

BOARD OF TEACHER EDUCATION ACT.

New South Wales



ANNO OCTAVO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 75, 1969.

An Act to constitute a board to be called the Board of Teacher Education; to provide for the registration of certain teachers by the Board and to define other powers and functions of the Board; and for purposes connected therewith. [Assented to, 3rd December, 1969.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Board of Teacher Education Act, 1969".

Short title
and com-
mencement.

(2)

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No. 75, 1969 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Definitions. 2. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“Board” means the Board of Teacher Education constituted under this Act;

“by-laws” means by-laws made under this Act;

“member” means member of the Board;

“prescribed institution” means a primary, secondary or composite school, within the meaning of the Public Instruction Act of 1880, and any other institution or body, or institution or body belonging to a class of institutions or bodies, that is specified in the by-laws as a prescribed institution or body or a prescribed class of institutions or bodies for the purposes of this Act;

“Register” means the Register of Teachers kept by the Board under this Act;

“registered teacher” means a person who is registered as a teacher under subsection two of section fourteen of this Act.

Teachers Board. 3. (1) There shall be constituted a Board to be called the Board of Teacher Education.

(2) The Board shall consist of not less than fourteen nor more than twenty-seven members of whom—

(a) not less than two nor more than five shall be appointed to be representative of bodies or institutions employing persons engaged in teaching in prescribed institutions;

(b)

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- (b) not less than five nor more than eight shall be persons who are members of the administrative or teaching staff of bodies or institutions training persons to become teachers in prescribed institutions or offering courses leading to qualifications appropriate for teachers in prescribed institutions; No. 75, 1969
- (c) not less than two nor more than eight shall be persons engaged in teaching in prescribed institutions; and
- (d) not less than three nor more than four shall be persons having other appropriate experience or qualifications for membership of the Board.

(3) In addition to the members referred to in subsection two of this section, there shall be appointed two members, who shall be nominated by the members of the Board appointed under subsection two of this section as soon as is practicable after the first appointment of members under that subsection and thereafter as soon as is practicable every four years.

(4) The members of the Board shall be appointed by the Governor and shall, except in the case of the members appointed under subsection three of this section or of a person appointed to fill a casual vacancy in the office of a member so appointed, be appointed on the nomination of the Minister after consultation with such persons, bodies and institutions as he thinks fit.

(5) The members of the Board shall be appointed to hold office for a term of four years and shall, if otherwise qualified, be eligible for re-appointment.

(6) A person shall not be eligible to be appointed as a member if he has attained the age of sixty-five years.

4. (1) The procedure for calling meetings of the Board and for the conduct of business at those meetings shall, subject to the by-laws, be as determined by the Board. Meetings
of the
Board.

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(2) At any meeting of the Board a quorum shall consist of such number of members as is equal to the lowest whole number that is not less than one-half of the number for the time being of the members and the decision of a majority of members present at a meeting of the Board at which a quorum is present shall be the decision of the Board.

Chairman
and deputy
chairman
of the
Board.

5. (1) One of the members shall, by the instrument of his appointment as a member, be appointed as chairman of the Board.

(2) If the office of chairman becomes vacant before the expiration of his term of office as a member, the Minister may, by instrument in writing, appoint another member to be the chairman of the Board and that other member shall hold office as chairman for the residue of his term of office as a member and shall be eligible for re-appointment.

(3) The members shall appoint from among their number a person to be the deputy chairman of the Board for such period, not exceeding the term for which he has been appointed as a member, as the Board at the time of his appointment may determine.

(4) If the office of deputy chairman of the Board becomes vacant before the expiration of his term of office as deputy chairman, the members shall appoint from among their number a successor to fill the vacancy and that person shall hold office as deputy chairman for such period, not exceeding the term for which he has been appointed as a member, as the Board at the time of his appointment may determine.

Chairman's
functions
and powers.

6. (1) At a meeting of the Board the chairman or, in his absence, the deputy chairman shall preside but if the chairman and the deputy chairman are both absent from that meeting, a person elected from among the members present at that meeting shall preside at that meeting.

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(2) The person presiding at any meeting of the Board No. 75, 1969 shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

7. (1) A member ceases to hold office as a member and there is a casual vacancy in his office—
Casual vacancies.

- (a) if he dies;
- (b) if he becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958;
- (c) if he resigns his office in writing under his hand addressed to the Governor;
- (d) if he becomes bankrupt, compounds with his creditors or makes an assignment of his estate for their benefit;
- (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or misdemeanour so punishable;
- (f) if he is absent from three consecutive meetings of the Board of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the Board for his absence from those meetings;
- (g) if he is removed from office by the Governor; or
- (h) if, having been appointed pursuant to paragraph (b) or (c) of subsection two of section three of this Act, he ceases for a period of three months to hold the qualification by virtue of which he was appointed.

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(2) Where a casual vacancy occurs in the office of a member the Governor may appoint a person, who except where the vacancy occurs in the office of a member appointed pursuant to subsection three of section three of this Act shall have the like qualifications or be appointed to represent the like interests as the person whose office has been vacated, to fill the vacant office and the person so appointed shall hold office as a member for the residue of his predecessor's term of office.

Public
Service
Act not to
apply to
members.

8. The provisions of the Public Service Act, 1902, do not apply to or in respect of the appointment of a member and a member is not, in his capacity as a member, subject to the provisions of that Act.

Common
seal of
Board.

9. The Board shall have a common seal which shall be kept in such custody as the Board directs and shall not be used except upon a resolution of the Board or in accordance with the by-laws.

Powers and
functions of
the Board.

10. (1) The powers and functions of the Board shall be—

- (a) to keep a register (to be called the Register of Teachers) of persons entitled to be registered under this Act;
- (b) to foster research into the provision of instruction for persons to become teachers in prescribed institutions and to recommend to the Minister the provision of scholarships, fellowships and financial assistance to bodies or institutions conducting or proposing to conduct any such research; and
- (c) to make reports and recommendations to the Minister, either of its own motion or at the request of the Minister, with respect to the training of persons to become teachers in prescribed institutions;

(d)

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- (d) to confer and collaborate with the New South Wales No. 75, 1969
Universities Board, and the New South Wales
Advanced Education Board, constituted under the
Higher Education Act, 1969, on such matters as are
within the powers and functions of the Board.

(2) In the exercise of its powers and the performance of its functions under paragraphs (b), (c) and (d) of subsection one of this section, the Board shall have regard to the needs of the State and to the resources available to the State to educate teachers.

11. The Board may appoint such committees as it thinks fit to assist and advise it in connection with the exercise of its powers and the carrying out of its functions under this Act. Committees.

12. (1) The Board may from time to time by resolution delegate its powers or duties in respect of any matter or class of matters specified in the resolution— Delegation
of powers
and
functions of
the Board.

- (a) to any member of the Board;
- (b) to any committee of the Board appointed under section eleven of this Act; or
- (c) to any officer of the Board.

(2) A person acting within the scope of any such delegation shall be deemed to be the Board.

(3) Any instrument or document necessary to be executed or requiring authentication for the purpose of the exercise of any power or the performance of any function delegated to any person under this section shall be sufficiently executed or authenticated, as the case may be, if it is signed by that person in such a way as to show that he does so under and in pursuance of the delegation.

(4) The Board may by resolution revoke any delegation made by it under this section.

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(5) Notwithstanding any delegation made under this section the Board may continue to exercise or perform any power or function the subject of the delegation.

Annual
report.

13. The Board shall, as soon as is practicable but not more than three months after the thirty-first day of December in each year, cause a report on its work and activities during the year ending on that day to be prepared and forwarded to the Minister for presentation to Parliament.

Registration
of teachers.

14. (1) The Register shall be divided into parts each of which shall relate to a prescribed class of teachers, and the particulars referred to in paragraphs (a), (b), (c) and (d) of subsection two of this section in respect of a person shall be entered in the part of the Register that is appropriate to the qualifications and experience, if any, referred to in paragraph (b) of section fifteen of this Act, that are required to entitle him to be registered in that part.

(2) A person shall be registered as a teacher by the entering in a part of the Register of—

- (a) his full name and address;
- (b) the date on which he is registered;
- (c) particulars of the qualifications and experience, if any, in respect of which he is registered; and
- (d) such other particulars, if any, as may be prescribed.

(3) The Register shall be open for inspection by any person at the office of the Board at all reasonable times upon payment of the prescribed fee.

Qualifica-
tions for
registration.

15. A person is, upon application therefor and payment of the prescribed fee, if any, entitled to registration in a part of the Register if he satisfies the Board that—

- (a) he is of good character; and

(b)

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- (b) he possesses the qualifications and experience, if any, prescribed for persons applying to be registered in that part of the Register. No. 75, 1969

16. (1) The Board shall cause to be removed from the Register the name of any registered teacher if— Removal of
name from
the Register.

- (a) he does not apply for the retention of his name in the Register at such intervals within such times and in such manner as may be prescribed;
- (b) he has died;
- (c) he has ceased to possess or does not possess the qualifications and experience, if any, in respect of which he was registered as a teacher;
- (d) he is a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958.

(2) Where—

- (a) a registered teacher has been convicted in New South Wales of a felony or misdemeanour, or elsewhere of an offence which, if committed in New South Wales, would have been a felony or misdemeanour; or
- (b) the Board after inquiry is satisfied that a registered teacher—
 - (i) has been guilty of habitual drunkenness or of addiction to any deleterious drug; or
 - (ii) has been guilty of misconduct which renders him unfit in the public interest to engage in teaching,

the Board may reprimand or caution the registered teacher or may remove his name from the Register or suspend his registration for such period as the Board thinks fit.

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(3) Where a registered teacher has been convicted as mentioned in paragraph (a) of subsection two of this section the Board may direct that his name shall not be removed from the Register or his registration suspended by reason of the conviction if the offence of which he has been convicted does not, either from its trivial nature or from the circumstances in which it was committed, render the registered teacher unfit in the public interest to engage in teaching.

(4) At any inquiry for the purposes of paragraph (b) of subsection two of this section, the person charged shall be afforded an opportunity of defence either in person or by counsel.

(5) Where the registration of a registered teacher is suspended under the provisions of this section there shall be entered in the Register a memorandum of that fact and of the date and cause of the suspension.

(6) A person whose name has been removed from the Register or whose registration as a teacher has been suspended under the provisions of this section shall be deemed not to be a registered teacher until his name is restored to the Register or the period of his suspension has expired, as the case may be.

Right of
appeal.

17. (1) Any person who thinks himself aggrieved by any refusal of the Board to register him as a teacher or by any decision of the Board under section sixteen of this Act, made on any of the grounds referred to in paragraph (c) of subsection one, or in subsection two, of that section, may in the manner prescribed by regulations made under the Industrial Arbitration Act, 1940, appeal to a member of the Industrial Commission of New South Wales against the refusal or decision.

(2) An appeal by any such person shall not be entertained unless it is made within six months after the date on which he applied to be registered or within two months next after the notification to him of the decision, as the case may be, nor unless ten days' notice in writing of appeal, stating the nature and grounds thereof, is given to the Board.

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(3) An appeal against refusal to register a person **No. 75, 1969** or the removal of the name of a person from the Register shall be by way of rehearing.

(4) The member of the Industrial Commission may exercise any of the powers of the Board under subsection two or three of section sixteen of this Act and may make such order as he thinks just (including any order as to costs) and the decision of that member shall be final and without appeal, and shall be given effect to by the Board.

18. (1) Where the name of any person is removed from the Register in accordance with section sixteen or seventeen of this Act, that person shall not again be registered as a teacher, except by direction of the Board or by order of a court of competent jurisdiction. Restoration
of name to
Register.

(2) The Board may, if it thinks fit in any particular case, direct that the name of any person removed from the Register be restored thereto and the name shall be restored accordingly.

19. The Board may, with the approval of the Governor, **By-laws.** make by-laws not inconsistent with this Act for or with respect to—

- (a) the conduct of meetings of the Board including the times and places of meetings and the notice to be given of any class of meeting;
- (b) the registration of persons as teachers;
- (c) the fees to be paid by a person applying to the Board to be registered as a teacher, for the retention of his name in the Register or for the restoration of his name to the Register;

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- (d) all matters that by this Act are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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