

MARRIED WOMEN (LECTURERS AND TEACHERS) ACT.

Act No. 28, 1932.

George V.
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An Act to restrict the employment of married women as lecturers and teachers in the Department of Public Instruction; to amend the Public Service Act, 1902, and certain other Acts; and for purposes connected therewith. [Assented to, 28th October, 1932.]

BE it enacted by the King'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:—

Short title.

1. (1) This Act may be cited as the "Married Women (Lecturers and Teachers) Act, 1932."

Commencement.

(2) This Act shall be read with the Public Service Act, 1902, as amended by subsequent Acts.

Married women teachers and lecturers to cease to hold office on appointed day, and none to be employed thereafter, save in certain circumstances.

2. (1) Subject to this Act all married women appointed to or employed in the Department of Public Instruction as lecturers or teachers shall on a day to be appointed by the Governor and notified by proclamation published in the Gazette, in this Act referred to as the appointed day, cease to hold office or to be employed in the Public Service.

(2) After the appointed day no married woman shall be appointed to or employed in the said Department as a lecturer or teacher nor shall the services of a married woman appointed to or employed in such Department as a lecturer or teacher immediately before the appointed day be retained after such day unless the
Board

Board certifies to the Minister that there are special circumstances which make her employment for a period specified in the certificate desirable in the public interest or unless her services are retained in pursuance of this Act. The Board may from time to time certify, in respect of any married woman so appointed or employed or whose services have been so retained, that the special circumstances in consequence whereof any earlier certificate relating to the appointment or employment of or the retention of the services of such married woman was given, make her employment for an additional period specified in the further certificate desirable in the public interest.

Where any such further certificate has been given her employment shall be continued for the period specified in the further certificate.

(3) The services of a married woman appointed to or employed in such Department as a lecturer or teacher immediately prior to the appointed day shall be retained from year to year if the Board certifies prior to the said day and during the month of October in each year thereafter to the Minister that it has been satisfied by the officer or employee concerned that—

- (i) she is at the date of the certificate living apart from her husband and has not during the preceding six months received adequate support from him, having regard to her financial commitments and other circumstances; or
- (ii) that during the year next preceding the day upon which the certificate is given the combined income of her husband and herself from all sources, other than income received as such lecturer or teacher, is, having regard to their financial commitments and other circumstances, inadequate for the support of herself, her husband and dependents.

If, in the case of an officer or employee whose services have been retained under this section the necessary certificate has not on the thirty-first day of October in any year been furnished, her services shall terminate upon the thirty-first day of December next following.

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The Minister in his discretion may at any time, upon one month's notice, terminate the appointment or employment of an officer or employee whose services have been so retained.

(4) A married woman who at the appointed day is under an agreement to serve as a lecturer or teacher in the said Department for a specified period, shall cease to hold office or to be employed in the Public Service at the end of such period unless—

- (a) the Board certifies to the Minister that there are special circumstances which render her employment for a further period specified in the certificate desirable in the public interest, in which case her employment may be continued until the expiration of the period so specified; or
- (b) her services are retained in pursuance of subsection three of this section. In the application of that subsection to such a case, the day upon which under the preceding provisions of this subsection the officer or employee is to cease to hold office or to be employed shall be regarded as the appointed day.

(5) (a) Subject to this section a married woman who ceases to hold office or to be employed in the Public Service under the provisions of this section shall be eligible to be employed in the said Department.

(b) Before any married woman is so employed the Public Service Board shall certify that the combined income of her husband and herself from all sources other than income derived from her personal exertions is inadequate for the support of herself, her husband, and dependents.

(c) Any such employment in the said Department shall be subject to and in accordance with the provisions of section forty-four of the Public Service Act, 1902, as amended by subsequent Acts.

(6) In this section "married woman" means a woman who has a husband.

3. A female lecturer or teacher of the Department of Public Instruction who intends to marry shall notify the Minister in the manner and at the time prescribed by

Female
lecturers and
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office on
marriage

by regulations of such intention, and upon her marriage she shall cease to hold office or to be employed in such Department from the date of the marriage unless—

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- (a) she is under an agreement to serve such Department for a specified period, in which case her employment may be continued by the Minister until the expiration of that period; or
- (b) the Public Service Board has prior to her marriage certified to the Minister that there are special circumstances which render her employment for a further period specified in the certificate desirable in the public interest, in which case her employment may be continued until the expiration of the period specified in the certificate.

4. (1) A termination of office or employment by the operation of or under this Act shall, for the purposes of the Superannuation Act, 1916-1930, be deemed to be—
Super-annuation and leave.

- (a) "retirement" if the contributor concerned has attained the age at which her right to retire has accrued;
- (b) "retrenchment" if the contributor concerned has not attained such age but has at least ten years' service; and
- (c) "discharge" if she has not attained such age and has less than ten years' service.

For the purposes of the said Act the last day of service of any contributor shall be the date of the termination of her office or employment by the operation of or under this Act.

For the purposes of section seventy-one of the Public Service Act, 1902, such termination shall be deemed to be retirement.

(2) Every officer or employee shall be entitled upon the termination of her office or employment by the operation of this Act to be paid the monetary equivalent of any leave of absence of whatever nature which at such termination has accrued to her under the Public Service Act, 1902, or the regulations thereunder, based on her full nominal rate of salary at such termination.

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Regulations.

5. The power to make regulations contained in the Public Service Act, 1902, shall extend to authorise the making of regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for giving effect to this Act.

Teachers
wives
needlework
instruction.

6. Nothing in this Act shall affect the wives of classified teachers in charge of fifth or sixth class schools so far as the giving instruction by them in needlework or domestic arts (inclusive of needlework) is concerned.
