if that school is to be used for secondary education predominantly oriented towards agriculture and, except to the extent that specific provision is made in relation to agricultural colleges, these regulations shall apply as if an agricultural college were a high or senior high school notwithstanding that an agricultural college does not necessarily have pupils in those years of a secondary course appropriate to such classification.

[Regulation 180 amended in Gazette 29 June 1961 p.2065; 18 March 1965 p.845; 10 May 1974 p.1542; 8 August 1980 p.2693; 30 December 1988 p.5114.]

180A. School may be declared a district high school

- (1) A school which has an average daily enrolment of over 150 primary and secondary pupils of whom at least 25 are following a secondary course of study may be declared a district high school if the chief executive officer thinks fit.
- (2) Subject to the provisions of subregulation (1), district high schools may be classified as follows: —

Class I, being schools having an average daily enrolment of over 300 students;

Class II, being schools having an average daily enrolment of over 150 students.

- (3) Notwithstanding the provisions of subregulations (1) and (2) the chief executive officer may, at his discretion, decide that a school be classified as a district high school Class I with an enrolment less than 300 or a district high school Class II with an enrolment less than 150.
- (4) The chief executive officer may declare a school which has a residential wing for agricultural education to be an agricultural district high school.

[Regulation 180A inserted in Gazette 10 May 1974 pp.1542-43; amended in Gazette 20 December 1974 p.5658; 30 December 1988 p.5114.]

[181. Repealed in Gazette 18 March 1965 p.845.]

Division 2 — Admission of children

182. Admission of children to high or senior high schools

A child who has completed Year 7 in primary school may be admitted to any government high or senior high school, except in those districts where boundaries have been defined by the chief executive officer, in which cases admission shall be granted only to children who live within the defined boundaries.

[Regulation 182 amended in Gazette 29 June 1961 p.2065; 15 February 1962 p.475; 10 May 1974 p.1542; 20 December 1974 p.5658; 30 December 1988 p.5114.]

183. Admission to senior high school

A child who has successfully completed the requirements of Year 10 may be admitted to any senior high school in order to complete his full secondary school course, except in those

districts where boundaries have been defined by the chief executive officer, in which cases admission shall be granted only to children who live within the defined boundaries.

[Regulation 183 amended in Gazette 29 June 1961 p.2065; 26 December 1974 p.5658; 30 December 1988 p.5114.]

183A. Restrictions on students beyond the leaving age

- (1) Students who remain at school beyond the leaving age shall attend school regularly and conform to the school's rules including those dealing with discipline.
- (2)
 - (a) Students between the leaving age and 17 years of age on 1 January may enrol in a secondary school;
 - (b) no student whose age is more than 17 years on 1 January may enrol in a secondary school unless the chief executive officer, at his sole discretion, approves; and
 - (c) all students who enrol at a secondary school in accordance with paragraphs (a) and (b) shall attend regularly and conform to the school's rules including those dealing with discipline.
- (3) Students who are enrolled at a school in accordance with subregulations (1) and (2) and who do not attend regularly or conform to the school's rules may be suspended by the principal in accordance with regulation 35.

[Regulation 183A inserted in Gazette 25 March 1970 p.889.]

183AA. Admittance to agricultural college

A child who has successfully completed the requirements of the year preceding that in which he proposes to enrol may be admitted to any agricultural college.

[Regulation 183AA inserted in Gazette 8 August 1980 p.2693.]

Division 3 — Staffing

184. Assignment of teaching staff

- (1) Teaching staff in addition to the principal shall be assigned to secondary schools on the following basis —
 - (a) in each high and senior high school — one deputy principal (male) and one deputy deputy principal (female);
 - (aa) in each agricultural college — one deputy principal;
 - (b) in each Class I district high school — one deputy principal (male), district high (secondary), one female principal district high (secondary) and one deputy principal district high (primary);
 - (c) in each Class II district high school — one deputy principal, primary; and
 - (d) such senior teachers as the occasion requires, appointed in accordance with the Act and these regulations.

[(2) repealed]

[Regulation 184 inserted in Gazette 10 May 1974 p.1543; amended in Gazette 2 December 1977 p.4480; 25 January 1980 p.273; 8 August 1980 p.2693; 15 March 1985 p.974; 23 June 1989 p.1859. Regulation 184 was substituted in Gazette 5 February 1999 p.402 and that amendment was disallowed on 23 June 1999 see disallowance in Gazette 29 June 1999 p.2835.]

185. Eligibility of teacher for appointment by promotion

- (1) A teacher applying for appointment by promotion to a position in a secondary school shall have —
 - (a) an approved teaching qualification; and
 - (b) such other qualifications as may be specified by the Minister or the chief executive officer in the advertisement for the position.

(2) *repealed*

*[Regulation 185 inserted in Gazette 27 March 1992 p.1346;
amended in Gazette 5 February 1999 p.402.]*

186. Activities under control and conduct of senior master and senior mistress

A senior teacher of a school is responsible for the control and conduct of such of the activities of the school as are recommended from time to time by the Director of Schools and approved by the chief executive officer.

*[Regulation 186 amended in Gazette 29 June 1961 p.2065;
30 July 1976 p.2644; 30 December 1988 p.5114; 23 June 1989
p.1858.]*

187. Assignment of senior masters and senior mistresses

(1) Senior teachers may be assigned to high or senior high schools as follows: —

If the school has in years 8, 9, and 10 an average attendance —

- (a) of less than 200 pupils, one may be assigned;
- (b) of not less than 200 but less than 400 pupils, 2 may be assigned;
- (c) of not less than 400 but less than 600 pupils, 3 may be assigned;
- (d) of not less than 600 but less than 800 pupils, 4 may be assigned;
- (e) of not less than 800 but less than 1 000 pupils, 5 may be assigned;
- (f) of not less than 1 000 but less than 1 200 pupils, 6 may be assigned;
- (g) of not less than 1 200 pupils, 7 may be assigned.

- (2) In addition to the senior teachers assigned under the provisions of subregulation (1), additional senior teachers may be assigned as follows: —

If the school has in years 11 and 12 an average attendance —

- (a) of less than 50 pupils, one may be assigned;
 - (b) of not less than 50 but less than 100 pupils, 2 may be assigned;
 - (c) of not less than 100 but less than 150 pupils, 3 may be assigned;
 - (d) of not less than 150 but less than 200 pupils, 4 may be assigned;
 - (e) of not less than 200 pupils, 5 may be assigned.
- (3) Notwithstanding the provisions of subregulations (1) and (2) —
- (a) one senior teacher, who shall take up full-time residence in the residential wing and assist in the organization and management of that wing, may be assigned to a high or senior high school that has a residential agricultural wing; and
 - (b) the chief executive officer may, in such special circumstances as he thinks fit, appoint additional senior teachers to high or senior high schools.
- (4) An appointment of a senior teacher under subregulation (3) (b) may be made for such period not exceeding 4 years as the chief executive officer may specify in any advertisement calling for applications for such a position.
- (5) Appointments to a position of senior teacher in, respect of which applications are called under subregulation (4) shall be made as though the position were a special position under regulation 90B (2).
- (6) An appointment of a senior teacher under subregulation (5) may be renewed or extended from time to time for such period not exceeding 4 years as the chief executive officer thinks fit.

- (7) Where a teacher holds a position of senior teacher pursuant to an appointment made under this regulation the status of the teacher —
- (a) for the purposes of an application for a position of senior master or senior mistress under these regulations other than this regulation remains the same as that before the appointment of the teacher as a senior master or senior mistress under this regulation;
 - (b) for the purposes of an application for a position of deputy principal at a high school or senior high school shall be deemed to be that of senior master or senior mistress, as the case may be.

[Regulation 187 inserted in Gazette 11 August 1964 pp.2896-97; amended in Gazette 10 May 1974 p.1544; 20 December 1974 p.5658; 6 November 1981 p.4587; 30 October 1987 p.4053; 30 December 1988 p.5114; 23 June 1989 pp.1858-59.]

188. Temporary appointments

Senior teachers and teachers may be temporarily appointed by the department to undertake special administrative duties determined by the chief executive officer.

[Regulation 188 inserted in Gazette 31 August 1961 p.2592; amended in Gazette 30 December 1988 p.5114; 23 June 1989 p.1859.]

[189. Repealed in Gazette 12 October 1967 p.2877.]

190. Hours other than normal hours for teacher of manual arts in agricultural secondary school

A teacher of manual arts in an agricultural secondary school shall, if required by the principal, work during hours other than the normal hours of a school, but —

- (a) the total hours of duty for a week shall not exceed the total hours of normal duty; and
- (b) for the purpose of calculating the hours of duty of such a teacher, one hour of duty after 5.30 p.m. shall be counted as one and one-half hours' normal duty.

[Regulation 190 amended in Gazette 12 November 1968 p.3342; 10 May 1974 p.1544.]

[191. Repealed in Gazette 12 October 1967 p.2877.]

Division 4 — Hours of instruction

192. Period of instruction in secondary schools

- (1) Instruction in secondary schools shall be given for a period of not less than 5 hours 20 minutes each day exclusive of recess periods, except that instruction for primary pupils in district high schools shall be in accordance with regulation 174 and regulation 175 (1) and (2).
- (2) Daily routine and time table for such schools shall be such as are approved by the Director of Schools.

[Regulation 192 amended in Gazette 29 June 1961 p.2065; 10 May 1974 p.1544; 30 July 1976 p.2644.]

[192A., 193. Repealed in Gazette 24 January 1986 p.306.]

Part VIII A — Senior colleges

[Heading inserted in Gazette 16 July 1982 p.2762.]

Division 1 — Establishment

[Heading inserted in Gazette 16 July 1982 p.2762.]

193A. Minister may declare any premises to be a senior college

The Minister may declare any premises of the department to be a senior college.

*[Regulation 193A inserted in Gazette 16 July 1982 p.2762;
amended in Gazette 30 December 1988 p.5114.]*

Division 2 — Admission

[Heading inserted in Gazette 16 July 1982 p.2762.]

193B. Application for admission

- (1) A person who desires to be admitted to a course of instruction in a senior college shall apply to the chief executive officer.
- (2) A person who is below the leaving age shall not be admitted to a senior college without the approval of the chief executive officer.
- (3) An application under subregulation (1) —
 - (a) shall be in writing; and
 - (b) shall state whether the applicant is in full-time attendance at a secondary educational institution or a technical institution.
- (4) A person shall not be admitted to a course in a senior college unless his application for admission to that course has been approved by the chief executive officer.

*[Regulation 193B inserted in Gazette 16 July 1982 p.2762;
amended in Gazette 30 December 1988 p.5114.]*

193C. Student to provision himself

A student may be required to provide himself with such apparatus, equipment or materials as may be required by the principal and approved by the chief executive officer.

[Regulation 193C inserted in Gazette 16 July 1982 p.2762; amended in Gazette 30 December 1988 p.5114.]

Division 3 — Staffing

[Heading inserted in Gazette 17 July 1982 p.2762.]

193D. Vacancies or new offices to be advertised

- (1) Vacancies or new offices in the permanent full-time teaching staff shall be advertised and appointments filled as provided in regulations 101 and 102, and where a position is declared to be a special position, under such of these regulations as apply to any position that is a special position, but a vacancy or new office may also be advertised outside the teaching service where in any case the chief executive officer considers such advertisement necessary.
- (2) Appointments to vacancies or new offices shall be made by the chief executive officer.

[Regulation 193D inserted in Gazette 17 July 1982 p.2762; amended in Gazette 30 October 1987 p.4054; 30 December 1988 p.5114.]

193E. Teaching staff

- (1) The teaching staff of senior colleges shall consist of such positions as are determined by the chief executive officer and may include the positions of principals, deputy principals, heads of school, senior lecturers and lecturers.
- (2) The teaching staff within a senior college may be employed on a full-time or part-time basis and on a permanent basis or for a specified period.

*[Regulation 193E inserted in Gazette 17 July 1982 p.2762;
amended in Gazette 30 December 1988 p.5114.]*

193F. Employment of untrained teacher

A person who is not a trained teacher when engaged by, or appointed to, a senior college may be required to undertake a teacher training programme nominated by the chief executive officer.

*[Regulation 193F inserted in Gazette 17 July 1982 p.2762;
amended in Gazette 30 December 1988 p.5114.]*

193G. Eligibility of teacher for appointment by promotion

- (1) A teacher applying for appointment by promotion to a position in a senior college shall have —
 - (a) an approved four-year teaching qualification; and
 - (b) such other qualifications as may be specified by the Minister or the chief executive officer in the advertisement for the position.

- (2) For the purposes of subregulation (1) the Teachers' Higher Certificate awarded by the Minister shall be deemed to be an approved four-year teaching qualification.

[Regulation 193G inserted in Gazette 27 March 1992 p.1346.]

[PART IX. Repealed in Gazette 3 February 1998 p.596.]

[Division 3 (other than regulation 205) repealed in Gazette 4 December 1987 p.4352.]

[205. Repealed in Gazette 28 November 1975 p.4375.]

Part X — Technical institutions

Division 1 — Establishment

206. Establishment of technical institutions

The Minister may, on the recommendation of the chief executive officer, establish within the State such regional colleges of technical and further education, technical colleges, evening technical schools, centres and services as are, in the opinion of the chief executive officer, necessary for the technical education of persons.

[Regulation 206 inserted in Gazette 20 December 1967 p.3521; amended in Gazette 24 September 1976 p.3533; 3 May 1985 p.1591; 30 December 1988 p.5114.]

207. Technical college to average 3000 student hours per week

- (1)
 - (a) The chief executive officer shall not make a recommendation for the establishment of a technical college under regulation 206 unless he is of the opinion that there is a reasonable prospect of an average attendance at a college during a college year of more than 3 000 student hours per week being maintained.
 - (b) Notwithstanding the provisions of paragraph (a), the chief executive officer may recommend the establishment of a technical college in a region where, in his opinion, special circumstances exist.
- (2) Technical colleges shall be classified as follows —
 - (a) Grade 1 being technical colleges in which, in the opinion of the chief executive officer, there is a reasonable prospect during a school year of an average attendance of more than 12 000 student hours per week being maintained in day and evening classes combined;
 - (b) Grade 2 being technical colleges in which, in the opinion of the chief executive officer, there is a reasonable

prospect during a school year of an average attendance of more than 6 000 but less than 12 000 student hours per week being maintained in day and evening classes combined;

- (c) Grade 3 being technical colleges in which, in the opinion of the chief executive officer, there is a reasonable prospect during a school year of an average attendance of more than 3 000 but less than 6 000 student hours per week being maintained in day and evening classes combined.
- (3)
- (a) The chief executive officer shall not make a recommendation for the establishment of an evening technical school under regulation 206 unless he is of the opinion that there is a reasonable prospect of classes being maintained according to the average weekly student hours as set out in paragraph (b).
 - (b) Evening technical schools shall be classified as follows: —
 - (i) Class 1 being a school having over 3 000 average weekly student hours of instruction after 5 p.m.; or over 1 500 average weekly student hours of instruction but including 300 student hours of instruction before 5 p.m.;
 - (ii) Class 2 being a school having more than 1 500 but less than 3 000 average weekly student hours of instruction after 5 p.m.; or more than 750 but less than 1 500 average weekly student hours of instruction but including 200 student hours of instruction before 5 p.m.
- (4)
- (a) The chief executive officer shall not make a recommendation for the establishment of a technical centre under regulation 206 unless he is of the opinion that there is a reasonable prospect of classes beings

maintained according to the average weekly student hours as set out in paragraph (b).

(b) Technical centres shall be classified as follows —

- (i) Class 1 being a centre having more than 750 but less than 1 500 average weekly student hours of instruction after 5 p.m.; or more than 300 but less than 750 average weekly student hours of instruction but including 100 student hours of instruction before 5 p.m.;
 - (ii) Class 2 being a centre having more than 300 but less than 750 average weekly student hours of instruction;
 - (iii) Class 3 being a centre having more than 100 but less than 300 average weekly student hours of instruction;
 - (iv) Class 4 being a centre having more than 40 but less than 100 average weekly student hours of instruction.
- (5) For the purpose of this regulation, the attendance for instruction at a technical college, school or centre of one student for one hour shall be regarded as representing one student hour.
- (6) A technical service shall be classified as being equivalent to a technical college, school or centre as determined by the chief executive officer.

[Regulation 207 inserted in Gazette 20 December 1967 pp.3521-22; amended in Gazette 29 May 1970 p.1448; 24 September 1976 p.3533; 11 February 1977 p.458; 30 December 1988 p.5114.]

[208. Repealed in Gazette 31 August 1961 p. 2593.]

209. Subject groups

- (1) The subjects taught in the Technical Education Division of the department shall be grouped as follows: —

Group IV. — Year 8, 9 and 10 level subjects and subjects which, in the opinion of the chief executive officer, are equivalent to subjects of that level;

Group III. — Year 11 and 12 level subjects and subjects which, in the opinion of the chief executive officer, are equivalent to subjects of that level;

Group II. — Early tertiary (post matriculation) level subjects and subjects which, in the opinion of the chief executive officer, are equivalent to subjects of that level;

Group I. — Advanced tertiary level subjects and subjects which, in the opinion of the chief executive officer, are equivalent to subjects of that level.

- (2) Notwithstanding the provisions of subregulation (1), subjects forming part of trade apprentice courses and taught by a senior lecturer (trades) or lecturer (trades) shall not be grouped.

[Regulation 209 inserted in Gazette 31 August 1961 p.2593; amended in Gazette 16 December 1965 p.4185; 20 December 1967 p.3522; 11 October 1966 p.3093; 20 December 1974 p.5658; 24 September 1976 p.3534; 30 December 1988 p.5114; 30 December 1988 p.5115.]

210. Review of status

- (1) The status of a technical college, school, centre or service shall be reviewed every 2 years and its class may be raised or reduced upon the figures for the preceding year if the chief executive officer is satisfied that the alteration is likely to be permanent.
- (2) Alteration of the status of a technical college, school, centre or service at other periods may be made if the chief executive officer considers that special circumstances render it advisable.

[Regulation 210 inserted in Gazette 20 December 1967 p.3522; amended in Gazette 30 December 1988 p.5114.]

[211. *Repealed in Gazette 20 December 1967 p.3523.*]

212. Full-time and part-time officers may be in charge

Full-time officers may be appointed to be in charge of evening technical schools and part-time officers may be appointed to be in charge of technical centres.

[Regulation 212 inserted in Gazette 24 September 1976 p.3534.]

213. Adjustment of salary

Where the average weekly number of student hours in a particular centre during a school year exceeds the minimum number required for any classification above that in which the centre had been placed at the beginning of the year, the salary of the part-time officer in charge of that centre shall be adjusted at the end of the year to be in accordance with the salary provided for a part-time officer in charge of a centre classified in the class within which falls the average weekly number of student hours of the particular centre.

[Regulation 213 amended in Gazette 30 March 1966 p.831; 20 December 1967 p.3523.]

Division 2 — Admission and fees

Subdivision 1 — Admission

214. Application for admission

- (1) A person who desires to be admitted to a course of instruction in a technical course shall apply to the chief executive officer.
- (2) An application under subregulation (1) —
 - (a) shall be in writing;
 - (b) where the applicant is in full-time attendance at a secondary educational institution, shall be accompanied by the written permission of the principal of the

educational institution at which he is in attendance authorizing him to undertake the course of study applied for; and

- (c) shall not be approved unless accompanied by the relevant fee or fees prescribed under regulation 222.
- (3) A person shall not be admitted to a course of technical instruction unless his application for admission has been approved by the chief executive officer.

[Regulation 214 amended in Gazette 29 June 1961 p.2065; 16 June 1964 p.2432; 18 March 1965 p.845; 24 October 1980 p.3668; 30 December 1988 p.5114; 15 December 1992 p.6018.]

215. Correspondence instruction

An applicant may be admitted to correspondence instruction if he fulfils the requirements of regulation 214 and —

- (a) is resident in Western Australia and unable to obtain tuition in existing technical classes because of distance from a technical school at which the desired course is available, lack of suitable transport to that school, sickness or infirmity, occupational disability, or any other reason approved by the Director, Technical and Further Education; or
- (b) is resident outside Western Australia and there is no adequate provision for the relevant tuition in his own State or Territory.

[Regulation 215 amended in Gazette 16 June 1964 p.2432; 24 July 1981 p.3110.]

216. Applicant without educational requirements

An applicant who has not the educational requirements for entry to the desired course may be admitted provided that he takes such preliminary subjects as may be directed by the principal or

officer in charge of the college, school, service or centre to which admission is sought.

217. Admission may be refused

A student may be refused admission —

- (a) if all classes in the subject in which he seeks instruction are already full;
- (b) if application is made after the first month of the school year; except that enrolment for correspondence instruction may be effected at any time of the year; or
- (c) if, in the opinion of the principal or officer in charge of the college, school, service or centre to which admission is sought, the student is not fitted for the work of the subject.

218. Enrolment and preferences

In the enrolment of students preference shall be given to those whose occupations indicate that the class work will be of particular value to them.

219. Student to provision himself

A student may be required to provide himself with such apparatus, equipment or materials as may be prescribed by the principal or officer in charge and approved by the Director, Technical and Further Education.

[Regulation 219 amended in Gazette 12 October 1967 p.2877; 24 July 1981 p.3110.]

220. Correspondence texts remain property of the department

- (1) All correspondence lesson texts issued by the Technical Extension Service remain the property of the department.
- (2) Such lesson texts are supplied to students as required only for their course of studies, and shall be neither sold nor given away by any student.

- (3) On demand the lesson texts shall be returned to the service by the student at the termination of his enrolment.
- (4) All reproduction rights of these courses either wholly or in part are reserved by the department.

[Regulation 220 amended in Gazette 30 December 1988 p.5114; 30 December 1988 pp.5114-15.]

221. Termination of enrolment in Extension Service

- (1) Correspondence enrolment shall normally terminate at the end of the calendar year immediately following that in which the fee is paid, but extension of time for such enrolment may be granted because of illness or any other reason acceptable to the Principal of the Extension Service.
- (2) The Principal of the Technical Extension Service may terminate the enrolment of any correspondence student on the grounds of inactivity or failure to profit by the instruction given, if he notifies the student in writing of his intention to do so and receives no reply within a period of 30 days thereafter giving satisfactory reasons for the student's inactivity or failure to profit by the instruction given.
- (3) Any student may withdraw at any time from a course by notifying the Principal in writing of his intention so to do.

Subdivision 2 — Fees

222. Fees

- (1) Subject to subregulation (2), a student shall pay each fee applicable to the student as is set out in Schedule 2 —
 - (a) in the case of —
 - (i) a tuition fee; or
 - (ii) a fee under item 8, 9 or 14 of the Table to clause 9 of that Schedule,

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Part X Technical institutions

Division 3 Hours of instruction, vacations and attendance

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at the time of making the application for admission to the course; and

- (b) in the case of a fee under item 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, or 13 of the Table to clause 9 of that Schedule, in advance,

and the fee shall be paid in full in one payment, except where the Minister, on an application by the student, determines otherwise.

- (2) Where the Director, Technical and Further Education is satisfied that a student is under severe financial hardship, the Director may direct that a fee that the student would otherwise have had to pay under subregulation (1) is not to be charged to the student.

[Regulation 222 inserted by Gazette 21 January 1994 p.146.]

[223. Repealed in Gazette 14 November 1986 p.4217.]

[224, 225. Repealed in Gazette 7 February 1963 p.598.]

226. Examination fee

A person permitted to sit for an examination in a subject without attendance at classes, or to sit for a supplementary examination, shall pay the relevant examination fee.

227. Admission form and numbered receipt form

A student eligible for entry to a class or classes without payment of fees (or without further payment of fees if currently enrolled in the division) shall be issued with an admission form as an authority for entry to classes, but in cases where fees are payable the student shall be issued with a numbered receipt form.

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228. Teaching year and term vacations

- (1) The teaching year shall normally consist of 36 weeks divided into terms of 12 weeks, 13 weeks and 11 weeks respectively.
- (2) The term vacations shall consist of 2 weeks at the end of each of the first and second terms.

[Regulation 228, inserted in Gazette 12 May 1965 p.1483; amended in Gazette 25 March 1970 p.889.]

229. Summer vacation

- (1) Subject to subregulation (2a), the summer vacation for teachers in the Technical Division shall consist of 8 weeks and the respective dates upon which vacations shall commence and terminate shall be as declared by the Minister who shall fix those dates at least 3 years in advance.
 - (2) Notwithstanding regulation 228, the Minister may reduce, extend or otherwise vary the vacation period for any college or school, where in his opinion the same is necessary either because of conditions peculiar to the industries served by the college or school or teaching department, or because of the nature of the training being given in that college or school or teaching department.
- (2a) A Director of a Regional College of Technical and Further Education is entitled to annual leave as follows —
- (a) where the college is situate above the 26th parallel of south latitude — 5 weeks' annual leave;
 - (b) where the college is situate below the 26th parallel of south latitude — 4 weeks' annual leave.
- (2b) A Director of a Regional College of Technical and Further Education shall not proceed on leave without the approval of the Director of Technical and Further Education.

- (3) Technical colleges and schools shall be closed on Public Service holidays.

[Regulation 229⁵ inserted in Gazette 12 May 1965 p.1484; amended in Gazette 3 May 1985 p.1591.]

230. Weekly tour of duties

- (1) Subject to subregulation (3) (c), the weekly tour of duties for all full time members of the teaching staff shall be the equivalent of 30 hours at such times as required by the Director, Technical and Further Education.
- (2) Subject to subregulation (3) (d), the hour of class instruction which teachers are required to take as part of their normal duties and which falls after 5.30 p.m. on any day, or on Saturday morning, shall count as equivalent to one and one-half hours in the weekly total.
- (3) (a) The allocation of duty hours for each teacher as between teaching and other duties shall be at the discretion of the Director, Technical and Further Education within limits determined by the chief executive officer, with a maximum average of 24 equivalent teaching hours per week over the year, but no additional part-time payment shall be made on any excess above the allocated duty hours of a teacher up to half an hour per week.
- (b) Part-time payments for periods in excess of the allocated duty hours of a teacher shall commence with the completion of the first half hour per week, and additional payments shall be in multiples of half an hour.
- (c) Subregulation (1) and paragraphs (a) and (b) do not apply to the position of Director of a Regional College of Technical and Further Education.
- (d) The hours of duty for a Director of a Regional College of Technical and Further Education shall be not less than 37½ hours per week.

*[Regulation 230 amended in Gazette 29 June 1961 p.2065;
16 June 1964 p.2432; 15 February 1974 p.400; 24 July 1981
p.3110; 3 May 1985 p.1591; 30 December 1988 p.5114.]*

Division 4 — Awards and assessment

[Heading inserted by Gazette 19 November 1993 p.6259.]

231. Awards

- (1) Subject to the succeeding provisions of this Division, students of the Technical Education Division may be awarded an Associateship, Diploma or Certificate of the Technical Education Division on the completion of the appropriate course of study.
- (2) Subject to subregulation (3) a student shall not be entitled to be awarded an Associateship, Diploma or Certificate in respect of any course unless —
 - (a) he has been admitted as a candidate in the course of study for that award;
 - (b) he has received tuition within the Division and has entered and passed the prescribed assessment in all the subjects in the course of study;
 - (c) he has made application for such award by a prescribed date on a prescribed form; and
 - (d) he has paid the prescribed fee.
- (3) The Director, Technical and Further Education on sufficient cause being shown may —
 - (a) exempt a student from any requirement in a course of study —
 - (i) to attend class; or
 - (ii) to undergo the prescribed assessment; or

- (b) allow a student to substitute for any subject in a course of study, another subject that, in the opinion of the Director, is appropriate.
- (4) Where it is claimed that the original award has been lost or destroyed, the lawful holder on application shall be issued with either a statement affirming the original issue in which case no fee will be payable, or a replacement award for which the prescribed fee shall be payable, and the application shall be accompanied by a statutory declaration attesting to the loss of the original award and including an undertaking that if the original is recovered the replacement award will be returned to the Director, Technical and Further Education.

[Regulation 231 inserted by Gazette 28 October 1971 p.4218; amended by Gazette 24 July 1981 p.3110; 19 November 1993 p.6259.]

232. Application for entry to examinations

- (1)
 - (a) An enrolled student may be required to make application on a prescribed form by a due date for entry to the examinations of the Technical Education Division in the subjects for which he is enrolled, and may sit for such examinations subject to the approval of the principal or officer-in-charge of the institution at which he receives tuition.
 - (b) A student may be required to have made 75 per cent of the possible attendances for the year, or have completed 75 per cent of the requirements of a correspondence course, in order to sit for the annual examinations concerned.
- (2) Where application for entry to examinations is required on a prescribed form by a due date and has not been received by the principal or officer in charge by that date, then a late entry may be accepted on payment of a prescribed fee within the twenty-eight (28) day period immediately following that date, and entries after that period shall only be accepted by the

Director, Technical and Further Education after consideration of the special circumstances involved, and in such cases a statutory declaration stating the circumstances may be required.

- (3) A student who is prevented from sitting for the annual examinations in subjects for which he has been enrolled and has made application as required to be examined, may make application to the Director, Technical and Further Education to sit for a deferred examination; the application shall be supported by documentary evidence or by a statutory declaration and shall be made within seven (7) days of the corresponding annual examination and if the application is approved then the prescribed fee shall be payable.

[Regulation 232 inserted in Gazette 28 October 1971 pp.4218-19; amended in Gazette 24 July 1981 p.3110.]

233. Statement of results and statement of completion

- (1) On application a statement of results will be issued to a student who —
- (a) has made the required attendances or completed the required number of correspondence lessons under regulation 232 (1) (b);
 - (b) has passed the prescribed annual assessment or has received an accredited pass on his year's work; and
 - (c) has completed the process of applying for admission, including the payment of the prescribed fee or fees.
- (2) On application, a statement of completion will be issued to a student who satisfactorily completes all lessons in a correspondence subject and who passes all assessments set as part of that subject.

[Regulation 233 inserted by Gazette 28 October 1971 p.4219; amended by Gazette 15 December 1992 p.6019; 19 November 1993 p.6259.]

234. Examination fees may be exempted

After considering the circumstances of each case the Minister may exempt a student-or group of students from payment of prescribed examination fees.

[Regulation 234 inserted in Gazette 28 October 1971 p.4219.]

Division 5 — Day classes for registered apprentices

235. Day classes to be established

Day classes for registered apprentices may be established at the instance of the Director, Technical and Further Education and shall be held at such times as may be necessary to comply with the appropriate industrial award or agreement.

[Regulation 235 amended in Gazette 16 June 1964 p.2432; 24 July 1981 p.3110.]

236. Employer to be advised of school particulars

- (1) On receipt of advice from The Western Australian Industrial Commission of the registration of an apprentice, the Director, Technical and Further Education shall give the employer of the apprentice particulars of the school, and the days on which and the times at which the apprentice is required to attend the school.
- (2) The apprentice shall be enrolled by the principal or officer in charge in the classes most appropriate for his trade, regard being had also to his educational standard and year of apprenticeship.

[Regulation 236 amended in Gazette 16 June 1964 p.2432; 24 July 1981 p.3110.]

237. Time book

A time book shall be provided for each classroom or workshop where day trade apprentice classes are held and the instructors of such classes shall see that each apprentice signs the time book on commencing and finishing classwork.

238. Report on apprentice

- (1)
 - (a) The principal or officer in charge shall send a report to the employer of an apprentice who fails to attend on his appropriate class period, or who arrives after the commencement of classes, or leaves before the termination of classwork, or fails to apply himself diligently to his classwork.
 - (b) The report shall be despatched not later than the day following that on which the breach of discipline occurred.
- (2) Where an apprentice attending day trade classes is summarily suspended under regulation 35 during normal working hours, he should be instructed to return immediately to his place of employment, and the employer shall be advised of this action in accordance with the procedure laid down in Administrative Instructions.
- (3) Class rolls and other apprentice records shall be available for inspection by the Industrial Registrar or by members of the appropriate advisory committee on application to the principal or officer in charge.
- (4) The principal or officer in charge shall, at the request of the Industrial Registrar, supply the examiners appointed by The Western Australian Industrial Commission with a schedule showing the number of possible and actual attendances, and the annual examination results, for each apprentice.
- (5) The Director of Technical and Further Education shall forward to the employer at the end of the teaching year a report on the attendance and progress and the annual examination results of his apprentice and shall also provide the parent of the apprentice with a copy of the report.

*[Regulation 238 amended in Gazette 16 June 1964 p.2432;
12 October 1967 p.2877; 24 July 1981 p.3110.]*

Division 6 — Self supporting activities

239. Self supporting activities, conduct of and purpose for

- (1) Self supporting activities may be established and conducted for —
 - (a) the purpose of giving instruction supplementary to that otherwise provided by the Technical Education Division of the department; or
 - (b) such other purposes as the Minister may from time to time determine.
- (2) The activities to be conducted under these provisions are such as may be, from time to time, determined by trustees appointed under regulation 240.

[Regulation 239 amended in Gazette 30 December 1988 pp.5114-15.]

240. Trustees vested with control of self supporting activities

- (1) The control of the self activities is vested in trustees who shall be known as Trustees of the Technical Division Self Supporting Activities.
- (2) There shall be 7 trustees appointed by the Minister, as follows: —

Internal:

 - (a) the Director, Technical and Further Education who shall act as chairman;
 - (b) 2 officers of the Technical and Further Education Division of the Department;

External:

 - (c) 2 persons who in the opinion of the Minister represent industry;
 - (d) one person who is nominated by the body known as the Trades and Labour Council; and

- (e) the Under Treasurer or an officer of the Public Service nominated by the Under Treasurer.
- (3) In the case of prolonged absence from duty of any trustee or of a deputy so nominated, the Minister may appoint a deputy for him.
- (4) A fee at the rate fixed by the Minister on the recommendation of the Public Service Commissioner for each meeting attended by a trustee is payable to that trustee if he is not a permanent member of the Government Service.

*[Regulation 240 amended in Gazette 16 June 1964 p.2432;
30 March 1966 p.829; 12 October 1967 p.2877;
28 November 1975 p.4345; 24 July 1981 p.3110;
24 November 1989 p.4362.]*

241. Meetings and duties of trustees

- (1) The trustee shall hold meetings at least once during each term and shall consider and make determinations or recommendations as required concerning existing and proposed activities, alterations in fees payable, remuneration of instructors and all other matters which may be deemed necessary for the efficient working of the classes.
- (2) The organization, administration and supervision of the classes shall be the responsibility of the internal trustees.

242. Power of trustees

Subject to the approval of the Minister, the trustees shall have power —

- (a) to grant exemption from payment of fees in necessitous cases if the funds to the credit of a class so permit; and
- (b) to grant refunds of fees to any student where —
 - (i) classes have to be discontinued; or

- (ii) the student is unable, by virtue of his employment or other cause, adjudged by the trustees to be beyond his control, to continue to take advantage of the classes; and
- (c) to write off fees due which the trustees are satisfied are non-collectable.

243. Account shall be kept of each activity

- (1) An account shall be kept for each activity or group of activities in a form determined by the trustees and in accordance with the requirements of the Auditor General.
- (2) (a) All fees received on behalf of the trustees shall be paid into the Technical Education Trust Fund Account at the Commonwealth Bank.
 - (b) This account shall be operated by such persons as may be authorized from time to time by the trustees.
- (3) Each activity or group of activities shall be debited with the following charges, which shall be paid to Consolidated Revenue at the close of each term, *viz.*, an administrative charge of 5 per cent on all fees received and, where appropriate, a charge for depreciation and a charge also for light and power, or for light or power, as occasion requires, or other services provided by the department in connection with the activity.
- (4) (a) An account for each activity or group of activities shall be finalized at the end of each year and the balance transferred to a suspense account for the particular activity or group of activities.
 - (b) The financial results of each activity shall be reported to the trustees, who may transfer the surplus standing in a suspense account to the credit of an activity to a general suspense account which shall be used by the trustees to meet general administration costs, audit fees, insurance, printing, telephone charges, stationery, advertising, supplies of equipment and in

any way which, in the opinion of the trustees, will increase the efficiency and scope of the self supporting activities generally.

- (5) All equipment purchased by the trustees for the self supporting activities shall at the end of the session in which it is purchased be recorded on the stock sheets of the division and become the property of the Minister.
- (6) The trustees of the self supporting classes have authority to invest such funds as they deem surplus to immediate requirements in such investments as trustees are by law authorized to invest trust funds in their hands.

[Regulation 243 amended in Gazette 30 December 1988 p.5114.]

244. Rates paid for instruction of self supporting classes

The rates paid for the instruction of self supporting classes shall be determined annually by the trustees appointed under regulation 240.

[Regulation 244 amended in Gazette 29 June 1961 p.2065; 4 November 1988 p.4416.]

Division 7 — Staffing

245. Staff classification

The members of the staff of the Technical Education Division of the department, other than those employed under the *Public Service Act 1978*⁶ (as amended) are classified as follows —

- (a) permanent full time teaching staff;
- (b) temporary and part time teachers;
- (c) laboratory, maintenance and wages staff.

[Regulation 245 amended in Gazette 31 August 1961 p.2593; 20 December 1962 p.4060; 10 June 1971 p.1923; 30 December 1988 p.5114.]

246. Vacancies, new offices, appointments, etc.

- (1) Vacancies or new offices in the permanent full time teaching staff shall be advertised and appointments filled as provided in regulations 101 and 102, and regulations 102E to 102H (both inclusive) ⁷ and regulations 252A to 252E, but a vacancy or new office may also be advertised outside the teaching service where in any case the chief executive officer considers such advertisement necessary.
- (2) Appointments to vacancies or new offices mentioned in categories (b) and (c) of regulation 245 shall be made by the chief executive officer.
- (3) The position of Director of a Regional College of Technical and Further Education is deemed to be an office in the permanent full time teaching staff notwithstanding the fact that an appointment to such a position is made for a fixed term.
- (4) An appointment or promotion to the position of Director of a Regional College of Technical and Further Education may be made for a period not exceeding 5 years.
- (5) Where a teacher is appointed or promoted to the position of Director of a Regional College of Technical and Further Education and that position is abolished or that term expires by effluxion of time and the teacher is not re-appointed to an office of Director of a College of Technical and Further Education, the teacher is entitled to be appointed to a position not lower in status than the position which the teacher occupied immediately prior to his appointment to that position.

[Regulation 246 amended in Gazette 29 June 1961 p.2065; 20 December 1962 p.4060; 29 August 1963 p.2605; 16 December 1965 p.4185; 10 June 1971 p.1923; 3 May 1985 pp.1591-92; 30 December 1988 p.5114; 3 April 1998 p.1969.]

247. Composition of full-time teaching staff

- (1) The full-time teaching staff of the Technical Education Division shall comprise Directors of Regional Colleges, principals and

deputy principals of technical institutions, heads of department, officers-in-charge, senior lecturers, senior counsellors, senior education officers, lecturers, counsellors, education officers and such other officers as the chief executive officer may approve, and is hereby authorized to approve, on the full-time teaching staff.

- (2) The establishment of staff within a technical institution or department shall be as determined by the chief executive officer.
- (3) (a) A head of a department may be appointed in a technical college, school or service, where, in the opinion of the chief executive officer, there is a reasonable prospect of an average attendance of more than 2 000 student hours per week or their equivalent in a subject or group of related subjects being maintained.
- (b) Departments shall be classified as follows: —
- Grade A — where there is a reasonable prospect of an average attendance of more than 300 weekly student hours above Group III level being maintained;
- Grade B — all other departments.
- (4) A senior lecturer may be appointed in a technical college, school, service or centre where, in the opinion of the chief executive officer, there is a reasonable prospect of an average attendance of more than 1 000 student hours per week or their equivalent in a subject or related group of subjects being maintained.

[Regulation 247 amended in Gazette 29 June 1961 p.2065; 31 August 1961 p.2593; 21 May 1968 p.1433; 10 June 1971 p.1924; 23 July 1976 p.2566; 4 August 1978 p.2837; 3 May 1985 p.1592; 30 December 1988 p.5114.]

248. In-service course for untrained teacher

A teacher entering the Technical Education Division who is not a trained teacher shall be required to undertake the in-service course for the Teachers' Certificate (Technical).

[Regulation 248 amended in Gazette 20 December 1962 p.4060; 23 July 1976 p.2566.]

249. Qualifications and promotions

- (1) No teacher shall be appointed senior lecturer, senior counsellor or head of department unless he has obtained the Teachers' Certificate (Technical) or its equivalent and a satisfactory report on teaching skill.
- (2) No teacher shall be appointed officer-in-charge (fulltime), deputy-principal, principal or Director of a Regional College of Technical and Further Education unless he has obtained the academic requirements of the Teachers' Higher Certificate and has received a satisfactory report on teaching skill.
- (3) Notwithstanding the provisions of subregulation (2) —
 - (a) a head of department appointed prior to 31 December 1969, officer-in-charge (full-time), deputy principal, or principal, is eligible to be appointed to other promotional positions provided he holds professional or higher technical qualifications which are at least equivalent to a diploma of the Technical Education Division;
 - (b) a technical teacher who at 31 December 1968, held or had held a position as senior lecturer or senior counsellor is eligible to be appointed to other promotional positions provided he holds professional or higher technical qualifications which are at least equivalent to a diploma of the Technical Education Division and has had on 31 December 1968, at least 10 years' service with the Technical Education Division;

- (c) a senior lecturer or senior counsellor is eligible to be appointed to other equivalent promotional positions as senior lecturer or senior counsellor; and
 - (d) any technical teacher, who has partially satisfied the conditions of the Teachers' Higher Certificate to the extent that he has only to complete either the Theory of Education requirements as set out in paragraph 17.04 (13) of the Administrative Instructions or one special subject area of the Teachers' Higher Certificate, and who has undertaken studies towards completing these requirements in at least one of the 2 years immediately prior to the year in which the application for promotion is made, shall be eligible until 31 December 1972, to apply for a promotional position provided he has not already gained a promotion under this provision.
- (4) For promotion within the Technical Education Division positions shall be ranked in status order as follows, Category A1 being the highest status and the positions listed in each category being of equal status: —
- (a1) Category A1. Director of a Regional College of Technical and Further Education.
 - (a) Category 1. Principal of a technical college or service; principal of a senior college who served in the Technical Education Division immediately prior to his appointment to a senior college.
 - (b) Category 2. Officer-in-charge of an evening technical school, class 1, if appointed officer-in-charge of a technical centre, class 1, before 1 January 1971; deputy principal of a technical college, grade 1.
 - (c) Category 3. Officer-in-charge of an evening technical school, class 2, if appointed officer-in-charge of a technical centre, class 2, before 1 January 1971; officer-in-charge of an evening technical school, class 1; deputy

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principal of a technical college, grade 2; head of department, grade A; deputy principal of a senior college who served in the Technical Education Division immediately prior to his appointment to a senior college.

- (d) Category 4. Officer-in-charge of an evening technical school, class 2; deputy principal of a technical college, grade 3; head of department, grade B; senior lecturer grade A; senior counsellor; senior education officer; head of a school of a senior college who served in the Technical Education Division immediately prior to his appointment to a senior college.
 - (e) Category 5. Senior lecturer, grade B; senior lecturer (trades), grade B; lecturer, grade A; counsellor, grade A; education officer, grade I; senior lecturer of a senior college who served in the Technical Education Division immediately prior to his appointment to a senior college.
 - (f) Category 6. Lecturer, grade B; lecturer (trades), grade B; counsellor, grade B; education officer, grade II.
 - (g) Category 7. Lecturer, grade C; counselling assistant; lecturer of a senior college who served in the Technical Education Division immediately prior to his appointment to a senior college.
- (5) Notwithstanding the provisions of subregulation (4), for appointment as a senior lecturer (trades) grade B, the positions of trade instructor if appointed on or before 1 January 1976, lecturer grade B, lecturer (trades) grade C, and counsellor grade B, shall be deemed to be of equal status.

[Regulation 249 amended in Gazette 31 August 1961 pp.2593-94; 29 August 1963 pp.2606-07; 18 March 1965 p.846; 12 May 1965 p.1484; 12 October 1967 p.2877; 21 May 1968 p.1433; 16 May 1969 p.1487; 5 February 1971 p.375; 19 March 1971 p.854; 21 September 1971 p.3512; 15 February 1974 p.400; 23 July 1976 p.2566; 24 September 1976 p.3534; 11 February 1977 p.458; 16 July 1982 p.2762; 3 May 1985 p.1592.]

250. Conduct of classes, reports of damages, etc.

- (1) Technical teachers shall conduct their classes regularly and promptly at the hours shown on the time table and in accordance with the syllabus for the course concerned.
- (2)
 - (a) Each member of the staff is responsible for the proper conduct of his class or classes and for the safekeeping of the material and apparatus used in connection with his work.
 - (b) Such member shall at once report to the head of his department, the principal or the officer in charge any damage to school property, infringement of the regulations or any misconduct which may come to his notice.
- (3) In the event of an accident occurring within a class or during class instruction, the teacher in charge of the class shall, immediately after first aid is rendered, report the accident to the principal or officer in charge, or in his absence to the senior officer available in the institution, and shall take such other steps as are necessary in the circumstances.

251. Year's work to be completed to the satisfaction of the Director, Technical and Further Education

Before commencing the summer vacation each member of the teaching staff of the Technical Education Division shall complete his year's work to the satisfaction of the Director, Technical and Further Education.

[Regulation 251 amended in Gazette 20 December 1962 p.4060; 16 June 1964 p.2432; 8 February 1972 p.264; 24 July 1971 p.3110.]

252. Administrative Instructions to be observed

- (1) The duties of Directors of Regional Colleges of Technical and Further Education, principals and officers in charge of the

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Technical Education Division include ensuring that the procedure relating to collection of fees, enrolment, banking, roll books and statistics as laid down in the Administrative Instructions of the department are strictly observed.

- (2) The following books and statements required by the Audit Department must be forwarded by principals and officers in charge to the Director, Technical and Further Education as soon as possible after the cessation of class work at the end of the school year —
- (a) Fee receipt book;
 - (b) Admission book;
 - (c) Daily return of fees book;
 - (d) Bank pay-in book;
 - (e) Class roll and corresponding list of classes held during the year.

[Regulation 252 amended in Gazette 20 December 1962 p.4060; 16 June 1964 p.2432; 8 February 1972 p.264; 24 July 1981 p.3110; 3 May 1985 p.1592; 30 December 1988 p.5114.]

Division 7A — Appointments to special positions

[Heading inserted in Gazette 13 July 1979 p.1928.]

Subdivision (i) — General

[Heading inserted in Gazette 3 May 1985 p.1592.]

252A. Interpretation

In this Division “**special position**” means any position which is declared to be a special position by the chief executive officer pursuant to regulation 252C (1).

[Regulation 252A inserted in Gazette 13 July 1979 p.1928; amended in Gazette 30 December 1988 p.5114.]

252B. Appointments to special positions

Notwithstanding any other provision of these regulations, appointments to special positions shall be made according to the provisions of this Division.

[Regulation 252B inserted in Gazette 13 July 1979 p.1928.]

252C. Any position may be declared a special position

- (1) The chief executive officer may declare any position in the permanent full-time teaching staff of the Technical Education Division to be a special position.

[(2) repealed]

- (3) Vacancies in special positions shall be advertised as directed by the chief executive officer.

[Regulation 252C inserted in Gazette 13 July 1979 pp.1928-29; amended in Gazette 25 January 1980 p.273; 30 December 1988 p.5114.]

Subdivision (ii) — Special Positions other than Positions of Directors of Regional Colleges of Technical and Further Education

[Heading inserted in Gazette 3 May 1985 p.1592.]

252D. Constitution, composition and duties of Technical Appointments Board

- (1) There is hereby constituted the Technical Appointments Board.
- (2) Subject to subregulation (2a), the Board established pursuant to subregulation (1) shall consist of —
 - (a) a person not being a member of the department who shall be appointed by the chief executive officer to be Chairman of the Board;
 - (b) one representative of the department, nominated by the chief executive officer; and

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- (c) one representative of the Union, nominated by the Union.
- (2a) Upon the coming into operation of the *Education Act Amendment Regulations (No. 5) 1984*¹ the Board established pursuant to subregulation (1) shall consist of —
- (a) a person not being an employee of the department who shall be appointed by the chief executive officer to be Chairman of the Board;
 - (b) 2 representatives of the department nominated by the chief executive officer;
 - (c) 2 representatives of the Union nominated by the Union; and
 - (d) 1 representative elected by the Advisory Committee established under regulation 256 in relation to the particular technical college, school or centre wherein the special position is to be filled.
- (3) The Board shall consider applications for appointment to special positions other than a special position designated as “Director”, Regional College, Technical and Further Education and shall make recommendations thereon to the chief executive officer.

[Regulation 252D inserted in Gazette 13 July 1979 p.1929; amended in Gazette 18 December 1984 p.4169; 3 May 1985 p.1592; 30 December 1988 p.5114; 30 December 1988 pp.5114-15.]

Subdivision (iii) — Special Positions — Director, Regional College of Technical and Further Education

[Heading inserted in Gazette 3 May 1985 p.1592.]

252DA. Constitution and duties of the Director of Regional Colleges of Technical and Further Education Appointments Board

- (1) There is hereby constituted a board to be known as the Director of Regional Colleges of Technical and Further Education Appointments Board.

- (2) The Board established pursuant to subregulation (1) shall consist of —
- (a) a person appointed by the chief executive officer who shall be chairman of the Board;
 - (b) a person appointed by the chief executive officer upon the nomination of the Union;
 - (c) 3 persons appointed by the chief executive officer as follows —
 - (i) a person who is a member of the staff of the college;
 - (ii) a person who in the opinion of the chief executive officer is representative of the community served by the college;
 - (iii) an officer of the department.
- (3) The Board shall consider applications for appointment to the position of Director of the Regional College of Technical and Further Education in question and shall make recommendations thereon to the chief executive officer.

[Regulation 252DA inserted in Gazette 3 May 1985 p.1592; amended in Gazette 30 December 1988 p.5114.]

Subdivision (iv) — Appeals

[Heading inserted in Gazette 3 May 1985 p.1592.]

252E. Appeal

- (1) An applicant for appointment to a special position aggrieved by a recommendation of a Board referred to in regulation 252D may, within 21 days of being notified by post of a Board's recommendation, appeal against that Board's recommendation by lodging with the Board a notice, in writing and signed by the applicant, setting out fully the grounds of appeal.

- (2) The Board shall consider the appeal and may confirm its original recommendation or make a new recommendation.
- (3) The decision of the Board after considering the appeal shall be final and no further appeal of any kind shall be allowed.

[Regulation 252E inserted in Gazette 13 July 1979 p.1929; amended in Gazette 3 May 1985 p.1592.]

Division 8 — Advisory boards

253. Minister may establish Advisory Committees

- (1) The Minister may establish Professional Trade and other Advisory Committees to advise the Director, Technical and Further Education, in respect to the following matters concerning a specified course or related courses of instruction conducted within the Technical Education Division —
 - (a) syllabus of instruction;
 - (b) qualifications and professional standing of applicants for appointment to the teaching staff;
 - (c) application from members of the teaching staff to engage in consultative work; and
 - (d) such other matters relating to the efficiency of training in that course as may be brought forward by, or referred to, the members of the committee.
- (2) At meetings of an advisory committee the majority of voting members shall form a quorum and in the event of an equality of votes, the chairman shall have a casting vote.
- (3) Advisory committees shall meet at the times appointed by the chairman who may, when he deems it desirable, and who shall, upon receipt of a requisition signed by at least 3 voting members, call a meeting of the committee.
- (4) The committees may, with the permission of the Director, Technical and Further Education, visit a particular class at a specified time.

*[Regulation 253 amended in Gazette 16 June 1964 p.2432;
24 July 1981 p.3110.]*

254. Members of Advisory Committees

- (1) An Advisory Committee, other than a Trade Advisory Committee, established pursuant to regulation 253, shall consist of the following voting members who shall be appointed by the Minister —
 - (a) the Director, Technical and Further Education, or a deputy appointed by the Minister, who shall be the Chairman of the Committee;
 - (b) the principal of the appropriate technical college, school or service;
 - (c) a person or persons nominated by an institute, association or board which is an appropriate institute, association or board having regard to the particular matters the Committee may have to advise upon; and
 - (d) any other person or persons who may be nominated by the Minister.
- (2) Members mentioned in subregulation (1) (c) and (d) shall hold office for 2 years but are eligible for reappointment.
- (3) The Committee or the Chairman of the Committee may invite other persons, including members of the teaching staff of the Technical Education Division, to attend any particular meeting of the Committee, but a person so invited shall act only in an advisory capacity to the Chairman and is not entitled to vote.

*[Regulation 254 amended in Gazette 16 June 1964 p.2432;
12 October 1967 p.2877; 24 July 1981 p.3110.]*

255. Members of Trade Advisory Committee

- (1) (a) A Trade Advisory Committee established pursuant to regulation 253 shall consist of the following members who shall be appointed by the Minister —

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- (i) the Director, Technical and Further Education, or a deputy appointed by the Minister, who shall be Chairman of the Committee;
 - (ii) an equal number of representatives of appropriate employer and employee organisations; and
 - (iii) such other person or persons as the Minister nominates.
 - (b) The voting members of the Committee shall be only those referred to in paragraph (a) (ii).
- (2) Members referred to in subregulation (1) (a) (ii) and (iii) shall hold office for 2 years but are eligible for reappointment, and each member shall have a deputy appointed by the Minister for the same period, who may attend the meetings of the Committee and exercise the powers of the member for whom he is deputy if the member is unable to attend those meetings.
 - (3) The chief executive officer may appoint an officer of the Technical Education Division to act as Secretary of the Committee and Convener of meetings.
 - (4) The Chairman, on the recommendation or approval of the Committee, may invite other persons, including members of the teaching staff of the Technical Education Division, to attend any meeting of the Committee, but a person so invited shall act only in an advisory capacity to the Chairman in connection only with the immediate business before the meeting and shall not be entitled or allowed to vote.

[Regulation 255 amended in Gazette 29 June 1961 p.2065; 16 June 1964 p.2432; 24 July 1981 p.3110; 30 December 1988 p.5114.]

256. Technical Colleges, Schools or Centres Advisory Committees

- (1) Technical Colleges, Schools or Centres Advisory Committees may be established by the Minister to foster technical education in the areas served by the colleges, schools or centres and to

advise the Director, Technical and Further Education concerning classes or courses conducted or to be conducted by the colleges, schools or centres having regard to the needs of the respective areas.

- (2) In particular the Committees may make recommendations in respect to —
- (a) establishment of courses;
 - (b) classes and attendance therein;
 - (c) equipment; and
 - (d) such other general matters of development as are necessary to ensure that the school meets the requirements of the area.

[Regulation 256 amended in Gazette 16 June 1964 p.2432; 12 October 1967 p.2878; 24 July 1981 p.3110.]

257. Members of Technical College, School or Centre Advisory Committees

- (1) A Technical College, School or Centre Advisory Committee shall be composed of not more than 15 persons who shall be appointed for a period of 2 years but shall be eligible for reappointment.
- (2) The Committee shall elect a Chairman from among its number at the first meeting of the biennial period.
- (3) The principal or officer in charge of the college, school or centre concerned shall act as Secretary to the Committee and Convener of meetings.
- (4) The Director, Technical and Further Education or his deputy may attend any meeting of the Committee but shall not be entitled to vote.

- (5) The majority of voting members shall constitute a quorum and the Chairman, if not a departmental officer, may cast a deliberative vote.
- (6) The Committee may at its time of meeting visit classes in the school and on prior arrangement with the principal visit the school at other times.
- (7) The principal of the school or college shall, not less than 14 days before a meeting, forward notification of such meeting together with an agenda to all members of the School or College Advisory Committee, and shall within 14 days next following the meeting of the Committee forward a copy of the minutes together with such comments as he may deem necessary to the Director, Technical and Further Education.

[Regulation 257 amended in Gazette 16 June 1964 p.2432; 12 October 1967 p.2878; 24 July 1981 p.3110.]

258. Members of any Advisory Committee shall be appointed in an honorary capacity

The members of any Advisory Committee, or any other advisory body to the Technical Education Division appointed by the Minister, shall be appointed in an honorary capacity and shall not be paid for attendance at meetings but the Minister may reimburse: —

- (a) The actual fares of any member; and
- (b) the actual loss of wages of any member who, in order to attend, is obliged to obtain leave without pay from his regular employment.

259. Technical Teacher Training Advisory Committee

- (1) A Technical Teacher Training Advisory Committee is constituted and established to advise the chief executive officer.
- (2) The Committee shall consist of the following members —

- (a) the Director, Technical and Further Education who shall be chairman;
 - (b) an officer nominated by the chief executive officer;
 - (c) a Superintendent nominated by the chief executive officer;
 - (d) a representative, elected by a ballot conducted by the State School Teachers' Union of W.A. Incorporated, of the trade teacher members of that Union; and
 - (e) a representative, elected by a ballot conducted by the State School Teachers' Union of W.A. Incorporated, of the technical teacher members of that Union other than trade teachers.
- (3) The Committee shall have power to co-opt.
- (4) The Committee shall advise the chief executive officer on the organization of training courses conducted for technical teachers.
- (5) (a) If a representative referred to in subregulation (2) (d) and (e) is unable to attend a meeting of the Committee, a deputy representative elected by ballot conducted by the State School Teachers' Union of W.A. Incorporated pursuant to this subregulation may take the place of that representative.
- (b) The representatives in office on 1 March 1966, shall continue to hold office until 31 May 1968, but thereafter the representatives elected shall hold office for a period of 3 years from the date of election and shall be eligible for re-election.
- (c) The deputy representatives in office on 1 August 1972, shall continue to hold office until 31 May 1974 and thereafter shall hold office for a period of 3 years from the date of election and shall be eligible for re-election.

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- (d) If the office of a representative or deputy representative becomes vacant before the expiration of the period for which he is entitled to hold that office the Union referred to in this sub-regulation shall conduct a further election to appoint a representative or deputy representative, as the case may require, who shall hold office only until the expiration of that period.
- (e) Every election shall be held at the time and in the manner provided by, and in other respects in accordance with, rules made by the Union for that purpose.

[Regulation 259 amended in Gazette 29 June 1961 p.2065; 16 June 1964 p.2432; 31 May 1966 p.1424; 21 September 1972 p.3865; 28 September 1973 p.3632; 24 July 1981 p.3110; 30 December 1988 p.5114.]

Part XI — Schools for Aboriginal children

[Heading amended in Gazette 11 April 1974 p.1317.]

260. Government schools for Aboriginal children

Fulltime Government Schools for Aboriginal children may be established at Church Missions or at predominantly Aboriginal settlements where, in the opinion of the Minister, circumstances warrant their establishment.

[Regulation 260 inserted in Gazette 11 April 1974 p.1317.]

261. Special Aboriginal Schools

Schools so established shall be designated “Special Aboriginal Schools,” and shall be classified at the discretion of the Minister, taking all the circumstances into account but the provisions of regulation 162 shall not apply.

[Regulation 261 amended in Gazette 11 April 1974 p.1317.]

262. Teaching staff

- (1) Members of the teaching staff of Special Aboriginal Schools shall be appointed from the teachers in the employ of the department.
- (2) Vacant positions shall be filled by the Minister, taking the particular circumstances into account and departing, if necessary, from the ordinary rules of priority.
- (3) In the appointment of principals the provisions of regulation 169 do not apply.

*[Regulation 262 amended in Gazette 11 April 1974 p.1317;
27 June 1975 p.2163; 30 December 1988 p.5114.]*

Part XIA — Education support schools

[Heading inserted in Gazette 26 November 1976 p.4820; amended in Gazettes 24 May 1985 p.1796; 27 March 1992 p.1346.]

262A. Education support facility may be established

- (1) An educational support facility may be provided where in the opinion of the chief executive officer its establishment is warranted.

[(2) repealed]

[Regulation 262A inserted in Gazette 26 November 1976 p.4820; amended in Gazette 24 May 1985 p.1796; 30 December 1988 p.5114.]

262B. Classification

Any full time school established under this Part shall be classified in accordance with regulations 162 and 163, provided that for the purposes of determining the average daily enrolment each pupil shall count as 2.

[Regulation 262B inserted in Gazette 26 November 1976 p.4820; amended in Gazette 17 February 1978 p.529; 24 May 1985 p.1796.]

262C. Teacher applications

(1) [repealed]

- (2) The Board shall consider applications from teachers for appointment to the positions of principal or deputy principal of schools established under this Part and make recommendations thereon to the chief executive officer.
- (3) A teacher aggrieved by any decision of the Board may within 14 days after the publication of the decision appeal against the decision by lodging with the Board a notice in writing signed by him setting out fully the grounds of appeal.

- (4) The decision of the Board after considering the appeal shall be final and no further appeal of any kind shall be allowed.

[Regulation 262C inserted in Gazette 26 November 1976 p.4821; amended in Gazette 17 February 1978 p.529; 24 May 1985 p.1796; 24 April 1986 p.1492; 30 December 1988 p.5114.]

262D. Vacancies in certain positions to be advertised

- (1) Vacancies in the positions of principal or deputy principal in education support schools shall be advertised as directed by the chief executive officer.
- (2) If, after advertising any position within the department, the Board considers that there is no suitably qualified applicant, the Board shall so advise the chief executive officer who may then advertise the vacancy outside the department.

[Regulation 262D inserted in Gazette 26 November 1976 p.4821; amended in Gazette 2 December 1977 p.4460; 24 May 1985 p.1797 30 December 1988 p.5114; 27 March 1992 p.1346.]

262E. Eligibility of teacher for appointment by promotion

- (1) A teacher applying for appointment by promotion to a position in an education support school shall have —
- (a) an approved four-year teaching qualification; and
 - (b) such other qualifications as may be specified by the Minister or the chief executive officer in the advertisement for the position.
- (2) For the purposes of subregulation (1) the Teachers' Higher Certificate awarded by the Minister shall be deemed to be an approved four-year teaching qualification.

[262F. Repealed in Gazette 30 October 1987 p.4056.]

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262G. Allowance to be paid to regularly constituted group

- (1) Where a regularly constituted group of persons provides a teacher for the instruction of a group of less than 6 children needing special education, the Minister may approve an allowance at the rate of two hundred and sixty-one dollars (\$261) per annum per pupil to be paid to the group.
- (2) The chief executive officer must be satisfied that the person employed by the group as a teacher is a person capable of providing the proper training of the pupils under his control.
- (3) The group of persons responsible for the formation and administration of such a group of children shall provide classroom accommodation acceptable to the chief executive officer.

[Regulation 262G inserted in Gazette 26 November 1976 p.4821; amended in Gazette 24 May 1985 p.1797; 30 December 1988 p.5114.]

Part XIB — Special education

[Heading inserted in Gazette 4 November 1977 p.4117.]

262H. Interpretation

In this Part, unless the context otherwise requires —

“**child**” means a child of compulsory school age;

“**direction for exclusion**” means a direction of the Minister, under the provisions of section 20B of the Act, directing the parent of a child to refrain from causing the child to attend any Government school;

“**direction to special education**” means a direction of the Minister, under the provisions of section 20A of the Act, requiring the parent of a child to cause the child to attend such school or schools as is or are specified in the direction;

“**school**” means the Government school in which a child is enrolled;

“**special educational facility**” means a special class designated by the chief executive officer to be a special educational facility for the purposes of this Part.

[Regulation 262H inserted in Gazette 4 November 1977 p.4117; amended in Gazette 30 December 1988 p.5113.]

262I. Arranging a conference

- (1) Where the principal of a school or the parent of a child is of the opinion —
- (a) that the child suffers from a mental or physical disorder or disability: and
 - (b) that by reason of the disorder or disability the child is having extreme difficulty in adjusting to the regular educational programme of the school,

the principal shall arrange a conferences (in these regulations referred to as an “initial conference”) for the purposes of

ascertaining the educational programme best suited to the needs of the child and inform the parent of the child of the date and time of the conference.

- (2) An initial conference shall consist of —
 - (a) the parents of the child;
 - (b) the principal of the school;
 - (c) the teacher or teachers of the child; and
 - (d) where the parents so desire, an interpreter, friend or relative of the parents, brought to the conference by the parents.
- (3) For the purposes of convening an initial conference the principal shall —
 - (a) set a reasonable time for the conference after, if practicable, discussion with the parents of the child;
 - (b) invite the parents to attend the conference;
 - (c) advise the parents that they may be accompanied by a friend, relative or interpreter;
 - (d) require the teacher or teachers of the child to attend the conference; and
 - (e) give written notification to the parents of the date and time of the conference and inform them that they may be accompanied by a friend, relative or interpreter.
- (4) An initial conference shall take place in the presence of both parents of the child unless one or both parents refuse or neglect to attend the conference or one parent is unable to attend a conference at any reasonable time.
- (5) The aims of an initial conference are —
 - (a) to ensure the maximum co-operation between the parents of the child and the school regarding the provision of an educational programme that is in the best interests of the child;

- (b) to discuss the educational programmes offered by the school and their adequacy, in the light of the child's disorder or disability, to meet his educational needs;
- (c) to agree, where possible, on an educational programme for the child at the school; and
- (d) to discuss possible alternatives to the educational programmes available at the school.

[Regulation 262I inserted in Gazette 4 November 1977 pp.4117-18.]

262J. Specialist assessment to be made

- (1) Where an initial conference has taken place and the principal of the school is of the opinion —
 - (a) that it is not possible adequately to determine whether the school is able to provide a suitable educational programme for the child without further advice; or
 - (b) that it is not possible for the school to provide a suitable educational programme for the child,

he shall arrange forthwith for a specialist assessment of the educational needs of the child.

- (2) The assessment referred to in subregulation (1) shall be made by any or all of the following persons —
 - (a) an officer or officers of the Guidance Branch or other specialist branches of the department;
 - (b) any person or agency generally approved by the chief executive officer as suitable for the assessment of children;
 - (c) at the request of the parents of the child, and if approved by the chief executive officer, by any person or agency not comprised in paragraphs (a) and (b).
- (3) Where an assessment of a child has been made under the provisions of this regulation, the principal shall forthwith

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convene an assessment conference to discuss the results of the assessment.

- (4) An assessment conference shall consist of —
 - (a) the principal of the school;
 - (b) the teacher or teachers of the child; and
 - (c) where practicable, the person or persons who made the assessment.
- (5) An assessment conference shall consider the report or reports of the person or persons making the assessment and shall recommend to the principal that the child —
 - (a) remain in the school under that school's regular programme;
 - (b) remain in the school under a modified programme;
 - (c) be placed in a special educational facility; or
 - (d) be excluded from attending any Government school.

[Regulation 262J inserted in Gazette 4 November 1977 pp.4117-18; amended in Gazette 30 December 1988 p.5114; 30 December 1988 pp.5114-15.]

262K. Principal to decide whether child to remain at school or whether child cannot be accommodated at school

- (1) Where, after an assessment conference, the principal of the school decides that the child should remain in the school under the regular or a modified programme, he shall forthwith —
 - (a) inform the parents of the child in writing of the decision explaining the reasons for the decision and the nature of the programme the child will undertake; and
 - (b) attempt to enlist the co-operation of the parents in implementing the programme decided upon.
- (2) Where, after an assessment conference, the principal of the school is of the opinion that it is not practicable, by modification in facilities, staff, or programmes, to provide a suitable

- educational programme for the child at the school and that the child should be placed in a special educational facility he shall forthwith —
- (a) recommend to the chief executive officer that the child be made subject to a direction to special education; and
 - (b) inform the parents of the child, in writing, that he has made such a recommendation.
- (3) Where the chief executive officer does not approve the recommendation he shall —
- (a) direct that the suspension of the child, if any, be terminated;
 - (b) direct that the child continue to be enrolled in the school; and
 - (c) inform the parents of the child in writing of his decision.
- (4) Where the chief executive officer approves the recommendation he shall —
- (a) recommend to the Minister that the procedures of the Act relating to a direction to special education be implemented; and
 - (b) inform the parents of the child in writing of his decision.
- (5) Where the Minister approves the recommendation of the chief executive officer, he shall forthwith convene an advisory panel under the provisions of the Act and inform the parents of the child in writing of his decision.
- (6) Where the Minister does not approve the recommendation of the chief executive officer, the Minister shall —
- (a) direct that the suspension of the child, if any, be terminated;
 - (b) direct that the child continue to be enrolled at the school;
 - (c) inform the parents of the child in writing of his decision.

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*[Regulation 262K inserted in Gazette 4 November 1976
pp.4118-19; amended in Gazette 30 December 1988 p.5114.]*

262L. Principal may decide that child may disrupt the normal operation of the school

- (1) Where, after an assessment conference, the principal of a school is of the opinion that the child suffers from a physical or mental disorder or disability of so severe a nature that the presence of that child in any Government school would disrupt the normal operation of the school he shall forthwith —
 - (a) recommend to the chief executive officer that the child be made subject to a direction for exclusion; and
 - (b) inform the parents, in writing, that he has made such a recommendation.
- (2) Where the chief executive officer does not approve the recommendation, he shall —
 - (a) direct that the suspension of the child, if any, be terminated;
 - (b) direct that the child continue to be enrolled in the school; and
 - (c) inform the parents of the child in writing of his decision.
- (3) Where the chief executive officer approves the recommendation he shall —
 - (a) recommend to the Minister that the provisions of the Act relating to a direction for exclusion be implemented; and
 - (b) inform the parents of the child in writing of his decision.
- (4) Where the Minister approves the recommendation of the chief executive officer he shall forthwith convene an advisory panel under the provisions of the Act and inform the parents of the child in writing of his decision.
- (5) Where the Minister does not approve the recommendation of the chief executive officer, he shall —

- (a) direct that the suspension of the child, if any, be terminated;
- (b) direct that the child continue to be enrolled at the school; and
- (c) inform the parents of the child in writing of his decision.

*[Regulation 262L inserted in Gazette 4 November 1977 p.4119;
amended in Gazette 30 December 1988 p.5114.]*

Part XII — Parents and Citizens' Associations

[Heading inserted in Gazette 29 June 1961 p.2073.]

263. Reproduction of sections 22, 23, 26 and 27 of the Act

For the purpose of easy reference the provisions of sections 22, 23, 26 and 27 of the Act are reproduced as follows: —

22. (1) The parents or guardians of children attending any Government school, or group of schools, together with other persons being over the age of 18 years who are interested in the welfare of such schools, may, in the prescribed manner, form a "Parents and Citizens' Association," hereinafter referred to as an association.
- (2) An association desirous of doing so may affiliate with the body known as The Western Australian Council of State School Organizations upon such terms and conditions as shall from time to time be determined by that body.
23. The objects of an association shall be to promote the interests of the Government school or group of Government schools in relation to which it is formed, by endeavouring to bring about closer co-operation between the parents or guardians of the pupils attending the school or the group, other citizens, the teachers at the school or the group, and those pupils and by providing facilities and amenities for the school or group, including buildings, swimming pools and any type of recreational or educational facilities and amenities, and generally to endeavour to foster community interest in educational matters.
26. (1) An association shall expend or invest all amounts received by it that are in excess of expenditure for the benefit of the children who are attending any Government school.

- (2) All property of whatsoever estate, interest or kind purchased by an association for the use of a Government school whether purchased with or without any financial assistance from the Minister or the department shall by force of this section be vested in the Minister for the purposes of this Act.

27. An association shall not exercise any authority over the teaching staff, or interfere in any way with the control or management of any Government school.

[Regulation 263 inserted in Gazette 29 June 1961 p.2073; amended in Gazette 12 November 1968 p.3342; 15 February 1974 p.400; 30 December 1988 p.5114-15.]

264. Minister may accept assistance of Parents and Citizens Associations

The Minister shall have the control through departmental officers of the internal management of schools, but subject thereto he may accept the assistance of Parents and Citizens' Associations.

[Regulation 264 inserted in Gazette 29 June 1961 p.2073.]

265. Rules of an association

- (1) Subject to these regulations, the rules of an association shall be determined by the association.
- (2) The rules of an association and any amendment or revocation thereto shall not take effect unless and until approved by the Minister.

[Regulation 265 inserted in Gazette 22 July 1977 p.2388.]

266. Annual subscription

The annual subscription for membership of an association may be fixed by an association, but shall not exceed \$1 per member.

*[Regulation 266 inserted in Gazette 29 June 1961 p.2074;
amended in Gazette 30 March 1966 p.829; 19 September 1980
p.3295.]*

267. Election of office bearers

- (1) (a) Subject to paragraph (aa), when an association has been established its members shall, at their first meeting and at each annual general meeting to be convened thereafter for the purpose, elect from among their members a president, 2 vice presidents, a secretary, a treasurer and not less than 5 committee members.
- (aa) When an association has been established for a school or group of schools having an average daily enrolment of less than 100 pupils, its members may at their first meeting and at each annual general meeting to be convened thereafter for the purpose, elect from among their members a president, a vice president, a secretary-treasurer and not less than 2 committee members.
- (b) The principal shall be *ex officio* a member of the committee.

[(2) repealed]

- (3) Only financial members and *ex officio* members of the association shall have the right to vote.
- (4) A financial member shall be one whose subscription is not more than 3 months in arrears.

*[Regulation 267 inserted in Gazette 29 June 1961 p.2074;
amended in Gazette 27 June 1975 p.2164; 25 October 1985
p.4154; 14 January 1992 p.121.]*

268. Bus Advisory Committee

- (1) Where the chief executive officer has required the principal of a school to have local control and supervision of a school bus

service and an association has been formed at that school, a Bus Advisory Committee may be formed.

- (2) A Bus Advisory Committee shall comprise —
- (a) the president of the association (or his deputy) who shall be chairman;
 - (b) the shire clerk (or his nominee);
 - (c) the principal (or his nominee);
 - (d) 2 members of the association, who shall be parents of children travelling on school buses; and
 - (e) the secretary or secretary-treasurer of the association, as the case may be (or his nominee) who shall be secretary to the Committee.
- (3) At meetings of the Committee a majority of voting members shall form a quorum.

[Regulation 268 inserted in Gazette 28 November 1975 pp.4345-46; amended in Gazette 25 October 1985 p.4154; 30 December 1988 p.5114.]

269. Ex officio members of Bus Advisory Committee

- (1) The shire clerk or engineer of, or any other person nominated for the purpose by, the council of a shire having within its municipal district any school at which a school bus route terminates shall be *ex officio* a member of the Bus Advisory Committee established under regulation 268.
- (2) Where a municipal district that is a shire is divided into wards any member of the council of that shire elected for a ward into or through which a school bus route enters or passes, or into or through which it is proposed that a school bus shall enter or pass, shall be entitled to attend any meeting of the Bus Advisory Committee and take part in any discussion, or vote on any motion, in any way concerning or having relation to any school

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bus route which enters or passes through, or which it is proposed shall enter or pass through, the ward of that member.

[Regulation 269 inserted in Gazette 29 June 1961 p.2074; amended in Gazette 29 August 1963 p.2607.]

270. Functions of Bus Advisory Committee

The functions of a Bus Advisory Committee are —

- (a) to consider —
 - (i) applications to inaugurate contract bus services or other means of conveying children to school;
 - (ii) applications for alterations, deviations, spurs, extensions, etc., on bus services;
 - (iii) other matters affecting the efficient running of bus services;
- (b) to report to the department in an advisory capacity the views and recommendations of the Committee on any of the matters mentioned in paragraph (a) and in the event of disagreement an indication should be given of the dissentient's views.

[Regulation 270 inserted in Gazette 29 June 1961 p.2074; amended in Gazette 28 November 1975 p.4346; 30 December 1988 p.5114.]

[271. Repealed in Gazette 28 November 1975 p.4346.]

272. Names of office bearers and committee members to be advised

- (1) The department and the Council if the association is affiliated with the Council shall be advised of the names of office bearers and committee members as soon as possible after the election.
- (2) In this regulation and in regulation 273, “**Council**” means the body known as The Western Australian Council of State School Organizations.

*[Regulation 272 inserted in Gazette 29 June 1961 p.2075;
amended in Gazette 15 February 1974 p.400;
28 November 1975 p.4346; 30 December 1988 p.5114.]*

273. Audit

An audited statement of receipts and expenditure shall be presented at each annual general meeting of an association, and the association shall forward a copy of such statement to the department as soon as possible after its adoption and also to the Council if the association is affiliated therewith.

*[Regulation 273 inserted in Gazette 29 June 1961 p.2075
amended in Gazette 15 February 1974 p.400;
30 December 1988 p.5114.]*

274. Department to issue receipts

The department shall, through the principal, issue receipts for any donations of buildings, plant and equipment and shall ensure that necessary action is taken to have nonconsumable items recorded in the schools' inventories.

*[Regulation 274 inserted in Gazette 29 June 1961 p.2075;
amended in Gazette 27 June 1975 p.2164; 30 December 1988
p.5114.]*

[275. Repealed in Gazette 24 December 1996 p.7113.]

Part XIII — School decision-making groups

[Heading inserted in Gazette 14 January 1992 p.121.]

276. Interpretation

In this Part, unless the contrary intention appears —

“**approved**” means approved by a Superintendent under regulation 287 (2) (a) or 288 (3);

“**member**” means member of a school decision-making group;

“**school**” has the same meaning as in Part VA of the Act;

“**school decision-making group**” has the same meaning as in Part VA of the Act;

“**school development plan**” means a school development plan referred to in regulation 284;

“**staff**” has the same meaning as in Part VA of the Act;

“**Superintendent**”, in relation to a school, means the Superintendent designated by the chief executive officer for that school.

[Regulation 276 inserted in Gazette 14 January 1992 pp.12122; amended in Gazette 24 December 1996 p.7113.]

277. Principal to facilitate establishment of school decision-making group

The principal of a school shall facilitate the establishment of a school decision-making group in respect of that school.

[Regulation 277 inserted in Gazette 14 January 1992 p.122.]

278. Composition of school decision-making group

- (1) A school decision-making group shall comprise —
 - (a) the principal of the school;
 - (b) a person or persons representing staff at the school;
 - (c) a person or persons representing parents of students at the school and members of the local community;

- (d) where the school is a school other than a pre-primary centre or primary school, students at the school but only if the students have chosen to be represented on the group.
- (2) The member or members of a school decision-making group referred to —
- (a) in subregulation (1) (b) shall be elected by and from among staff at the school;
 - (b) in subregulation (1) (c) shall be elected —
 - (i) by and from among persons who are members of the Parents and Citizens' Association formed for that school; or
 - (ii) if a Parents and Citizens' Association is not in existence for that school, by and from among parents of students at the school;
 - (c) in subregulation (1) (d) shall be elected by and from among students at the school.
- (3) An election referred to in subregulation (2) (a), (b) (ii) or (c) shall be organized and supervised by the principal of the school and shall be conducted in a manner determined by the principal.
- (4) An election referred to in subregulation (2) (b) (i) shall be organized and supervised by the Parents and Citizens' Association and shall be conducted in a manner determined by the Association.

[Regulation 278 inserted in Gazette 14 January 1992 p.122; amended in Gazette 24 December 1996 p.7113.]

279. Number of members to comprise school decision-making group

Subject to regulation 281, the number of members comprising a school decision-making group, including the number of members to be elected by and from among each group of

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persons referred to in regulation 278 (1) (b), (c) and (d) shall, before the establishment of the group, be determined by the principal of the school after consultation with —

- (a) any existing group which in the opinion of the principal represents staff, parents and members of the local community; or
- (b) if there is not in existence a group referred to in paragraph (a), persons who in the opinion of the principal are representatives of staff, parents and members of the local community.

[Regulation 279 inserted in Gazette 14 January 1992 p.123.]

280. School decision-making group may vary the number of members in the group

Subject to regulation 281, a school decision making group may, from time to time, vary the number of members comprising the group, including the number of members to be elected by and from among each group of persons referred to in regulation 278 (1) (b), (c) and (d).

[Regulation 280 inserted in Gazette 14 January 1992 p.123.]

281. Number of staff members to be equal to number of parent members

- (1) Except where an exemption is granted under subregulation (2), the number of members in a school decision-making group representing persons referred to in regulation 278 (1) (b) shall be equal to the number of members representing persons referred to in regulation 278 (1) (c).
- (2) The Minister may exempt a school decision-making group from the requirement in subregulation (1) where in the opinion of the Minister the size of the school in respect of which the group is formed makes it impracticable for the group to comply with that requirement.

[Regulation 281 inserted in Gazette 14 January 1992 p.123.]

282. Person not to be a member in more than one capacity

A person is not eligible to be a member of a school decision-making group in more than one capacity referred to in regulation 278 (1) (a), (b), (c) or (d).

[Regulation 282 inserted in Gazette 14 January 1992 p.123.]

283. Term of membership

- (1) A person elected under these regulations to be a member of a school decision-making group shall be elected for a term determined before the election —

- (a) by the principal of the school where the school decision-making group is yet to be established; and
- (b) by the school decision-making group where the group has been established,

but in any case shall not be elected for a term exceeding 1 year.

- (2) Notwithstanding subregulation (1) a person may from time to time be re-elected.

[Regulation 283 inserted in Gazette 14 January 1992 p.123.]

284. School development plans

- (1) A school development plan shall be prepared annually for each school and shall have effect for a period of one year commencing on a day specified in the plan.

- (2) A school development plan shall contain —

- (a) objectives and priorities for the school for the period in respect of which the plan is prepared;
- (b) strategies for achieving the objectives and priorities referred to in paragraph (a);
- (c) where applicable, any proposal for the allocation of resources over which the school has control in order to

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achieve the objectives and priorities referred to in paragraph (a); and

- (d) where a previous school development plan has been approved for the school, a report on the school's performance in achieving the objectives and priorities contained in that plan.

[Regulation 284 inserted in Gazette 14 January 1992 p.124.]

285. Persons responsible for formulating school development plan

- (1) The school decision-making group for a school shall be responsible for formulating the objectives and priorities referred to in regulation 284 (2) (a).
- (2) The principal of a school, after consultation with staff at the school, shall be responsible for formulating those parts of the school development plan referred to in regulation 284 (2) (b), (c) and (d).

[Regulation 285 inserted in Gazette 14 January 1992 p.124.]

286. School decision-making group to endorse plan

A school decision-making group shall endorse the school development plan when it is satisfied that the plan is consistent with the objectives and priorities that have been formulated by the group.

[Regulation 286 inserted in Gazette 14 January 1992 p.124.]

287. Approval of school development plan

- (1) After a school development plan is endorsed by a school decision-making group, the plan shall be submitted by the principal to the Superintendent.
- (2) Where a Superintendent receives a school development plan under subregulation (1) the Superintendent shall examine the plan and either —

- (a) approve the plan if the Superintendent is satisfied that the plan is not inconsistent with departmental policy; or
- (b) return the plan to the principal for revision and resubmission if the Superintendent considers that the plan or any part of the plan is inconsistent with departmental policy.

[Regulation 287 inserted in Gazette 14 January 1992 p.124.]

288. Appeal

- (1) A school decision-making group that is aggrieved by a decision of a Superintendent under regulation 287 (2) (b) may appeal against that decision to the chief executive officer.
- (2) Upon appeal under subregulation (1), the chief executive officer shall either —
 - (a) uphold the appeal if the chief executive officer determines that the plan is not inconsistent with departmental policy; or
 - (b) dismiss the appeal.
- (3) Where an appeal is upheld by the chief executive officer under subregulation (2) (a) the chief executive officer shall remit the school development plan to the Superintendent who shall approve the plan.

[Regulation 288 inserted in Gazette 14 January 1992 p.125.]

289. Effect to be given to school development plan

Where a school development plan is approved effect shall be given to the plan.

[Regulation 289 inserted in Gazette 14 January 1992 p.125.]

290. Review

A school decision-making group shall review the school's performance in achieving the objectives and priorities contained

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in the school development plan that has been approved for that school.

[Regulation 290 inserted in Gazette 14 January 1992 p.125.]

291. Reports by principal

For the purpose of enabling a school decision-making group to conduct the review referred to in regulation 290, the principal of a school shall report regularly to the school decision-making group on the school's performance in achieving the objectives and priorities contained in the school development plan that has been approved for that school.

[Regulation 291 inserted in Gazette 14 January 1992 p.125.]

291A. Exemption from compliance with school dress code

- (1) The principal of a school may exempt, for such period as the principal thinks fit, a student at the school from complying with any requirement of the school's school dress code on any of the following grounds —
 - (a) the unavailability of a component of the dress code;
 - (b) a matter relating to the student's health;
 - (c) a matter relating to the student's religion;
 - (d) a matter relating to the student's ethnic background;
 - (e) any other matter which, in the principal's opinion, is sufficient to exempt the student from complying with the requirement.
- (2) If the principal of a school exempts a student at the school from complying with any requirement of the school's school dress code then the principal must —
 - (a) ensure that a written record is made of —
 - (i) each requirement of the school dress code that the student is exempt from complying with;
 - (ii) the period of time for which each exemption has effect; and

- (iii) the ground on which each exemption was given;
- (b) ensure that a parent of the student receives a copy of the record; and
- (c) ensure that each of the student's teachers is informed of the contents of the record.

[Regulation 291A inserted in Gazette 24 December 1996 p.7113.]

292. Proceedings of school decision making group

- (1) Subject to this Part, the proceedings of a school decisionmaking group shall be conducted in such manner as the members determine.
- (2) The first meeting of a school decision-making group shall be convened by the principal of the school.

[Regulation 292 inserted in Gazette 14 January 1992 p.125.]

293. Persons may be co-opted to school decisionmaking groups

- (1) A school decision-making group may co-opt any person from the local community to act in an advisory capacity to the group where the group considers that the person has some expertise that may be of use to the group.
- (2) A person who is co-opted to a school decision-making group under subregulation (1) —
 - (a) is not entitled to vote on any matter that is to be decided by the group; and
 - (b) shall be co-opted for a period determined by the group.

[Regulation 293 inserted in Gazette 14 January 1992 p.125.]

294. Advice by principal of certain matters

The principal of a school shall advise the Superintendent, in writing, of —

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- (a) the name (if any) by which a school decision-making group wishes to be known;
- (b) the number of members in the group;
- (c) the name of each member of the group and the capacity in which the person is a member;
- (d) the date on which the member was elected and the term for which the member is elected;
- (e) the name of any person co-opted to the group, the area of expertise of that person, and the period for which the person is co-opted to the group;
- (f) any procedures determined by the group for the conduct of proceedings of the group,

and shall advise the Superintendent in writing of any change in those particulars as soon as practicable after the change occurs.

[Regulation 294 inserted in Gazette 14 January 1992 p.126.]

295. Dissolution of groups

The Minister may dissolve a school decision-making group where the Minister is of the opinion that the group is not functioning effectively.

[Regulation 295 inserted in Gazette 14 January 1992 p.126.]

[295A. Repealed in Gazette 24 December 1996 p.7113.]

[Part XIV Repealed in Gazette 25 January 1980 p.273.]

Part XV — Scholarships

Division 1 — Government tertiary exhibitions

[Heading to Division 1 amended in Gazette 19 September 1975 p.3642.]

296. Competition for exhibitions

Thirty exhibitions which are to be awarded annually on the results of the tertiary examination, shall be open for competition to any candidate who is under the age of 19 years on 31 December in the year in which the candidate sits for the tertiary examination, but the candidate's parents must be permanent residents of Australia.

[Regulation 296 amended in Gazette 29 August 1963 p.2605; 16 December 1965 p.4186; 17 December 1969 p.4151; 19 September 1975 p.3642.]

297. Classification of exhibitions

Of the exhibitions referred to in regulation 296 —

- (a) 20 are to be known as General Exhibitions each of which has a value of \$80; and
- (b) 10 are to be known as Special Subject Exhibitions each of which has a value of \$40.

[Regulation 297 amended in Gazette 30 March 1966 p.829.]

298. Candidate to nominate

- (1) Every candidate for a Government Tertiary Exhibition shall signify on his entry form for the Tertiary Admissions Examination that he is a candidate for such an exhibition.
- (2) An exhibition is awarded on condition —

- (a) that the successful candidate becomes enrolled as an undergraduate of an Australian Tertiary Education Institution; and
 - (b) that he enters on a full course of study leading to a degree or its equivalent.
- (3) Subject to regulation 301 a candidate who qualifies for an award of one or more than one exhibition shall, upon proof that he has so enrolled as an undergraduate and has entered on a full course of study, be entitled to receive from the department the amount which is equal to the value of the exhibition or the aggregate value of the exhibitions, as the case may be.

[Regulation 298 inserted in Gazette 19 September 1975 p.3642; amended in Gazette 30 December 1988 p.5114.]

299. Awards of General Exhibitions

- (1) General Exhibitions shall be awarded to candidates who obtain the highest aggregate marks in any 5 subjects of those listed in paragraphs (a), (b) and (c) of subregulation (1) of regulation 3 of the *University of Western Australia Matriculation Regulations*, but not those listed in paragraph (d) of that subregulation.
- (2) The marks referred to in subregulation (1) shall be the standardized marks supplied by the Tertiary Admissions Examination Committee of the Western Australian Tertiary Education Commission.

[Regulation 299 inserted in Gazette 19 September 1975 p.3642.]

300. Awards of Special Subjects Exhibitions

- (1) A Special Subject Exhibition shall be awarded to the candidate who is placed first in order of merit in accordance with the provisions of subregulation (2) in the Tertiary Admissions Examination in any of the following subjects: —
 - (a) English Literature;
 - (b) Mathematics;

- (c) Physics;
 - (d) Chemistry;
 - (e) Biology;
 - (f) Geography;
 - (g) History;
 - (h) French;
 - (i) German; and
 - (j) Economics.
- (2) In each of the subjects referred to in subregulation (1) the worked papers of the 3 candidates gaining the highest marks shall be referred to the Chairman of the examining panel of that subject, and he shall place those candidates in order of merit.
- [Regulation 300 amended in Gazette 29 August 1963 p.2606; 16 December 1965 p.4186; 17 December 1960 p.4151; 19 September 1975 p.3642.]*

301. Limit on exhibitions

A candidate may gain more than one exhibition, but is not entitled to an aggregate value of exhibitions exceeding \$120.

[Regulation 301 amended in Gazette 30 March 1966 p.829.]

302. Declaration by parents or guardian

The parent or guardian of a successful candidate shall make and furnish to the chief executive officer a statutory declaration that his child or ward, as the case may be, is a permanent resident of Australia, and was under the age of 19 years on 31 December in the year when the examination at which he gained an exhibition was held.

[Regulation 302 inserted in Gazette 31 May 1966 p.1424; amended in Gazette 17 December 1969 p.4151; 30 December 1988 p.5114.]

Division 2 — Financial assistance for students enrolled with the Technical Education Division

[Heading inserted in Gazette 21 May 1968 p.1433.]

303. Financial assistance

- (1) Students enrolled in classes conducted by the Technical Education Division who are in need of financial assistance to pursue their courses may be granted financial assistance for that purpose.
- (2) Applications must be made on the prescribed form to the Director of Technical Education and should reach him not later than 21 January of each year.
- (3) Notwithstanding subregulation (2) in exceptional circumstances, applications for assistance may be made at other times during the year.

[Regulation 303 inserted in Gazette 21 May 1968 p.1433.]

304. Committee may be appointed

- (1) The Minister may appoint a committee to consider and make recommendations regarding applications for financial assistance.
- (2) In making its recommendations, the committee shall consider an applicant's need for financial assistance to enable him to proceed with his course of studies and such reports as it requires concerning the applicant's educational attainments, previous progress and his aptitude for the course of study to be undertaken.
- (3) The committee may recommend cancellation, reduction or increase of the financial assistance awarded in accordance with regulation 303 if it considers that a student's financial circumstances or his progress in his course of studies warrants such action.

[Regulation 304 inserted in Gazette 21 May 1968 p.1433.]

305. Composition of committee

The committee constituted under regulation 304 shall consist of —

- (a) the Director of Technical Education, or his deputy, who shall act as chairman of the committee;
- (b) the principal of a technical college or school; and
- (c) a representative of the Treasury Department.

[Regulation 305 inserted in Gazette 21 May 1968 p.1434.]

306. Exemption of tuition and examination fees

Students in receipt of financial assistance recommended in accordance with regulation 304 shall be exempted from tuition and examination fees.

[Regulation 306 inserted in Gazette 21 May 1968 p.1434.]

Division 3 — Teaching scholarships

[Heading inserted in Gazette 3 February 1998 p.596.]

307. Teaching scholarships

- (1) The Minister may provide a scholarship to a person to pay for the cost of the person's tertiary study and qualification in —
 - (a) a teaching course of a kind approved by the Minister; or
 - (b) both —
 - (i) a non-teaching degree of a kind which fulfils the prerequisite requirements of admission into a graduate diploma of education course; and
 - (ii) a graduate diploma in education.
- (2) A person who wishes to apply for a teaching scholarship is to do so by completing a form approved for that purpose by the Minister.

Education Regulations 1960

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Division 3

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- (3) No payment is to be made by the Minister in respect of a person's teaching scholarship unless the person has entered into a written agreement with the Minister in relation to the scholarship.

[Regulation 307 inserted in Gazette 3 February 1998 p.596.]

Schedule 1

[Forms 1, 1A, 2, 2A, 2B, 2C and 2D deleted.]

Form 3

Western Australia

Education Act 1928 (as amended)

[Reg. 71]

APPLICATION FOR TRANSFER

- NOTE:
1. This form is to be used by all teachers in non-promotional positions.
 2. Teachers attached to schools should forward this form to their Principal.
 3. Principals of Primary and Pre-Primary Schools should forward completed forms to the Regional Superintendent.
 4. Teachers at Regional Centres lodge their forms with the Regional Superintendent.
 5. All other forms should be sent by the Principal directly to the department.

SURNAME	OTHER NAMES	MARITAL STATUS	
SCHOOL	POSITION		
HOME ADDRESS	POSTCODE	TELEPHONE	
ADDRESS FOR CORRESPONDENCE DURING VACATION	POSTCODE	TELEPHONE	

Current Teaching Area (Tick appropriate box)	
<input type="checkbox"/> Primary — Year level now teaching	
<input type="checkbox"/> Secondary — Year levels and subject area now teaching	
<input type="checkbox"/> Pre-Primary	
<input type="checkbox"/> Primary Specialist — Area of specialization	
<input type="checkbox"/> Other — Year level and area	

Professional History:	
Training	<input type="checkbox"/> E.C.E. <input type="checkbox"/> Primary <input type="checkbox"/> Other
Date of first appointment with department	
Date of appointment to present school	
School immediately prior to present appointment	Date appt.
University or C.A.E. subjects passed (only if requesting trans. into secondary)	

Request Transfer: (tick appropriate box).	
<input type="checkbox"/> Primary to Primary	<input type="checkbox"/> Secondary to Primary (or vice versa)
<input type="checkbox"/> Secondary to Secondary	<input type="checkbox"/> Pre-Primary to Primary (or vice versa)
<input type="checkbox"/> Pre-Primary to Pre-Primary	<input type="checkbox"/> Primary Specialist to

Education Regulations 1960
Schedule 1

<input type="checkbox"/> Primary Spec to Primary Spec. <input type="checkbox"/> Special Educ. to Special Educ.	Other (Primary/Secondary) <input type="checkbox"/> to
---	---

Locality Desired: (1)..... (2)..... (3).....	
Level you wish to teach.....	Open or traditional school.....
If secondary, subject area.....	
Are quarters required <input type="checkbox"/> Yes <input type="checkbox"/> No	If so, number in family including self.....
Have you applied for a promotion this year <input type="checkbox"/> Yes <input type="checkbox"/> No	

Reason for Application	
Is your spouse currently teaching <input type="checkbox"/> Yes <input type="checkbox"/> No If yes give details	
If this application is unsuccessful are you available to continue in you present school <input type="checkbox"/> Yes <input type="checkbox"/> No	

SIGNATURE	DATE
PRINCIPAL'S SIGNATURE	SUPERINTENDENT'S RECOMMENDATION

Form 4
Western Australia
Education Act 1928 (as amended) [Reg. 71]
APPLICATION FOR TRANSFER (PRIMARY PROMOTIONAL POSITIONS)

(To be used for all primary promotional positions in primary and district high schools *except* for promotion to *Senior Assistant* and *Teacher-in-Charge Class IV* Schools when an E15 must be used.

Please print

Identification Number	<input style="width: 100%;" type="text"/>	Surname	<input style="width: 100%;" type="text"/>	
Initials	<input style="width: 100%;" type="text"/>	Other Names	<input style="width: 100%;" type="text"/>	
PRESENT PERMANENT PROMOTIONAL POSITION				
School I.D. NO	<input style="width: 100%;" type="text"/>	Title	<input style="width: 100%;" type="text"/>	
SUBSTANTIVE SERVICE IN SCHOOLS AT PRESENT PROMOTIONAL LEVEL				
	SCHOOL NAME	APPOINTMENT DATE	SCHOOL NAME	APPOINTMENT DATE
Present	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Previous 1	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
2	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
PRESENT TEMPORARY POSITION (if applicable)				
School	<input style="width: 100%;" type="text"/>			
Title	<input style="width: 100%;" type="text"/>			
HAVE YOU BEEN DISPLACED FROM YOUR PRESENT POSITION BY RECLASSIFICATION OF YOUR SCHOOL?				

POSITION BEING SOUGHT					
Title	<input style="width: 100%;" type="text"/>			Category	<input style="width: 100%;" type="text"/>
Promotion List Associated With Position (if applicable)	<input style="width: 100%;" type="text"/>			Position on List	<input style="width: 100%;" type="text"/>
ALL POSITIONS FOR WHICH APPLICATION HAVE OR WILL BE MADE THIS YEAR — INCLUDE THIS ONE (in order of preference)					
	TITLE	CATEGORY			
1st	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>			
2nd	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>			
3rd	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>			
4th	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>			
5th	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>			
<i>(other applications may be Listed separately)</i>					
			OFFICE USE	<input style="width: 100%; height: 50px;" type="text"/>	

Form 5
Western Australia
Education Act 1928 (as amended) [Reg. 71]
APPLICATION FOR TRANSFER
(All secondary promotional positions)

IMPORTANT

1. Separate applications must be submitted for each CATEGORY.
2. Where more than one TITLE appears within a CATEGORY a separate application must be submitted for each TITLE.
3. It is not necessary to submit separate applications for each position within a TITLE but preferences in respect of these positions *must* be given in 2 (c) of the form.
4. LATE APPLICATIONS WILL NOT BE CONSIDERED.

1. PERSONAL PARTICULARS

- (a) Christian Names Surname
- (b) Present Permanent Appointment School
- (c) Present Temporary Appointment (if applicable)
School I.D. No. (if known).....
- (d) Certification Seniority
(and Grade) (1st January of current year)
- (e) Home address (or Agent's name and address if applicable).....
.....
.....

2. POSITION APPLIED FOR

- (a) Division
- (b) Category..... Title.....
- (c) Position numbers in this Title in order of preference.
1st pref..... 6th pref 11th pref.....
2nd pref..... 7th pref 12th pref.....
3rd pref 8th pref 13th pref.....
4th pref..... 9th pref 14th pref.....
5th pref..... 10th pref 15th pref.....

(If insufficient space to show all positions desired attach a separate list)

(d) Have you applied this year for a position of another category within this Division?

(Indicate with x) Yes No

(e) Have you applied this year for a position in another Division?

(Indicate with x) Yes No

(f) Complete list of preferences this year is as follows (include previous applications).

Division	Category and Title
1st pref.....
2nd pref.....
3rd pref.....
4th pref.....
5th pref.....
6th pref.....
7th pref.....
8th pref.....
9th pref.....
10th pref.....

(If insufficient space to show all Divisional preferences attach separate list).

Reverse of Form

3. ACADEMIC QUALIFICATIONS

(a) Completed Degrees, Diplomas, Certificates, Post Graduate Studies

Year of Award	Institution	Qualification and Grade	Subjects and Level of Pass
.....
.....
.....
.....
.....
.....

(b) Subjects passed towards incomplete Post Graduate Studies, Degrees, Diplomas, Certificates

.....

.....
(c) Details of other studies particularly relevant to this application
.....
.....
.....

4. TEACHING AND ADMINISTRATIVE EXPERIENCE APPLICABLE TO THIS APPLICATION

(In Chronological Order)

Year	Position	Nature of Duties
.....
.....
.....

5. OTHER RELEVANT EXPERIENCE (In Chronological Order)

Year	Position	Nature of Duties
.....
.....
.....

All details which you wish to have considered with this application *must* be stated on this form or attached papers.

Signature

Date

[Forms, 6, 7, 8 and 9 deleted]

Form 10

Reg. 158B (1)

APPLICATION FOR A PERMIT TO CONDUCT OR CARRY ON
A CARE-CENTRE OR A PRE-SCHOOL CENTRE

We wish to make application for a permit under section 27B of the *Education Act 1928* to conduct or carry on a * care-centre/pre-school centre at

We affirm that we have read and agree to accept the Conditions of Approval, as laid down by the department.

NAME OF COMMITTEE

SIGNATURE OF SECRETARY OF COMMITTEE

ADDRESS OF SECRETARY

TELEPHONE

DATE

* Delete whichever does not apply.

To be returned to —

The Ministry of Education
Royal Street,
East Perth 6001.

(FOR OFFICE USE ONLY)

Accepted by the Department

CHIEF EXECUTIVE OFFICER

DATE

Form 11

Reg. 158B (2).

PERMIT

In accordance with the provisions of section 27B of the *Education Act 1928* a permit is granted to

.....
to conduct a * care-centre/pre-school centre situated at

.....
and known as

.....
This permit is granted subject to the conditions set out or referred to below —

.....
.....
.....
.....
DATED thisday of 19.....

CHIEF EXECUTIVE OFFICER

* Delete whichever does not apply.

[Schedule 1 inserted in Gazette 28 March 1962 pp.816-22; amended in Gazettes 27 July 1962 pp.1862- 67; 30 December 1966 pp.3469-70; 16 June 1967 p.1605; 21 August 1970 pp.2658-62; 7 June 1972 pp.1717-19; 8 June 1973 pp.2098-99; 28 November 1975 p.4346; 13 January 1978 p.159; 25 January 1980 p.273; 18 July 1980 pp.2441-45; 30 December 1988 pp.5113-14; 3 February 1998 p.596.]

Schedule 2

[Regulation 222]

FEES — TECHNICAL AND FURTHER EDUCATION

1. Community adult education — tuition fees for class instruction

Subject to clauses 2 and 3, the tuition fee for class instruction in a course classified as a community adult education course is the amount calculated on the basis of \$4.15 for each hour, or part of each hour, of instruction in the course.

2. Concession fees for tuition in community adult education courses

- (1) Subject to clause 3, where a person who belongs to a class of persons set out in subclause (2) is admitted to a course classified as a community adult education course, the tuition fee for class instruction in the course is the amount calculated on the basis of \$1.55 for each hour, or part of each hour, of instruction in the course but the fee payable by the person is not to exceed \$24.40 for each community adult education course to which the person is admitted.

- (2) The classes of persons for the purposes of subclause (1) are as follows —

(a) persons holding —

- (i) a Health Benefit Card issued by the Commonwealth Department of Social Security;
- (ii) a Health Care Card issued by the Commonwealth Department of Social Security;
- (iii) a Pensioner Concession Card issued by the Commonwealth Department of Social Security;
- (iv) a Veteran's Health Benefits Card issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs; or
- (v) a State Concession Card issued by the Director of the Department for Community Development in this State,

and dependants of such persons; and

- (b) persons holding a Senior's Card issued by the Office of Seniors' Interests in this State.

3. Tuition fees for class instruction in community adult education courses that have commenced

Where a person is admitted to a course classified as a community education course after the course has commenced, the tuition fee for the course is the amount calculated by multiplying the number of hours of instruction remaining in the course by the amount prescribed in clause 1 or 2 as the case may be.

4. Community adult education — tuition fees for correspondence instruction

The tuition fee for correspondence instruction in a course classified as a community adult education course is the amount calculated, without regard to when the person is admitted to the course, on the basis of twice the hourly rate prescribed in clause 1 or 2 as the case may be, for each lesson.

5. Vocational courses — tuition fees

- (1) Subject to clause 6, the tuition fee for class instruction in a vocational course is the amount calculated on the basis of 80 cents for each hour, or part of each hour, of instruction in the course but the fee payable by a person is not to exceed \$272 for each semester in which the person is admitted to a vocational course or courses.
- (2) The tuition fee for a vocational course in which instruction is given by a method other than traditional class instruction (namely, the open learning program or correspondence instruction) is the same as the fee calculated under subclause (1) for class instruction in the course.
- (3) In this regulation and in regulation 6 “vocational course” means a course that is not classified as a course for community adult education, small business management, equity and access, customised training, contracted higher education, a labour market program, traineeship or tertiary entrance examinations.

6. Concession fees for tuition in vocational courses

- (1) Where a person who belongs to a class of persons set out in subclause (2) is admitted to a vocational course, the tuition fee is the amount calculated on the basis of 50 cents for each hour, or part of each hour, of instruction in the course but the fee payable by the person is not to exceed \$170 for each semester in which the person is admitted to a vocational course or courses.
- (2) The classes of persons for the purposes of subclause (1) are as follows —
- (a) persons holding —
 - (i) a Health Benefit Card issued by the Commonwealth Department of Social Security;
 - (ii) a Pensioner Concession Card issued by the Commonwealth Department of Social Security;
 - (iii) a Veteran's Health Benefits Card issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs; or
 - (iv) a State Concession Card issued by the Director of the Department for Community Development in this State,and dependants of such persons;
 - (b) persons in receipt of —
 - (i) a benefit under the AUSTUDY scheme or ABSTUDY scheme described in the *Students Assistance Act 1973* of the Commonwealth; or
 - (ii) a jobsearch or newstart allowance, an additional family payment or special benefit under the *Social Security Act 1991* of the Commonwealth,and dependants of such persons;
 - (c) persons who were enrolled in a secondary education institution (whether a senior college, senior campus or secondary school) on a full-time basis at any time during 1993 or 1994; and
 - (d) persons who are inmates of a custodial institution for adults or juveniles.

7. Small business management courses — tuition fees

The tuition fee for class instruction in a course classified as a small business management course is the amount calculated on the basis of \$4.15 for each hour, or part of each hour, of instruction in the course.

[8. repealed]

9. Other fees

The fee for a matter set out in column 1 of the table to this clause is set out in column 2 opposite the matter.

	\$
1. Late entry to examinations	25.00
2. Replacement diploma or certificate	50.00
3. Special deferred examination — each subject	25.00
4. Examination only (no tuition, examination in normal examination period) — each subject	10.00
5. Examination only (no tuition, examination not in normal examination period) —	
(a) setting of paper by examiner (shared equally between candidates)	148.40
(b) setting of paper by co-examiner (shared equally between candidates)	49.40
(c) marking of paper by examiner (each candidate)	4.65
(d) marking of paper by co-examiner (each candidate)	1.55
(e) supervision of examination (shared equally between candidates)	9.31 per hour
(f) college administration costs (each candidate)	50.00
(g) examination administration costs (each candidate)	50.00
6. Re-marking of examination — each subject	25.00
7. Report on examination or on re-marking of examination — each subject	50.00
8. Correspondence course administration —	
(a) where lessons are to be sent to a place in Australia but outside Western Australia	20.00

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Schedule 2

	\$
(b) where lessons are to be sent to a place not in Australia	50.00
9. Late enrolment for full-time study in vocational courses	45.00
10. Change of enrolment preference for full-time study in vocational courses	20.00
11. Re-issue of academic statement —	
(a) results on computer	15.00
(b) results on microfiche	25.00
12. Assessment of overseas qualifications	100.00
13. Late notification of change of examination venue	10.00
14. Application for full-time study in vocational courses (persons mentioned in clause 6 (2) (c) are exempt)	20.00

*[SCHEDULE 2 amended by Gazettes 29 January 1993 pp.862-4;
21 January 1994 pp.146-9.]*

[SCHEDULE 3 repealed in Gazette 19 December 1969 p.4195.]

[SCHEDULE 4 repealed in Gazette 12 November 1968 p.3343.]

Schedule 5

FEES — WESTERN AUSTRALIAN CORRESPONDENCE
SCHOOL

Fees to be charged to students of the Western Australian Correspondence
School who are not in full time attendance at school shall be as follows: —

GENERAL TUITION FEES

	\$
(1) Courses designated by the Western Australian Correspondence School to be special courses — per subject per annum	12.00
[(2) <i>deleted</i>]	

*[Schedule 5 inserted in Gazette 26 January 1979 p.260; amended in
Gazettes 14 September 1979 p.2851; July 1980 p.2332.]*

Schedule 6

SUBSIDIES TO SCHOOLS

Part I — Assistance to Government Schools only

1. Computer equipment:
 - (a) for a secondary school, \$ for \$ to a maximum subsidy of \$3 000 in any one financial year;
 - (b) for a primary school, \$ for \$ to a maximum of \$2 000 in any one financial year,but the total assistance granted to each of these categories of schools shall not exceed an amount to be determined annually by the Minister.
2. Buildings and related projects:
 - (a) approved for subsidy before 22 February 1977: \$ for \$ to a maximum subsidy of \$5 000;
 - (b) approved for subsidy on and after 22 February 1977: \$ for \$ to a maximum subsidy of: —
 - (i) in the South West Division established under the *Land Act 1933*, \$10 000; and
 - (ii) in any area not set out in subparagraph (i), \$12 500.
3. Ground Improvements for Primary Schools:
 - (a) approved for subsidy before 22 February 1977: \$ for \$ to a maximum of \$1 000;
 - (b) approved for subsidy on and after 22 February 1977: \$ for \$ to a maximum of \$2 000.

Part II — Assistance to Government and Non- Government Schools

1. Swimming Pools:
 - (a) approved for subsidy before 22 February 1977: 25 per centum of the total cost to a maximum subsidy of \$2 000;
 - (b) approved for subsidy on and after 22 February 1977: 25 per centum of the total cost to a maximum subsidy of —
 - (i) in the South West Division established under the *Land Act 1933*, \$10 000; and
 - (ii) in any area not set out in subparagraph (i), \$12 500.

[Schedule 6 inserted in Gazette 2 December 1977 p.4458; amended in Gazettes 16 December 1977 p.4661, 19 September 1980 p.3295; 18 December 1981 p.5268.]

Notes

- ^{1.} This is a compilation of the *Education Regulations 1960* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Education Act Regulations 1960</i>	26 Jul 1960 pp.2225-97	26 Jul 1960
<i>Amendment Regulations</i>	22 Oct 1970 p.3258	22 Oct 1970
<i>Amendment Regulations</i>	22 Oct 1970 p.3263	22 Oct 1970
<i>Amendment Regulations</i>	5 Feb 1971 pp.373-76	5 Feb 1971
<i>Amendment Regulations</i>	19 Mar 1971 p.854	19 Mar 1971
<i>Amendment Regulations</i>	20 Apr 1971 pp.1209-11	20 Apr 1971
<i>Amendment Regulations</i>	10 Jun 1971 pp.1922-24	10 Jun 1971
<i>Amendment Regulations</i>	23 Jul 1971 p.2375	23 Jul 1971
<i>Amendment Regulations</i>	21 Sep 1971 p.3512	21 Sep 1971
<i>Amendment Regulations</i>	22 Oct 1971 p.4103	22 Oct 1971
<i>Amendment Regulations</i> (Erratum 5 November 1971 p.4313)	28 Oct 1971 pp.4217-20	28 Oct 1971
<i>Amendment Regulations</i>	23 Dec 1971 pp.5358-59	23 Dec 1971
<i>Amendment Regulations</i>	8 Feb 1972 pp.263-64	8 Feb 1972
<i>Amendment Regulations</i>	9 Mar 1972 pp.567-73	9 Mar 1972
<i>Amendment Regulations</i>	13 Apr 1972 p.811	13 Apr 1972
<i>Amendment Regulations</i>	7 Jun 1972 pp.1716-19	7 Jun 1972
<i>Amendment Regulations</i>	7 Jun 1972	7 Jun 1972

Citation	Gazettal	Commencement
	p.1720	
<i>Amendment Regulations</i>	9 Aug 1972 p.3019	9 Aug 1972
<i>Amendment Regulations</i>	21 Sep 1972 pp.3864-65	21 Sep 1972
<i>Amendment Regulations</i>	4 Oct 1972 p.3996	4 Oct 1972
<i>Amendment Regulations</i>	27 Oct 1972 p.4222	27 Oct 1972
<i>Amendment Regulations</i>	16 Feb 1973 p.505	16 Feb 1973
<i>Amendment Regulations</i>	4 May 1973 p.1142	4 May 1973
<i>Amendment Regulations</i>	8 Jun 1973 p.2097	8 Jun 1973
<i>Amendment Regulations</i>	8 Jun 1973 pp.2097-2100	8 Jun 1973
<i>Amendment Regulations</i>	7 Sep 1973 p.3398	7 Sep 1973
<i>Amendment Regulations</i>	14 Sep 1973 p.3484	14 Sep 1973
<i>Amendment Regulations</i>	28 Sep 1973 p.3632	28 Sep 1973
<i>Amendment Regulations</i>	21 Dec 1973 p.4719	21 Dec 1973
<i>Amendment Regulations</i>	15 Feb 1974 p.400	15 Feb 1974
<i>Amendment Regulations</i>	29 Mar 1974 pp.1121-22	29 Mar 1974
<i>Amendment Regulations</i>	11 Apr 1974 p.1317	11 Apr 1974
<i>Amendment Regulations</i>	10 May 1974 pp.1538-44	10 May 1974
<i>Amendment Regulations</i>	14 Jun 1974 p.1942	14 Jun 1974
<i>Amendment Regulations</i>	21 Jun 1974 p.2099	21 Jun 1974

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Citation	Gazettal	Commencement
<i>Amendment Regulations</i>	30 Aug 1974 pp.3279-80	30 Aug 1974
<i>Amendment Regulations</i>	6 Sep 1974 p.3413	6 Sep 1974
<i>Amendment Regulations</i>	11 Oct 1974 p.3890	11 Oct 1974
<i>Amendment Regulations</i>	29 Nov 1974 p.5191	29 Nov 1974
<i>Amendment Regulations</i>	13 Dec 1974 p.5371	13 Dec 1974
<i>Amendment Regulations</i>	20 Dec 1974 p.5658	20 Dec 1974
<i>Amendment Regulations</i>	10 Jan 1975 p.77	10 Jan 1975
<i>Amendment Regulations</i>	31 Jan 1975 pp.315-18	31 Jan 1975
<i>Amendment Regulations</i>	28 Feb 1975 p.805	28 Feb 1975
<i>Amendment Regulations</i>	24 Apr 1975 p.1231	24 Apr 1975
<i>Amendment Regulations</i>	6 Jun 1975 p.1788	6 Jun 1975
<i>Amendment Regulations</i> (Erratum 4 July 1975 p.2274)	27 Jun 1975 pp.2162-64	27 Jun 1975
<i>Amendment Regulations</i>	19 Sep 1975 pp.3641-42	19 Sep 1975
<i>Amendment Regulations</i> (Erratum 12 December 1975 p.4533)	31 Oct 1975 pp.4106-07	31 Oct 1975
<i>Amendment Regulations</i>	28 Nov 1975 pp.4344-47	28 Nov 1975
<i>Amendment Regulations</i>	26 Mar 1976 p.889	26 Mar 1976
<i>Amendment Regulations</i>	23 Apr 1976 p.1270	23 Apr 1976
<i>Amendment Regulations</i>	23 Apr 1976 p.1271	23 Apr 1976
<i>Amendment Regulations</i>	28 May 1976 p.1615	28 May 1976

Citation	Gazettal	Commencement
<i>Amendment Regulations</i>	2 Jul 1976 p.2317	2 Jul 1976
<i>Amendment Regulations</i>	9 Jul 1976 p.2404	9 Jul 1976
<i>Amendment Regulations</i>	9 Jul 1976 p.2405	9 Jul 1976
<i>Amendment Regulations</i>	23 Jul 1976 p.2566	23 Jul 1976
<i>Amendment Regulations</i>	30 Jul 1976 p.2644	30 Jul 1976
<i>Amendment Regulations</i>	27 Aug 1976 p.3261	27 Aug 1976
<i>Amendment Regulations</i>	27 Aug 1976 p.3261	27 Aug 1976
<i>Amendment Regulations</i>	24 Sep 1976 pp.3532-34	24 Sep 1976
<i>Amendment Regulations</i>	22 Oct 1976 p.3995	22 Oct 1976
<i>Amendment Regulations</i>	22 Oct 1976 p.3996	22 Oct 1976
<i>Amendment Regulations</i>	26 Nov 1976 pp.4820-21	26 Nov 1976
<i>Amendment Regulations</i>	7 Jan 1977 p.24	7 Jan 1977
<i>Amendment Regulations</i>	21 Jan 1977 p.173	21 Jan 1977
<i>Amendment Regulations</i>	28 Jan 1977 p.237	28 Jan 1977
<i>Amendment Regulations</i>	11 Feb 1977 p.458	11 Feb 1977
<i>Amendment Regulations</i>	18 Feb 1977 p.533	18 Feb 1977
<i>Amendment Regulations</i>	25 Feb 1977 pp.612-16	25 Feb 1977
<i>Amendment Regulations</i>	11 Mar 1977 p.774	11 Mar 1977
<i>Amendment Regulations</i>	18 Mar 1977	18 Mar 1977

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Citation	Gazettal	Commencement
	p.816	
<i>Amendment Regulations</i>	20 May 1977 pp.1544-45	20 May 1977
<i>Amendment Regulations</i>	3 Jun 1977 p.1699	3 Jun 1977
<i>Amendment Regulations</i>	22 Jul 1977 p.2388	22 Jul 1977
<i>Amendment Regulations</i> (Correction 11 November 1977 p.4269)	4 Nov 1977 pp.4113-19	4 Nov 1977
<i>Amendment Regulations</i>	11 Nov 1977 p.4268	11 Nov 1977
<i>Amendment Regulations</i>	2 Dec 1977 pp.4457-58	2 Dec 1977
<i>Amendment Regulations</i>	2 Dec 1977 pp.4458-60	2 Dec 1977
<i>Amendment Regulations</i>	16 Dec 1977 p.4661	16 Dec 1977
<i>Amendment Regulations</i>	16 Dec 1977 p.4661	16 Dec 1977
<i>Amendment Regulations</i>	13 Jan 1978 p.159	13 Jan 1978
<i>Amendment Regulations</i>	13 Jan 1978 pp.160-61	13 Jan 1978
<i>Amendment Regulations</i>	17 Feb 1978 p.529	17 Feb 1978
<i>Amendment Regulations</i>	12 May 1978 pp.1518-19	12 May 1978
<i>Amendment Regulations</i>	19 May 1978 p.1583	19 May 1978
<i>Amendment Regulations</i>	30 Jun 1978 p.2178	30 Jun 1978
<i>Amendment Regulations</i>	21 Jul 1978 p.2659	21 Jul 1978
<i>Amendment Regulations</i>	4 Aug 1978 pp.2836-37	4 Aug 1978
<i>Amendment Regulations</i>	29 Sep 1978 pp.3602-03	29 Sep 1978
<i>Amendment Regulations</i>	29 Sep 1978	29 Sep 1978

Citation	Gazettal	Commencement
	pp.3603-05	
<i>Amendment Regulations</i>	8 Dec 1978 p.4658	8 Dec 1978
<i>Amendment Regulations</i>	26 Jan 1979 pp.259-260	26 Jan 1979
<i>Amendment Regulations</i>	4 May 1979 pp.1173-74	4 May 1979
<i>Amendment Regulations</i>	13 Jul 1979 pp.1928-29	13 Jul 1979
<i>Amendment Regulations</i>	17 Aug 1979 p.2522	17 Aug 1979
<i>Amendment Regulations</i>	14 Sep 1979 pp.2850-51	14 Sep 1979
<i>Amendment Regulations</i>	1 Nov 1979 p.3477	1 Nov 1979
<i>Amendment Regulations</i>	9 Nov 1979 pp.3581-82	9 Nov 1979
<i>Amendment Regulations</i>	16 Nov 1979 p.3623	16 Nov 1979
<i>Amendment Regulations</i>	21 Dec 1979 p.4011	21 Dec 1979
<i>Amendment Regulations</i>	21 Dec 1979 p.4011	21 Dec 1979
<i>Amendment Regulations</i>	25 Jan 1980 pp.271-73	25 Jan 1980
<i>Amendment Regulations</i>	24 Apr 1980 p.1245	24 Apr 1980
<i>Amendment Regulations</i>	2 May 1980 p.1436	2 May 1980
<i>Amendment Regulations</i>	11 Jul 1980 p.2332	11 Jul 1980
<i>Amendment Regulations</i>	11 Jul 1980 p.2332	11 Jul 1980
<i>Amendment Regulations</i>	18 Jul 1980 pp.2439-45	18 Jul 1980
<i>Amendment Regulations</i>	18 Jul 1980 p.2445	18 Jul 1980

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Citation	Gazettal	Commencement
<i>Amendment Regulations</i>	8 Aug 1980 pp.2692-93	8 Aug 1980
<i>Amendment Regulations</i>	29 Aug 1980 p.3098	29 Aug 1980
<i>Amendment Regulations</i>	29 Aug 1980 pp.3098-99	29 Aug 1980
<i>Education Act Regulations Amendment Regulations 1980</i>	19 Sep 1980 p.3295	19 Sep 1980
<i>Education Amendment Regulations 1980</i>	24 Oct 1980 p.3668	24 Oct 1980
<i>Education Amendment Regulations 1980</i>	24 Dec 1980 pp.4404-05	Regulation 3: 1 Jan 1981 (see r. 2(2)); balance 24 Dec 1980
<i>Education Act Amendment Regulations 1980</i>	31 Dec 1980 p.4446	31 December 1980
<i>Education Act Amendment Regulations No. 2 of 1981</i>	10 Apr 1981 pp.1261-62	10 Apr 1981
<i>Education Act Amendment Regulations No. 3 of 1981</i>	16 Apr 1981 p.1312	16 Apr 1981
<i>Education Act Amendment Regulations No. 4 of 1981</i>	24 Apr 1981 p.1352	25 May 1981 (see regulation 2)
<i>Education Act Amendment Regulations (No. 5) 1981</i>	8 May 1981 p.1467	8 May 1981
<i>Education Act Amendment Regulations (No. 6) 1981</i>	12 Jun 1981 p.2104	12 Jun 1981
<i>Education Act Amendment Regulations (No. 8) 1981</i>	16 Jul 1981 p.2863	16 Jul 1981
<i>Education Act Amendment Regulations (No. 9) 1981</i>	24 Jul 1981 p.3110	24 Jul 1981
<i>Education Act Amendment Regulations (No. 10) 1981</i>	24 Jul 1981 p.3110	24 Jul 1981
<i>Education Act Amendment Regulations (No. 11) 1981</i>	31 Jul 1981 pp.3182-83	31 Jul 1981
<i>School Premises Regulations 1981, Regulation 23</i>	28 Aug 1981 pp.3592-97	28 Aug 1981
<i>Education Act Amendment Regulations (No. 12) 1981</i>	6 Nov 1981 p.4587	6 Nov 1981
<i>Education Act Amendment Regulations (No. 13) 1981</i>	6 Nov 1981 p.4587	6 Nov 1981

Citation	Gazettal	Commencement
<i>Education Act Amendment Regulations (No. 14) 1981</i>	18 Dec 1981 p.5268	1 Jan 1982 (see regulations 2)
<i>Education Act Amendment Regulations 1982</i>	19 Mar 1982 p.947	19 Mar 1982
<i>Education Act Amendment Regulations (No. 2) 1982</i>	16 Jul 1982 pp.2759-62	16 Jul 1982
<i>Education Act Amendment Regulations 1983</i>	2 Sep 1983 p.3294	2 Sep 1983
<i>Education Act Amendment Regulations 1984</i>	2 Mar 1984 p.571	2 Mar 1984
<i>Education Act Amendment Regulations (No. 2) 1984</i>	4 May 1984 pp.1222-23	4 May 1984
<i>Education Act Amendment Regulations (No. 3) 1984</i>	22 Jun 1984 p.1715	22 Jun 1984
<i>Education Act Amendment Regulations (No. 4) 1984</i>	6 Jul 1984 p.2055	6 Jul 1984
<i>Education Act Amendment Regulations (No. 5) 1984</i>	18 Dec 1984 pp.4169-70	18 Dec 1984
<i>Education Act Amendment Regulations 1985</i>	1 Feb 1985 p.453	1 Feb 1985
<i>Education Act Amendment Regulations (No. 2) 1985</i>	15 Mar 1985 p.975	15 Mar 1985
<i>Education Act Amendment Regulations (No. 3) 1985</i>	29 Mar 1985 p.1144	29 Mar 1985
<i>Education Act Amendment Regulations (No. 4) 1985</i>	3 May 1985 pp.1591-92	3 May 1985
<i>Education Act Amendment Regulations (No. 5) 1985</i>	24 May 1985 pp.1795-97	24 May 1985
<i>Education Act Amendment Regulations (No. 6) 1985</i>	25 Oct 1985 p.4154	25 Oct 1985
<i>Education Act Amendment Regulations (No. 7) 1985</i>	29 Nov 1985 pp.4505-06	29 Nov 1985
<i>Education Act Amendment Regulations (No. 8) 1985</i>	6 Dec 1985 pp.4582-83	6 Dec 1985
<i>Education Act Amendment Regulations 1986</i>	24 Jan 1986 pp.305-06	24 Jan 1986
<i>Education Act Amendment Regulations</i>	24 Jan 1986	24 Jan 1986

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Citation	Gazettal	Commencement
<i>(No. 2) 1986</i>	pp.306-07	
<i>Education Act Amendment Regulations (No. 3) 1986</i>	24 Apr 1986 pp.1490-92	28 Apr 1986 (see regulation 2)
<i>Education Act Amendment Regulations (No. 4) 1986</i>	2 May 1986 pp.1561-62	2 May 1986
<i>Education Act Amendment Regulations (No. 5) 1986</i>	2 May 1986 p.1562	2 May 1986
<i>Education Act Amendment Regulations (No. 6) 1986</i>	4 Jul 1986 pp.2319-20	4 Jul 1986
<i>Education Amendment Regulations (No. 7) 1986</i>	5 Sep 1986 p.3318	5 Sep 1986
<i>Education Amendment Regulations (No. 8) 1986</i>	14 Nov 1986 p.4217	14 Nov 1986
<i>Education Amendment Regulations 1987</i>	23 Jan 1987 p.232	23 Jan 1987
<i>Education Amendment Regulations (No. 2) 1987</i>	27 Mar 1987 p.1020	27 Mar 1987
<i>Education Amendment Regulations (No. 3) 1987</i>	10 Jul 1987 p.2635	10 Jul 1987
<i>Education Amendment Regulations (No. 4) 1987</i>	24 Jul 1987 pp.2828-29	24 Jul 1987
<i>Education Amendment Regulations (No. 5) 1987</i>	30 Oct 1987 pp.4052-54	30 Oct 1987
<i>Education (Promotion by Merit) Amendment Regulations 1987</i>	30 Oct 1987 pp.4054-56	Regulations 1, 2, 3 and 4: 30 Oct 1987; Schedule 1: 1 Jan 1988 (see r. 4(2)); Schedule 2: 1 Jan 1988 (see r. 4(3)(a)); Schedule 3: 1 Jan 1989 (see r. 4(3)(b))
<i>Education Amendment Regulations (No. 6) 1987</i>	4 Dec 1987 pp.4351-52	4 Dec 1987
<i>Education Amendment Regulations (No. 7) 1987</i>	4 Dec 1987 p.4352	4 Dec 1987
<i>Education Amendment Regulations 1988</i>	23 Sep 1988 p.3954	23 Sep 1988
<i>Education Amendment Regulations (No. 2) 1988</i>	4 Nov 1988 p.4416	4 Nov 1988

Citation	Gazettal	Commencement
<i>Education Amendment Regulations (No. 3) 1988</i> (Erratum 27 January 1989 p.321)	30 Dec 1988 pp.5113-15	30 Dec 1988
<i>Education Amendment Regulations 1989</i>	21 Apr 1989 pp.1200-01	21 Apr 1989
<i>Education Amendment Regulations 1989</i>	5 May 1989 p.1416	5 May 1989
<i>Education Amendment Regulations (No. 2) 1989</i>	23 Jun 1989 pp.1858-59	23 Jun 1989
<i>Education Amendment Regulations (No. 3) 1989</i>	23 Jun 1989 pp.1859-60	23 Jun 1989
<i>Education Amendment Regulations (No. 6) 1989</i>	24 Nov 1989 p.4362	24 Nov 1989
<i>Education Amendment Regulations (No. 4) 1991</i>	25 Oct 1991 pp.5450-56	25 Oct 1991
<i>Education Amendment Regulations (No. 3) 1991</i>	14 Jan 1992 pp.121-26	20 Dec 1991 (see regulation 2 and <i>Gazette</i> 20 Dec 1991 p.6289)
<i>Education Amendment Regulations 1992</i>	27 Mar 1992 pp.1345-47	27 Mar 1992
<i>Education Amendment Regulations (No. 5) 1992</i>	15 Dec 1992 pp.6018-20	15 Dec 1992
<i>Education Amendment Regulations (No. 3) 1993</i>	29 Jan 1993 pp.861-4	29 Jan 1993
<i>Education Amendment Regulations (No. 5) 1993</i>	19 Nov 1993 pp.6258-9	19 Nov 1993
<i>Education Amendment Regulations (No. 4) 1993</i>	7 Dec 1993 p.6507	7 Dec 1993
<i>Education Amendment Regulations 1994</i>	21 Jan 1994 pp.145-9	21 Jan 1994
<i>Education Amendment Regulations 1995</i>	16 May 1995 p.1843	16 May 1995
<i>Education Amendment Regulations (No. 2) 1995</i>	19 Sep 1995 pp.4435-6	19 Sep 1995
<i>Education Amendment Regulations 1996</i>	3 Sep 1996 pp.4380-1	3 Sep 1996
<i>Education Amendment Regulations (No. 2) 1996</i>	24 Dec 1996 pp.7111-13	1 Jan 1997 (see regulation 2)

Citation	Gazettal	Commencement
<i>Education Amendment Regulations 1998</i>	3 Apr 1998 p.1969	3 Apr 1998 (see regulation 2)
<i>Education Amendment Regulations (No. 2) 1998</i>	3 Feb 1998 p.596	3 Feb 1998
<i>Education Amendment Regulations (No. 3) 1998</i>	5 Feb 1999 pp.401-2	5 Feb 1999

These regulations were repealed by the *School Education Act 1999 s. 246(2) (No. 36 of 1999)* as at 1 Jan 2001 (see *Gazette 29 Dec 2000 p. 7904*)

² Repealed by the *Workers' Compensation and Assistance Act 1981*.

³ Now see Division 1 of Part 11A of the *Industrial Relations Act 1979*.

⁴ Regulation 8 (2) of the *Education Amendment Regulations (No. 6) 1987* reads as follows —

“

- (2) Nothing in regulation 167 (1) (d) as in force on or after the commencement of subregulation (1) of this regulation affects any teacher who was appointed to a position as deputy principal (female) of a Class I or Class IA junior primary school under or purportedly under the principal regulations as in force before that commencement and holds that position after commencement.

”

⁵ The *Education Amendment Regulations (No. 4) 1985*, published in the *Gazette* on 3 May 1985 at pp.1591-92, amended regulation 229 at page 1591 and in error instructed subregulations (2a) and (2b) to be inserted after subregulation (3) when those subregulations should have been inserted after subregulation (2).

⁶ Title changed pursuant to 7 (3) (h) of the *Reprints Act 1984*.

⁷ Repealed in *Gazette* 18 July 1980 p.2441.

⁸ Regulation 6 *Education Amendment Regulations (No. 4) 1991* reads as follows: —

“

6. Transitional

- (1) Where immediately prior to the day on which these regulations come into operation (in this regulation referred to as the “commencement day”) a teacher has completed a period of continuous service exceeding 10 years but not exceeding 15 years and has not taken long service leave in respect of that service, the teacher may in lieu of any entitlement he or she would otherwise have in respect of that service under regulation 130 (1) of the

principal regulations as in force alter the commencement day elect —

- (a) to complete the 15 years of continuous service and upon completion be entitled to 26 weeks long service leave; or
- (b) to be credited as at the commencement day with long service leave in accordance with the following formula —

$$A = 91 + \left(\frac{B}{C} \times 91 \right)$$

Where —

- A represents the number of days long service leave credited;
- B represents the number of days continuous service in excess of 10 years;
- C represents the number of days of continuous service in the 5 year period between the teacher's 10th and 15th year of continuous service.

- (2) For the purposes of regulation 130 (1) (b) of the principal regulations as in force after the commencement day a 7 year period referred to in that regulation, commences —
 - (a) where an election is made under paragraph (a) of subregulation (1), after the day on which 15 years of continuous service is completed; and
 - (b) where an election is made under paragraph (b) of subregulation (1), on the commencement day.
- (3) Where as at the commencement day, a teacher has an entitlement to 26 weeks of long service leave, the teacher shall commence that leave not later than 4 years from the date on which that entitlement arose.

”