



VICTORIA
GOVERNMENT GAZETTE.

Published by Authority.

[Registered at the General Post Office, Melbourne, for transmission by post as a newspaper.]

No. 1260]

THURSDAY, DECEMBER 20.

[1951

TEACHING SERVICE ACT 1946.

At the Executive Council Chamber, Melbourne, the
eighteenth day of December, 1951.

PRESENT:

His Excellency the Governor of Victoria.

Sir Albert Lind

Mr. Hyland.

TEACHING SERVICE (GOVERNOR IN COUNCIL) REGULATIONS.

IN pursuance of the powers conferred by the *Teaching Service Act* 1946, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby repeals the Teaching Service (Governor in Council) Regulations, and makes the following Regulations:—

REGULATION 1.

DEFINITIONS.

1. These Regulations may be cited as the "Teaching Service (Governor in Council) Regulations."
2. In the Regulations, unless inconsistent with the context or subject-matter—
 - "Minister" means Minister of Education.
 - "Tribunal" means Teachers Tribunal.
 - "Director" means Director of Education.
 - "Member" means Member of the Teaching Service.

REGULATION 2.

DISCIPLINE AND CONDUCT OF MEMBERS OF THE TEACHING SERVICE.

1. The Director of Education shall be responsible for the organization and discipline of his Department.
2. Members of the teaching service shall be at all times accountable for the observance of Regulations made under the *Education Act* 1928 and the *Teaching Service Act* 1946 and shall afford in all respects the utmost aid and support to the Director.
3. Every member shall obey promptly all lawful instructions that may be given to him by the member under whose immediate control or supervision he is placed. Any member who considers that he has ground of complaint arising out of such instructions, or from any other cause whatsoever, may state the same in writing, through his head teacher, or in the case of a professional officer through his superior officer, to the Director who may confirm, amend or quash the instruction; but the member shall nevertheless carry out any instructions which may be given to him until his appeal is determined.

4. Senior members of the teaching service are instructed to adopt towards members junior to them methods of control which shall ensure respect and willing co-operation.

5. Every member shall be civil and courteous in his official intercourse with the public, and shall pay proper deference and respect to his seniors in the teaching service.

6. Any monetary transaction between members either as principals or agents, whereby any interest or other return in money or kind is charged or paid, and the borrowing of money by senior members from their subordinates, are forbidden.

7. Every application or communication of a member upon any matter affecting his position, or relating to himself either individually or in common with others, shall be made by such member, through his head teacher, or in the case of a professional officer through his superior officer, to the Director. Any such application or communication made through any other person will be treated as irregular: Provided, however, that members may communicate with the Teachers Tribunal on matters with which it is empowered to deal.

8. No member shall make any communication, directly or indirectly, to any person, whether a member of the teaching service or otherwise, not officially entitled thereto upon any matter affecting the Department in which he serves, or the business or the members thereof, or relating to the teaching service, or his own official position or acts, without the express permission or authority of the Minister or the Director.

9. If a member in charge or sub-charge shall observe at any time that anyone under his direction or supervision is unfit to perform his duties properly by reason of over indulgence in intoxicating liquor, he shall temporarily suspend him from duty, and immediately report the matter to the Director.

10. A member shall not engage even indirectly in any business which would have the effect of impairing his moral influence over his pupils or in the community generally, and he must not, even out of school hours, be guilty of any action unbecoming a person holding his position.

11. Every member in charge or sub-charge shall promptly report in writing to the Director, through the proper channel, any member under his control who is guilty of a breach of the provisions of the *Teaching Service Act 1946* or the regulations made thereunder, and he shall specifically describe such breach in his report.

12. All fines imposed under the *Teaching Service Act 1946* shall be reported to the Teachers Tribunal and to the Auditor-General.

13. If the estate of any member be sequestrated, either voluntarily or compulsorily, for the benefit of his creditors, such member shall report the same immediately to the Teachers Tribunal through the Director, and furnish a statement in full detail of his assets and liabilities, together with an explanation of the cause of such sequestration and shall apply as soon as he may legally do so to the Court of Bankruptcy for an Order for Discharge. Such member shall forthwith furnish to the Teachers Tribunal for notation a certified copy of the Order when granted.

14. Every member shall in due course and at proper times comply with and give effect to all enactments, regulations, and authoritative instructions made or issued for his guidance in the performance of his duties.

15. In the collection and payment of public moneys, members shall conform strictly to the provisions of the *Audit Act 1928*, and to such regulations and directions as may from time to time be issued by order of the Treasurer.

16. No member shall be authorized to incur, or shall attempt to incur, any liability, or shall have authority to make, or shall attempt to make, any contract on behalf of the Crown or of the Government, or of the Education Department, without the authority in writing of the Minister of Education. The general conditions and forms of specifications and of contracts which may from time to time be prescribed for the Education Department shall be strictly adhered to by the professional and other members of the teaching service, unless under special circumstances an alteration therein be made, and be approved in writing by the Minister of Education.

17. Requisitions for stores, stationery, furniture, fittings, and repairs to buildings shall be made in strict accordance with the Regulations and Instructions issued from time to time by the Education Department.

18. Members shall be held responsible for the careful use and preservation of all Government property in their possession, custody, or care. Members in charge of public buildings shall, in the event of repairs being required, promptly make a requisition for the same.

19. Any member attending in his official character, under a subpoena or order, to give evidence or to produce papers in any court, shall attend such court in performance of and as part of his official duty, and shall duly enter and account for, and shall forthwith pay into the Consolidated Revenue, all fees received by him for the performance of such duty, and shall transmit to the Director an account and vouchers of all the necessary expenses, if any, incurred by him in the performance of such duty.

20. No member shall furnish to another member any certificate or testimonial relating to his capacity or performance of official duties: Provided that the Director may furnish such certificate or testimonial to a member who is retiring from the teaching service or confidentially to the controlling body of an establishment or institution which has advertised a position for which a member of the teaching service is an applicant.

REGULATION 3.

ATTENDANCE AND HOURS OF DUTY OF MEMBERS OF THE TEACHING SERVICE.

1. Members of the teaching service shall be punctual and regular in their attendance, and shall, during the hours of duty, devote themselves exclusively to the discharge of their public duties.

2. The hours of attendance to be observed by members of the teaching service shall, unless otherwise determined by these Regulations, be from 8.45 a.m. to 5.6 p.m., from Monday to Friday inclusive: Provided that any member of the teaching service may be required to work on Saturday from 8.45 to 11.45 a.m., in which case he shall be allowed equivalent time off duty during the following week, at the convenience of the Education Department.

3. A period of three-quarters of an hour shall be allowed daily to every member of the teaching service for luncheon, from 12.45 p.m. to 1.30 p.m., or at such other time as, in the departmental or the public interest, the Director may determine.

4. Unless otherwise ordered by the Director, every member not immediately under supervision shall keep a diary showing—

- (a) particulars of the duties performed by him;
- (b) the time occupied therein each day;

and shall furnish a copy of his diary each week to the Secretary of the Education Department.

5. No member of the teaching service shall be absent from duty without leave: Provided that if a member who has not obtained leave be prevented by sudden illness or other emergency from attending at his place of duty, and immediately reports such absence to the Education Department, and furnishes satisfactory evidence that his absence without leave was unavoidable and was not due to any misconduct, such member shall not be deemed to have committed a breach of this Regulation.

REGULATION 4.

LEAVE OF ABSENCE: SICK LEAVE AND SPECIAL LEAVE.

1. In the case of illness of a member of the teaching service, the conditions under which the Minister may grant leave of absence shall be as follows:—

- (a) When leave with pay is approved, the basis for determining the amount which may be granted shall be ascertained by crediting the member with the following periods, such leave to be cumulative:—

| <i>Permanent Member of the Teaching Service.</i> | Leave on Full Pay. | Leave on Half Pay. |
|--|-----------------------|-----------------------|
| At commencement of duty | 16 days | .. 16 days. |
| On completion of two years' service and each year's service thereafter | .. 8 days | .. 8 days. |

Temporary Member of the Teaching Service.

| | Leave on Full Pay. | Leave on Half Pay. |
|---|-----------------------|-----------------------|
| On completion of three months' temporary service— | | |
| For every month of service | $\frac{1}{2}$ day .. | $\frac{1}{2}$ day. |

Provided that the scale of credits prescribed for permanent members shall apply to temporary members on completion of two years' service, such credits to be computed as from the date of commencement of service.

Provided also that a teacher who resigned or retired from the teaching service and was re-employed as a temporary teacher between the third day of September, 1939, and the thirty-first day of December, 1945, shall be regarded as having had, on re-employment, a sick leave credit of 28 days on full pay, and that any other teacher who resigned or retired from the teaching service and has been re-employed as a temporary teacher shall be permitted to retain a sick leave credit up to but not exceeding 28 days on full pay at the date of re-employment.

- (b) To determine the leave for which a member is eligible at any time all leave granted during his service at rates of full pay and half pay respectively shall be deducted from the appropriate period ascertained under the provisions of the preceding paragraph.

- (c) After deduction has been made as provided in the preceding paragraph the period remaining at each rate of pay shall be the amount of leave for which a member is eligible:

Provided that, notwithstanding the amount of sick leave standing to the credit of a member, continuous leave with pay shall not be granted for any period longer than fifty-two weeks, inclusive of any recreation leave which may be granted, and that where a member has had fifty-two weeks' continuous leave with pay, no further leave with pay shall be granted until such member has completed a period of duty of not less than four weeks.

- (d) For each week a member is absent on leave with full pay, the amount of leave on full pay standing to his credit shall be reduced by five days.

For each week a member is absent on leave with half pay, the amount of leave on half pay standing to his credit shall be reduced by five days, notwithstanding that his pay is reduced to half pay for seven days.

Where the absence exceeds one week or more, but does not extend to a further week, the number of weeks shall be recorded as hereinbefore provided, and the remaining days shall be debited as a period of less than a week.

When the period of leave granted to a member with pay (whether full pay or half pay) does not extend to a week, his appropriate credit shall, subject to the provisions of clause 2 of this Regulation, be reduced by the number of days he would have been required to be on duty if he had not been absent on sick leave.

For the purposes of this Regulation, so far as it relates to sick leave, a week shall be deemed to be any period of seven consecutive days inclusive of Sunday.

- (e) When a member has been granted leave on half pay or without pay, restoration to full pay shall date only from the day he actually resumes duty, but this provision shall not apply to prescribed vacation periods for teachers, except as set out in clause 6.

- (f) In this Regulation, so far as it relates to sick leave, "service" means continuous service, inclusive of any period of absence on leave: Provided that, in determining at any time the amount of leave standing to the credit of a member who has been absent on leave without pay (other than for the purpose of serving with the Commonwealth Defence Forces) continuously for a period extending beyond six months, such period as is in excess of six months shall not be counted as service.

Provided also that, if a member resigns to contest a Commonwealth Parliamentary Election and is re-appointed pursuant to the provisions of Act No. 4767, the period between his resignation and his re-appointment shall be considered as "service" for the purposes of this Regulation.

(g) In computing the service of a member of the teaching service for the purposes of this Regulation service in any office in the service of the State of Victoria or of the Commonwealth of Australia or of any other Australian State may, to the extent approved by the Tribunal, be taken into account.

2. After an absence on sick leave a member shall be deemed to have resumed duty on the day he actually returns to duty: Provided that a public holiday observed at the expiration of a period of leave shall not be regarded as part of the leave when the member resumes duty immediately after such holiday.

3. (a) For any period exceeding two days' continuous absence, a satisfactory certificate by a duly qualified medical practitioner shall be furnished setting out the cause of such absence: Provided that the Director may require a medical certificate to be furnished with respect to any absence, and provided further that continuous leave with pay shall not be granted to a member for any period exceeding thirteen weeks, unless the Government Medical Officer certifies that the leave is necessary: Provided also that in special cases where a medical practitioner is not available the Director may accept a certified statement from an approved person in lieu of a certificate from a medical practitioner for absences exceeding two days.

(b) No leave shall be granted with pay on account of illness caused by misconduct of the member, or in any case of absence from duty without sufficient cause. Where the Director has occasion for doubt as to the cause of illness, or the reason for absence, he shall, before accepting a medical certificate, refer such certificate to the Government Medical Officer for report.

(c) If the number of days during which a member is absent in any year without a medical certificate exceeds five days in the aggregate, the number of days' absence in excess of five shall not be granted as sick leave, but shall be deducted from the member's annual recreation leave, or be granted without pay. In the case of teachers, such leave shall be granted without pay.

(d) When a member is absent from duty on account of a dental disability he may be granted leave of absence for a period not exceeding one week provided that he furnishes the Director with a satisfactory certificate from a legally qualified dentist.

4. (a) Where the Director is satisfied that the illness of a member with at least six months' service is directly attributable to or is aggravated by his service in the war which commenced in the year One thousand nine hundred and fourteen or in the year One thousand nine hundred and thirty-nine, such member may, apart from any sick leave which may be standing to his credit, be credited with special leave with full pay amounting to eight days in respect of each year of service from the first day of July, 1947, to the thirtieth day of June, 1951, and with fifteen days' sick leave with full pay in respect of each year from and inclusive of the first day of July, 1951.

Such special leave shall be cumulative provided that the total of such accumulated leave standing to the credit of a member shall not at any time exceed 100 days.

(b) Where the nature of the duties of a member is such as to expose him to the risk of infection from a contagious disease, and the Government Medical Officer certifies that the member has contracted an illness directly attributable to such infection, the member, may, on the recommendation of the Tribunal, be granted leave with full pay apart from any sick leave which may be standing to his credit during the period for which he is required to absent himself from duty on account of such illness. Leave granted under the provisions of this sub-clause shall not be regarded as a debit against the member, and shall not exceed a continuous period of thirteen weeks.

(c) If any member in the discharge of his duty sustains bodily injury of such a nature as to incapacitate him for all duty, and the Director is satisfied that such injury was not contributed to by the member's negligence or misconduct, such member shall, apart from any sick leave standing to his credit, be granted leave on full pay during

such incapacity less the amount paid by way of weekly compensation by the State Insurance Commissioner. Leave granted under the provisions of this sub-clause shall not be regarded as a debit against the member, and shall not exceed a continuous period of fifty-two weeks, inclusive of any other leave which may be granted with pay.

(d) In the case of any permanent member suffering from pulmonary tuberculosis or poliomyelitis who is certified by the Government Medical Officer to be probably curable, leave of absence may be granted on the following terms, viz.:—

Six months on full pay and three months on half pay: Provided that such pay may be made conditional on the member undergoing treatment in an approved sanatorium or other approved institution when so recommended by the Government Medical Officer. Any leave so granted in excess of the amount standing to his credit shall not be regarded as a debit against the member. On his resumption of duty, such member shall be entitled to a total initial sick leave credit of not less than sixteen days on full pay and sixteen days on half pay.

(e) The provisions of clauses 1, 2, and 3 of this Regulation, so far as they are applicable, shall be deemed to apply to leave under the provisions of clause 4.

5. Where a member is continuously absent from duty on account of illness beyond a period of thirteen weeks, he shall not be permitted to return to duty until the Government Medical Officer shall have certified that he is fit to resume work.

6. Leave, which shall not be considered as sick leave, shall be granted to teachers absent on account of illness, under the following conditions:—

- (a) When a teacher has been on duty for at least four weeks during the first term and is absent before and after the first vacation, full pay shall be allowed for the period of the first vacation.
- (b) When a teacher has been on duty for at least four weeks during the second term and is absent before and after the second vacation, full pay shall be allowed for the period of the second vacation.
- (c) When a teacher has been on duty for at least four weeks during the third term and is absent before and after the Christmas vacation, full pay shall be allowed for one week of the vacation, in addition to the statutory public holidays at Christmas and New Year.
- (d) When a teacher, who has been absent immediately before a vacation, resumes duty on the first school day after such vacation, full pay shall be allowed for the period of the vacation as if there had been no prior absence on sick leave.

LEAVE ON ACCOUNT OF PRESSING NECESSITY.

7. Leave of absence granted by the Minister, pursuant to the provisions of section 60 of the *Teaching Service Act 1946*, in cases of pressing necessity, shall, except as is elsewhere provided in this Regulation or in such cases as the Minister on the recommendation of the Teachers Tribunal otherwise directs, be without pay.

8. The Minister may grant leave of absence for two days on full pay and one day on half pay to any member on account of the death or serious illness of his wife, child, father, mother, brother, or sister, or in any other case where, in the opinion of the Minister, special circumstances exist.

Provided that more favourable terms may be granted by the Minister if he is satisfied in any particular case that the leave authorized by this clause is inadequate.

9. (a) If the Director has reason to believe that a member is in such a state of health as to render him a danger to his fellow members or his pupils, he may require such member to obtain and furnish a report as to his condition from a duly qualified medical practitioner, or may require him to submit himself for examination by the Government Medical Officer.

(b) Upon receipt of the medical report, the Director, with the approval of the Minister, may direct the member to absent himself from his duties for a specified period, or, if he is already on leave of absence, may direct him to continue on leave for a specified period, and the absence of such member shall be regarded as absence on leave owing to illness.

10. (a) Upon report by a medical officer of health that, by reason of contact with a person suffering from an infectious disease and through the operation of restrictions imposed by law in respect of such disease, a member is unable to attend for duty, the Minister may grant the member special leave of absence.

(b) Leave of absence under the last preceding sub-clause shall not be granted for any period beyond the earliest date at which it would be practicable for the member to resume duty, having regard to the restrictions imposed by law.

11. The Minister may grant any member leave of absence with full pay for the purpose of attending examinations.

12. Where a member, who has been granted leave of absence without pay for a specified number of days, resumes duty on a Monday or the first working day of a week, pay shall be restored from and inclusive of the day following the last normal working day within the period of leave, except where the leave granted commences on a Monday and the last normal working day within the leave period is a Friday or a Saturday (as the case may be), in which case pay shall be restored from and inclusive of the Monday.

13. In this Regulation "Government Medical Officer" includes—

- (a) Assistant Government Medical Officer.
- (b) Medical Officers at Mental Hospitals.
- (c) Medical Officers for Penal Establishments.
- (d) Medical Officers at Children's Welfare Depots.
- (e) School Medical Officers.
- (f) Medical Officers of Repatriation Commission.

LEAVE TO MEMBERS WHO HAVE BEEN GRANTED FREE PLACES AT THE UNIVERSITY.

14 (a) Where, in accordance with the Regulations made pursuant to the provisions of the *Education Act 1928*, a member has been awarded a free place at the University of Melbourne, the Governor in Council, on the application of such member, may grant him the necessary leave of absence on full pay to enable him to attend the essential lectures and practical and other work, and examinations in the subjects of his course: Provided that no such leave of absence shall be granted unless the member has, in accordance with such Regulations, entered into an agreement with the Minister of Education and an approved surety that he will observe the conditions of tenure of his free place, that he will not relinquish his free place without the permission of the Minister, and, that, if required, he will remain and continue in the employment of the Government of Victoria for three years after the termination of his free place, and, if his free place extends over more than three years, an additional year for each year by which the term of his free place exceeds three years.

(b) On the cancellation at any time of a free place awarded to a member, the leave of absence granted to him under sub-clause 14 (a) shall be deemed to have been terminated.

SPECIAL LEAVE FOR WAR PURPOSES.

15. (a) Where any member was required or permitted to absent himself from duty for service with the Defence Forces in connexion with the war which commenced in the year One thousand nine hundred and thirty-nine, he shall be deemed to have been granted leave of absence from the date of his enlistment until the date of his discharge on such terms and conditions as are contained in any authoritative directions which were issued from time to time in respect of such absence.

The provisions of this Regulation shall not apply to service with the British Commonwealth Occupation Forces.

(b) Where any member was permitted to absent himself from duty in connexion with the circumstances arising out of the war against Germany which commenced in the year One thousand nine hundred and thirty-nine or the war against Japan which commenced in the year One thousand nine hundred and forty-one, he shall be deemed to have been granted leave of absence on such terms and conditions as are contained in any authoritative directions which were issued from time to time in respect of such absence.

LEAVE FOR DEFENCE TRAINING PURPOSES.

16. (a) The Minister may grant leave of absence without pay to any member who is a voluntary member of the Citizen Forces for the purpose of attending an annual training camp and not more than two schools, classes, or courses of instruction in any year.

(b) The Minister shall grant leave of absence without pay to any member who, under the provisions of the *Commonwealth National Service Act 1951*, is required to render service with the Citizen Forces.

(c) Where the amount of pay (not including any payment by way of overtime, penalty rates, higher duties allowances, or any payment of a temporary character) which a member would have received had he remained on duty, exceeds the amount of pay (including marriage and separation allowances) received by him as a member of the Citizen Forces, he shall be entitled to receive an amount equal to the difference.

(d) A member may, at his election, be granted any recreation leave due to him in lieu of an equivalent period of leave under this Regulation.

(e) The Minister shall grant leave of absence with full pay to any member who is required under sections 19 and 22 of the said Act to present himself for medical examination.

(f) Any member who requires leave under this Regulation shall submit, in writing, an application therefor to the Minister, and, upon completion of the period of such leave he shall furnish satisfactory evidence that he has attended for the purpose for which the leave was granted.

(g) Except where otherwise provided, any period of leave granted to a member under this Regulation shall not affect his seniority, subdivisional promotion, incremental progression, accruing recreation and sick leave credits or eligibility for long-service leave.

(h) Any member who, while serving with the Citizen Forces, sustains injury or contracts illness necessitating his absence from duty beyond the period of leave granted under this Regulation, may be granted leave on the following terms:—

- (i) If compensation is not paid to the member by the Department of Defence in respect of such absence, the leave may be granted as sick leave.
- (ii) If compensation is paid and is equal to or exceeds the amount of pay which the member would have received had he been granted sick leave, the leave shall be granted without pay.
- (iii) If compensation is paid and is less than the amount of pay which the member would have received had he been granted sick leave, he may be paid an amount equal to the difference, and his sick leave credit with full pay or half pay (as the case may be) reduced as if he had been granted sick leave for such number of days as is appropriate to the amount of the difference.

SPECIAL LEAVE FOR WAR SERVICE IN KOREA.

17. (a) The Minister may grant special leave of absence to any member of the Teaching Service who enlists for war service in Korea.

(b) Leave of absence granted under this Clause shall be with full pay for the first fourteen days and without pay thereafter.

(c) Contributions due to the State Superannuation Fund by the member during his absence on leave shall be paid by the Government.

(d) Any period of leave granted to a member of the Teaching Service under this Clause shall not affect his seniority, subdivisional promotion, incremental progression, accruing sick leave credits, or eligibility for long service leave, but no recreation leave shall accrue to a member in respect of any such period.

SPECIAL LEAVE TO ATTEND COURSES UNDER THE COMMONWEALTH POST-WAR RECONSTRUCTION TRAINING SCHEME.

18. (a) Leave of absence may be granted by the Governor in Council, on the recommendation of the Director, to any member for the purpose of enabling him to undertake any full-time course of study for which he has been selected under the Commonwealth Post-war Reconstruction Training Scheme: Provided that any leave granted to a member after the first or any subsequent year shall be subject to his furnishing evidence to the Director that his progress in the course during the preceding year has been satisfactory.

(b) Any period of leave taken by a member under this or the preceding clause shall not affect his seniority, sub-divisional promotion, incremental progression, accruing sick leave credits or eligibility for long-service leave.

LONG SERVICE LEAVE.

19. In computing the period of service which entitles a member to be granted long service leave—

(a) there shall be included—

- (i) subject to paragraph (b) of this clause, where his service is not continuous, the aggregate periods of his service; or
- (ii) any period of service during which he was absent from duty on recreation leave, sick leave, leave authorized under the provisions of clauses 14, 15, 16, 17 and 18 of this Regulation, or on such other leave as the Tribunal may determine in any particular case;

(b) there shall not be included—

- (i) any period of service prior to his having been dismissed from the teaching service for causes within his own control; or
- (ii) any period of service prior to his having left the teaching service for causes within his own control, if he was not re-employed in that service within a period of five years from the date on which he left.

Provided that a member who has terminated his service for the purpose of taking up other employment under the Crown, or with a Public or Government Authority referred to in clause 20 of this Regulation or in the service of the Commonwealth of Australia or of any Australian State shall not be deemed to have voluntarily left his employment.

20. For the purpose of the preceding clause of this Regulation "service" of a member shall include any period of service or employment in the teaching service, and to the extent approved by the Tribunal—

- in the service of the Commonwealth or Australia, or of any Australian State; in the Railways Service as defined in section 2 of the *Railways (Furlough) Act 1951*;
- in the Public Service as defined in section 3 of the *Public Service Act 1946*;
- with the Council of a Technical School;
- with the Council of Agricultural Education;
- as an officer, employee or person or as a member of a class of officers, employees or persons to whom or to which the provisions of the Public Service Acts or any corresponding previous enactments have been declared not to apply;
- as a person in employment exempted from the provisions of section 38 of the *Public Service Act 1946*.

21. (a) Where a member is granted long service leave with pay, such pay shall be computed in the same manner as if he had remained on duty during the period of such leave.

(b) Where a member or the legal personal representative of any deceased member is granted pay in lieu of the whole or part of any long service leave to which such member is or was entitled the amount of such pay shall be computed in accordance with the following formula:—

$$\frac{\text{Completed years of service}}{20} \times \frac{\text{Annual pay}}{2}$$

(c) "Completed years of service" means the completed years of service of a member as computed in accordance with clause 19 of this Regulation less any period in respect of which long service leave or pay in lieu thereof has been granted.

PART-TIME EMPLOYMENT.

22. Notwithstanding anything contained in clause 21 of this Regulation where the service of a member includes a period during which his normal hours of duty were less than full time the pay to which he is entitled while on long service leave or the pay in lieu thereof, as the case may be, shall be computed on a proportionate basis.

REGULATION 5.

STUDENT TEACHERS, STUDENTS IN TRAINING, AND QUALIFIED APPLICANTS WHO SERVED IN THE ARMED FORCES, AND WAR WIDOWS.

1. A qualified applicant who, during the war commencing in the year One thousand nine hundred and thirty-nine, was appointed as a student teacher before 1st March in any year and during that year enlisted or was called up for service in the Naval, Military, or Air Forces of the King or the Commonwealth, shall be regarded as having been selected as a student at a teachers' college in the course for the following year. He shall be provisionally classified at the beginning of the aforesaid year, and at the end of the year's course he shall in his absence be classified in his order of seniority in the A group of students for that year above all other students who did not serve in the armed forces, and shall be placed in the same salary subdivision as other students who actually completed the course in that year.

Provided that any student teacher who had completed at least ten months' service before the first day of January in the year in which he ceased duty with the Education Department in order to enter the Armed Forces of the Commonwealth and was otherwise qualified for entry to a teachers' college shall be provisionally classified from the first day of January in the year in which he enlisted or was called up and shall be placed in the same salary subdivision as students of a teachers' college who completed the primary course in the same year.

2. A student teacher who was not fully qualified on appointment and who enlisted or was called up for service in the armed forces in the same year as that in which he was appointed shall be regarded as being fully qualified at the end of that year, and shall be retained at the status of a student teacher for the ensuing calendar year. He shall then be considered as having been awarded a studentship at a teachers' college at the beginning of the year following such last mentioned year and shall be eligible for the benefits prescribed in clause 1.

3. Any student teacher specified in clauses 1 and 2 shall be eligible for annual subdivisional promotion during his period of service in the armed forces, and on his resumption of duty with the Education Department he shall be placed in the same salary subdivision as other student teachers who actually completed their course at a teachers' college in the year in which he would normally have entered such teachers' college.

4. The payment of salary as specified in clause 3 shall be contingent on a student teacher entering and satisfactorily completing a course of training approved by the Director after his resumption of duty with the Education Department. During the tenure of such course he shall continue to receive, in lieu of an allowance, the salary of the subdivision in which he has been classified.

5. A student in training who relinquished his course in order to enlist in the armed forces or was called up for duty in the armed forces before completing his course of training shall, at the end of the year in which he entered on the course, be classified as in clause 1 in the A group of students in the particular course for that year above all the students who did not serve in the armed forces, and shall subsequently be eligible for the benefits prescribed in clauses 3 and 4.

6. A person honourably discharged after having served in the armed forces in connexion with the war commencing in the year One thousand nine hundred and thirty-nine, or a war widow eligible for training under the Commonwealth Reconstruction Training Scheme, and who, prior to the commencement of such war, was not a classified teacher or a student teacher, may be awarded a studentship—

(a) for the Trained Primary Teacher's Certificate, provided that he has served as a temporary teacher for a period approved by the Director and that he possesses the following qualifications:—

(i) the applicant shall be not more than thirty-five years of age, and shall be of suitable character and personality;

(ii) he shall have passed the School Leaving examination of the University of Melbourne, or shall hold an approved equivalent or higher qualification;

(b) for the Trained Secondary Teacher's Certificate or for the Trained Secondary Teacher's Certificate (Art and Crafts) or for the Trained Domestic Arts Teacher's Certificate provided that he possesses the following qualifications:—

(i) the applicant shall be not more than thirty-five years of age and shall be of suitable character and personality;

(ii) he shall have passed the examinations prescribed for entry to his particular course or shall hold an approved equivalent or higher qualification.

Holders of studentships under the provisions of this clause shall, during the course of training, be paid allowances at the rate of salary for the time being payable to adult temporary teachers male or female as the case may be and in addition the appropriate adult cost of living allowance.

7. The holder of a studentship under clause 6 of this Regulation shall on completion of his course be placed in the subdivision prescribed for his particular course in Part VI. of the Teaching Service (Classification, Salaries and Allowances) Regulations.

8. Notwithstanding anything contained in the preceding clauses of this Regulation any student teachers or students in training who have served for a period of not less than six months in the Naval, Military or Air Forces of the King or the Commonwealth and who resume duty with the Education Department, shall be paid from the date of their resumption of duty with the Education Department, a salary of not less than £260 per annum in the case of male teachers and not less than £208 per annum in the case of female teachers, together with cost of living allowances at the adult rates.

9. In this Regulation "qualified applicant" means a person who is qualified for appointment as a student teacher in accordance with the Regulations for the time being in force made by the Teachers Tribunal and "not fully qualified" shall have a corresponding meaning.

REGULATION 6.

TEACHERS UNDER THE COMMONWEALTH RECONSTRUCTION TRAINING SCHEME.

1. The Minister may, on the recommendation of the Director, approve the acceptance by teachers in the service of the Education Department of nominations under the Commonwealth Government Reconstruction Training Scheme to undertake courses in Arts, Commerce, Science, Agricultural Science, Education, or Physical Education at the University of Melbourne, or courses in Music at the Conservatorium of Music, University of Melbourne, or courses for the Diploma of Agriculture at an approved agricultural college, or approved courses of at least two years' duration at a technical school.

2. Such teachers shall, for the purposes of this Regulation, be known as students, and it is a condition upon which approval to acceptance of nomination is given that they shall as required by the Director teach in schools to which they may be attached while undergoing their courses, and shall be allowed either full-time leave of absence from duty or part-time leave of absence from duty as required in each year from the beginning of the week immediately before until the end of the week immediately following the period of attendance at any of the institutions referred to in clause 1.

3. Each student shall be paid an allowance which shall be equal to the difference between his full salary as a teacher and the amount of the grant paid to him by the Commonwealth Government under the Reconstruction Training Scheme.

4. If the Minister is of opinion that a student has failed to make satisfactory progress in his course or if the student fails to observe any of the conditions under which approval has been given to his acceptance of nomination, the Minister may cancel the leave of absence granted to the student under clause 2.

5. Each student, together with an approved Surety shall, as a condition of such approval, enter into the agreement referred to in clause 6.

6. The Minister is hereby authorized to enter into an agreement, in the form of the Schedule hereto and upon the conditions therein contained, with students and sureties approved by him in respect of every approval given, pursuant to and in accordance with this Regulation.

SCHEDULE III.

PART-TIME COURSES FOR TEACHERS UNDER THE COMMONWEALTH
GOVERNMENT RECONSTRUCTION TRAINING SCHEME.

MEMORANDUM OF AGREEMENT made the _____ day of _____
One thousand nine hundred and _____ between _____
now a student in the service of the Education Department in the State
of Victoria (hereinafter called "the Student") of the first part
of _____
in the said State (hereinafter called "the Surety") of the second part
and the Honorable _____ in his capacity
as the responsible Minister of the Crown for the time being administer-
ing the Education Acts of the said State (hereinafter called "the
Minister") of the third part: Whereas under Regulations made under
the *Teaching Service Act 1946*, the Minister has on the recommendation
of the Director of Education of the said State approved of the accep-
tance by the students of nomination under the Commonwealth Govern-
ment Reconstruction Training Scheme for a course at the University of
Melbourne or at the Conservatorium of Music, University of Melbourne,
or at an approved agricultural college, or at a technical school, in the
said State: And whereas it is provided by the said Regulations that
every student whose acceptance of nomination has been so approved
shall be required as a condition of such approval to enter into an agree-
ment by himself and a surety approved by the Minister in the form
therein prescribed: And whereas the Minister has approved of the
party hereto of the second part as such surety as aforesaid: And
whereas the student and the surety have requested the Minister to pay
to the student during the period of such course the allowance to which
he is entitled under the provisions of the aforesaid Regulations: And
whereas the Minister has agreed to pay such allowances as aforesaid:
Now these presents witness that in consideration of the premises the
student and the surety do hereby for themselves their executors and
administrators and also as separate covenants each of them doth hereby
for himself his executors and administrators covenant with
the Minister in manner following, that is to say:—

1. That the student will observe the conditions under which approval has been given to his acceptance of nomination as provided by the Regulations relating thereto, or any amendment thereof for the time being in force.
2. That the student will not relinquish or discontinue his course without the permission in writing of the Minister first had and obtained.
3. That the student will for and throughout the period of one year more than the term of years of his course and commencing immediately upon the completion of such course teach in any school to which he may be appointed by the Minister or under and in pursuance of any Act or Regulations for the time being in force governing or relating to the appointment of State School teachers: Provided that in computing such period of service as a teacher any leave of absence granted to the student at any time or times after the commencement of such service shall not be reckoned as part thereof.

4. That in the event (a) of the cancellation by the Minister under the power in that behalf conferred on him by Regulation 6, Teaching Service (Governor in Council) Regulations of the leave of absence granted to the student under clause 2 of such Regulation, or (b) of the termination of the services of the student during the period of his course or during the period mentioned in clause 3 hereof by any cause except the death of the student or (c) of any breach or non-observance by the student of any one or more of the terms of this agreement the student and the surety or one of them his executors or administrators will forthwith on demand pay or cause to be paid to the Minister an amount equal to one-half of the total sum of the allowances paid to the student under clause 3 of Regulation 6 during the periods in which leave of absence from duty was, pursuant to the said Regulation granted but such amount shall not in any case exceed three hundred pounds (£300):

Provided however that in the event of the termination of the services of the student during the period mentioned in clause 3 hereof by any cause except the death of the student the total amount payable by the student to the Minister under this clause may with the approval of the Minister be proportionately reduced in consideration of each completed period of three months' service as a teacher, and for the purposes of this proviso—

- (i) if the student is a female who, after the termination of the course and after having resumed full-time teaching duties, resigns or retires in order to marry, and
- (ii) if the period mentioned in clause 3 hereof is a period of three and one-half years or more,—

she shall, if the Minister so directs, be deemed to have completed an additional period of six months' service as a teacher: And provided further that if the student is a female who either before the termination of the course or after the termination thereof but before resuming full-time teaching duties resigns or retires in order to marry the sum payable by such student to the Minister under this clause shall, if the Minister so directs, be reduced by an amount equal to one-seventh part of such sum.

5. That the liability of the surety his executors or administrators hereunder shall not be in any way released or discharged by reason of any time or other indulgence which the Minister may in his absolute discretion grant to the student whereby the time or mode of payment by the student of the whole or any portion of the moneys referred to in clause 4 of this agreement may be extended or altered.

6. That the liability of the student and the surety their executors or administrators shall not be in any way released or discharged by reason of the acceptance by the Governor in Council of the resignation of the student from his position as a teacher at any time during the period for which he is required by this agreement to serve as a teacher.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written—

Signed sealed and delivered by the said
in the presence of—

Signed sealed and delivered by the said
in the presence of—

Signed sealed and delivered by the Minister
in the presence of—

SCHEDULE IV.

FULL TIME COURSES FOR TEACHERS UNDER THE COMMONWEALTH
GOVERNMENT RECONSTRUCTION TRAINING SCHEME.

MEMORANDUM OF AGREEMENT made the _____ day of
One thousand nine hundred and _____ between
now a student in the service of the Education Department in the State
of Victoria (hereinafter called "the Student") of the first part
of _____

in the said State (hereinafter called "the Surety") of the second part
and the Honorable _____ in his capacity
as the responsible Minister of the Crown for the time being administer-
ing the Education Acts of the said State (hereinafter called "the
Minister") of the third part: Whereas under Regulations
made under the *Teaching Service Act 1946*, the Minister has
on the recommendation of the Director of Education of the said
State approved of the acceptance by the student of nomination under
the Commonwealth Government Reconstruction Training Scheme for
a course at the University of Melbourne or at the Conservatorium
of Music, University of Melbourne, or at an approved agricultural
college, or at a technical school, in the said State: And whereas it is
provided by the said Regulations that every student whose acceptance
of nomination has been so approved shall be required as a condition
of such approval to enter into an agreement by himself and a
surety approved by the Minister in the form therein prescribed:
And whereas the Minister has approved of the party hereto of the
second part as such surety as aforesaid: And whereas the student and
the surety have requested the Minister to pay to the student during
the period of such course the allowance to which he is entitled under
the provisions of the aforesaid Regulation: And whereas the Minister
has agreed to pay such allowance as aforesaid: Now these presents
witness that in consideration of the premises the student and the surety
do hereby for themselves their executors and administrators and also
as separate covenants each of them doth hereby for himself h
executors and administrators covenant with the Minister in manner
following, that is to say:—

1. That the student will observe the conditions under which approval has been given to his acceptance of nomination as provided by the Regulations relating thereto, or any amendment thereof for the time being in force.
2. That the student will not relinquish or discontinue his course without the permission in writing of the Minister first had and obtained.
3. That the student will for and throughout the period of one year more than the term of years of his course and commencing immediately upon the completion of such course teach in any school to which he may be appointed by the Minister or under and in pursuance of any Act or Regulations for the time being in force governing or relating to the appointment of State School teachers: Provided that in computing such period of service as a teacher any leave of absence granted to the student at any time or times after the commencement of such service shall not be reckoned as part thereof.
4. That in the event (a) of the cancellation by the Minister under the power in that behalf conferred on him by Regulation 6 of the leave of absence granted to the student under clause 2 of such Regulation, or (b) of the termination of the services of the student either during the period of his course or during the period mentioned in clause 3 hereof by any cause except the death of the student, or (c) of any breach or non-observance by the student of any one or more of the terms of this agreement, the student and the surety or one of them his executors or administrators will forthwith on demand pay or cause to be paid to the Minister an amount equal to the total sum of the allowances paid to the student under clause 3 of Regulation 6 during

the periods in which leave of absence from duty, was pursuant to the said Regulation, granted: Provided however that in the event of the termination of the services of the student during the period mentioned in clause 3 hereof by any cause except the death of the student the total amount payable by the student to the Minister under this clause may with the approval of the Minister be proportionately reduced in consideration of each completed period of three months' service as a teacher, and for the purpose of this proviso—

- (i) if the student is a female who, after the termination of the course and after having resumed full-time teaching duties, resigns or retires in order to marry, and
- (ii) if the period mentioned in clause 3 hereof is a period of three and one-half years or more,—

she shall, if the Minister so directs, be deemed to have completed an additional period of six months' service as a teacher: And provided further that if the student is a female who either before the termination of the course or after the termination thereof but before resuming full-time teaching duties resigns or retires in order to marry the sum payable by such student to the Minister under this clause shall, if the Minister so directs, be reduced by an amount equal to one-seventh part of such sum.

5. That the liability of the surety his executors or administrators hereunder shall not be in any way released or discharged by reason of any time or other indulgence which the Minister may in his absolute discretion grant to the student whereby the time or mode of payment by the student of the whole or any portion of the moneys referred to in clause 4 of this agreement may be extended or altered.

6. That the liability of the student and the surety their executors or administrators shall not be in any way released or discharged by reason of the acceptance by the Governor in Council of the resignation of the student from his position as a teacher at any time during the period for which he is required by this agreement to serve as a teacher.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals on the day and year first above written—

Signed sealed and delivered by the said
in the presence of—

Signed sealed and delivered by the said
in the presence of—

Signed sealed and delivered by the Minister
in the presence of—

REGULATION 7.

RESIDENCES.

1. Where the Governor in Council has directed that a deduction as rent shall be made from the salary of any member of the teaching service who is allowed to use for the purpose of residence any building belonging to the Government the amount of annual deduction which the Tribunal may fix shall not exceed—

- (a) five per centum (5 per cent.) of the capital value of the residence; or
- (b) ten per centum (10 per cent.) of the member's standard salary, plus ten per centum (10 per cent.) of £114.

And the Honorable Percival Pennell Inghold, His Majesty's Minister of Education for the State of Victoria, shall give the necessary directions herein accordingly.

A. MAHLSTEDT,
Clerk of the Executive Council.

