



ANNO DECIMO TERTIO

GEORGII VI REGIS.

A.D. 1949.

No. 31 of 1949.

An Act to amend the Education Act, 1915-1948.

[Assented to 17th November, 1949.]

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

Short titles.

1. (1) This Act may be cited as the " Education Act Amendment Act, 1949 ".

(2) The Education Act, 1915-1948, as amended by this Act, may be cited as the " Education Act, 1915-1949 ".

(3) The Education Act, 1915-1948, is hereinafter called " the principal Act ".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Repeal of s. 18a of principal Act and enactment of other provisions—
Long service leave.

3. Section 18a of the principal Act is repealed and the following sections are enacted in its place :—

18a. (1) Subject to this section, the Governor may grant to any teacher who has been continuously employed as a teacher for not less than fifteen years the following long service leave of absence :—

(a) In respect of the first fifteen years of continuous service as a teacher, not more than ninety days leave on full salary ;

(b) In respect of ten or more additional years of continuous service as a teacher, not more than ninety days on full salary.

(2) A teacher shall not be entitled under this section to more than one hundred and eighty days leave.

(3) For the purposes of this section—

(a) the length of service of a teacher who was trained in a Teachers' College maintained by the Minister, shall be computed from the commencement of his training ;

(b) periods of service as a teacher, and of training in a Teachers' College maintained by the Minister, both before and after the passing of the Education Act Amendment Act, 1949, shall be taken into account ;

(c) except as provided in section 18d of this Act, service after the age of sixty-five years in the case of a male teacher, or sixty years in the case of a female teacher, shall not be taken into account.

(4) Service as a teacher shall be deemed to continue during any period during which the teacher is absent on leave with or without pay.

(5) Where a teacher after having retired on pension under section 40 of the Superannuation Act, 1926-1948, has subsequently been re-employed as a teacher his continuous service before retirement and his continuous service after re-employment shall, for the purposes of this section, be taken into account as though all such service were continuous ; but the period during which he was in receipt of pension shall not be taken into account.

This subsection shall apply whether the re-employment took place before or after the passing of the Education Act Amendment Act, 1949.

(6) Where a teacher retires without having taken all the leave which had been, or could have been, granted to him under this section, the Governor may direct that a cash payment be made to him in lieu of the leave not so taken. The payment shall not exceed the amount of the teacher's salary, for a period equal to the period of the leave not so taken, calculated at the rate at which he was being paid at the time of retirement.

(7) If a teacher dies without having taken all the leave which had been or could have been granted to him under this section the Governor may direct that there shall be paid to his dependants, or if he does not leave any dependants, to his personal representatives, a cash payment

not exceeding the amount of his salary calculated at the rate at which he was last paid, for the period of leave not taken.

Any questions as to—

(a) whether a teacher had any dependants or who they were ;

(b) what dependant or dependants shall be entitled to payments under this subsection, and in what proportions if more than one dependant,

shall be settled by the Governor, as he deems proper.

(8) Section 75 of the Public Service Act, 1936-1948 shall not apply to teachers.

(9) In this section—

“ dependants ” means those members of the family of a person who were wholly or in part dependent upon his earnings at the time of his death ;

“ members of the family ” includes wife, husband, parents, grand-parents, step-parents, children, grand-children, step-children, brothers, sisters, half-brothers, and half-sisters ;

“ teacher ” means a person who at the time of the passing of the Education Act Amendment Act, 1949, or at any time thereafter, is employed as a teacher in the Education Department.

Leave of
teachers
transferred to
other
Government
employment.

18b. (1) If a person, after having served as a teacher, has been or is appointed to any other employment under the Government of the State, and his service in that employment is continuous with his service as a teacher, his service as a teacher shall be taken into account to the following extent for the purpose of computing the leave which may be granted to him under section 75 of the Public Service Act, 1936-1948 :—

(a) If the period of his service as a teacher did not exceed fifteen years—two thirds of that period shall be so taken into account :

(b) If the period of his service as a teacher exceeded fifteen years—the period to be so taken into account shall be ten years plus that period of his service as a teacher which is in excess of fifteen years, but shall not exceed twenty years.

(2) The leave which may be granted under section 75 of the Public Service Act, 1936-1948, to any such person as

mentioned in subsection (1) of this section shall be reduced by the actual amount of any leave taken by him under section 18a of this Act.

(3) In this section service as a teacher includes service either before or after the passing of the Education Act Amendment Act, 1949, but this section shall not confer any rights on any person who before the passing of that Act ceased to be an employee of the Government of the State.

18c. (1) If a person after having served as an employee of the Government other than a teacher is appointed as a teacher and his service as a teacher is continuous with his previous employment under the Government, the period of his service as such employee shall be taken into account for the purpose of computing the leave which may be granted to him under section 18a of this Act.

Leave of Government employees transferred to teaching service.

(2) The leave which may be granted to any such person under section 18a of this Act shall be reduced by the actual amount of any leave taken by him under section 75 of the Public Service Act, 1936-1948.

18d. (1) Notwithstanding section 57 of the Public Service Act, 1936-1948, a teacher who attains the age of retirement during a school term may continue in the employment of the Minister as a teacher until the end of that term.

Retirement of teachers.

(2) Any further extension of the service of a teacher who so continues in employment until the end of a school term shall be granted under section 57 of the Public Service Act, 1936-1948, as if the teacher had attained the age of retirement on the last day of that school term.

(3) Service under this section after the age of retirement shall be taken into account in computing the long service leave which may be granted to a teacher under section 75 of the Public Service Act, 1936-1948.

(4) In this section the age of retirement means—

- (a) in the case of a male teacher, the age of sixty-five years:
- (b) in the case of a female teacher, the age of sixty years.

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

C. W. M. NORRIE, Governor.