

**MISCELLANEOUS ACTS (EDUCATION COMMISSION)  
REPEAL AND AMENDMENT ACT, 1980, No. 24**

**New South Wales**



ANNO VICESIMO NONO

**ELIZABETHÆ II REGINÆ**

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**Act No. 24, 1980.**

An Act to repeal certain Acts and amend certain other Acts, consequent on the enactment of the Education Commission Act, 1980, and to enact savings, transitional and other provisions consequent on that enactment. [Assented to, 16th April, 1980.]

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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**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 :—

**Short title.**      **1.** This Act may be cited as the "Miscellaneous Acts (Education Commission) Repeal and Amendment Act, 1980".

**Commence-ment.**      **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsections (1), (3), (4) and (5), this Act shall commence on the day appointed and notified under section 2 (2) of the Education Commission Act, 1980.

(3) The amendments made by section 5 and Schedule 2 to the Crown Employees Appeal Board Act, 1944, shall not commence unless the day appointed and notified under section 2 (2) of the Education Commission Act, 1980, is earlier than the day appointed and notified under section 2 (2) of the Government and Related Employees Appeal Tribunal Act, 1980.

(4) The amendment made by section 5 and Schedule 2 to section 5 (1) of the Higher Education Act, 1975, shall commence on such day (being not earlier than the day appointed and notified under section 2 (2) of the Education Commission Act, 1980) as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(5) Where the day appointed and notified under section 2 (2) of the Government and Related Employees Appeal Tribunal Act, 1980, is—

- (a) not later than the day appointed and notified under section 2 (2) of the Education Commission Act, 1980, section 7 and Schedule 4 shall commence on the day appointed and notified under section 2 (2) of the Education Commission Act, 1980; or
- (b) later than the day appointed and notified under section 2 (2) of the Education Commission Act, 1980, section 7 and Schedule 4 shall commence on the day appointed and notified under section 2 (2) of the Government and Related Employees Appeal Tribunal Act, 1980.

*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

SCHEDULE 4.—FURTHER AMENDMENTS.

4. Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, repealed. Repeals.

5. Each Act specified in Schedule 2 is amended in the manner set forth in Schedule 2. Amendments.

6. Schedule 3 has effect.

Savings, transitional and other provisions.

7. (1) The Teaching Service (Appeal Tribunal) Amendment Act, 1980, is repealed. Further repeal and amendments.

(2) Each Act specified in Schedule 4 is amended in the manner set forth in Schedule 4.

SCHEDULE 1.

Sec. 4.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1969, No. 75	Board of Teacher Education Act, 1969	The whole Act.
1970, No. 4	Teaching Service Act, 1970	The whole Act.
1971, No. 6	Public Service and Other Statutory Bodies (Extended Leave) Amendment Act, 1971.	Section 3.
1972, No. 5	Teaching Service (Amendment) Act, 1972	The whole Act.
1976, No. 38	Industrial Arbitration (Amendment) Act, 1976.	Section 3.
1976, No. 43	Teaching Service (Amendment) Act, 1976	The whole Act.
1977, No. 50	Teaching Service (Amendment) Act, 1977	The whole Act.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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## Sec. 5.

## SCHEDULE 2.

## AMENDMENTS.

Amendment of Act 43  
Vic. No. 23.

Public Instruction Act of 1880—

Section 24—

Omit the section.

Amendment of Act No. 14, 1912.

Bursary Endowment Act, 1912—

Section 9A—

After section 9, insert:—

Con-  
sulta-  
tion  
with  
Educa-  
tion  
Com-  
mis-  
sion.

9A. The board shall not make any recommendation or furnish any report to the Minister in respect of the principles to be applied in granting bursaries unless it has first consulted with the Education Commission of New South Wales concerning the matter the subject of the recommendation or report.

Amendment of Act No. 18, 1927.

Government Insurance Act, 1927—

(1) Schedule 2, clause 11 (2) (b)—

Omit the paragraph, insert instead :—

(b) an officer of a Teaching Service within the meaning of the Education Commission Act, 1980;

(2) Schedule 2, clause 12 (1), definition of “retiring age”—

From paragraph (a), omit “the Teaching Service, within the meaning of the Teaching Service Act, 1970”, insert instead “a Teaching Service within the meaning of the Education Commission Act, 1980”.

Amendment of Act No. 2, 1940.

Industrial Arbitration Act, 1940—

Section 88G (2) (c)—

Omit “Director of Technical Education”, insert instead “Director-General of Technical and Further Education”.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

Auctioneers and Agents Act, 1941—

Amendment  
of Act No.  
28, 1941.

(1) Schedule 2, clause 2 (b)—

Omit the paragraph, insert instead:—

(b) an officer of a Teaching Service within the meaning of the Education Commission Act, 1980;

(2) Schedule 2, clause 5 (1) (a)—

Omit “the Teaching Service within the meaning of the Teaching Service Act, 1970”, insert instead “a Teaching Service within the meaning of the Education Commission Act, 1980”.

(3) Schedule 2, clause 5 (2) (b)—

Omit the paragraph, insert instead:—

(b) an officer of a Teaching Service—to some office in the Teaching Service of which he was an officer; or

Crown Employees Appeal Board Act, 1944—

Amendment  
of Act No.  
15, 1944.

(1) (a) Section 2 (1), definition of “Employer”—

Omit “Director-General of Education”, insert instead “appropriate Director-General within the meaning of the Education Commission Act, 1980”.

(b) Section 2 (1), definition of “Officer”—

(i) From paragraph (b1), omit “Teaching Service Act, 1970”, insert instead “Education Commission Act, 1980”;

(ii) From paragraph (b2), omit “an employee within the meaning of the Teaching Service Act, 1970,”, insert instead “a temporary employee within the meaning of the Education Commission Act, 1980,”.

(2) (a) Section 5 (5) (a1)—

Omit “within the meaning of the Teaching Service Act, 1970,”, insert instead “of the Education Teaching Service within the meaning of the Education Commission Act, 1980,”.

*Miscellaneous Acts (Education Commission) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

## (b) Section 5 (5) (a2)—

After section 5 (5) (a1), insert :—

(a2) A person nominated by the Director-General of Technical and Further Education under this section shall be either himself or an officer of the Technical and Further Education Teaching Service within the meaning of the Education Commission Act, 1980, or an officer within the meaning of the Public Service Act, 1979, employed in the Department of Technical and Further Education.

## (3) Schedule 2, clause 12 (2) (b)—

Omit the paragraph, insert instead:—

(b) an officer of a Teaching Service within the meaning of the Education Commission Act, 1980—to some office in the Teaching Service of which he was an officer; or

Amendment Transferred Officers Extended Leave Act, 1961—  
of Act No.  
13, 1961.

## (1) Section 2 (1), definition of “State employer”—

Omit paragraph (c), insert instead:—

(c) in relation to persons employed in the Education Teaching Service under the Education Commission Act, 1980—the Director-General of Education; or

(d) in relation to persons employed in the Technical and Further Education Teaching Service under the Education Commission Act, 1980—the Director-General of Technical and Further Education.

## (2) Section 3 (8)—

Omit “or (c)”, insert instead “, (c) or (d)”.

Amendment Education Act, 1961—  
of Act No.  
47, 1961.

## (1) (a) Section 5 (1)—

Omit the subsection.

## (b) Section 5 (2)—

Omit “be granted on the recommendation of”, insert instead “, in accordance with the provisions of this Act, be granted by”.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- (c) Section 5 (2A)—  
Omit “recommend the granting of”, insert instead “grant”.
  - (d) Section 5 (3)—  
Omit “be granted on the recommendation of”, insert instead  
“, in accordance with the provisions of this Act, be granted by”.
  - (e) Section 5 (4)—  
Omit “recommend the granting of”, insert instead “grant”.
- (2) (a) Section 7 (2) (d)—  
Omit “Director”, insert instead “Director-General”.
- (b) Section 7 (4)—  
Omit “Director”, insert instead “Director-General”.
- (3) (a) Section 8 (1) (c)—  
Omit “authorise the grant of”, insert instead “grant”.
- (b) Section 8 (3)—  
After section 8 (2), insert:—  
(3) The Secondary Schools Board shall not exercise any power, authority, duty or function so as to introduce or seek the introduction of any new policy, or to change or seek to change any policy, being a policy relating to the overall planning, allocation or use of educational resources, unless it has first consulted with the Education Commission of New South Wales concerning the proposed introduction or change of policy.
- (4) (a) Section 9 (2) (d)—  
Omit “Director”, insert instead “Director-General”.
- (b) Section 9 (4)—  
Omit “Director”, insert instead “Director-General”.
- (5) (a) Section 10 (1) (c)—  
Omit “authorise the grant of such”, insert instead “grant higher school”.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*


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SCHEDULE 2.—*continued.*AMENDMENTS—*continued.*

## (b) Section 10 (3)—

After section 10 (2), insert:—

(3) The Board of Senior School Studies shall not exercise any power, authority, duty or function so as to introduce or seek the introduction of any new policy, or to change or seek to change any policy, being a policy relating to the overall planning, allocation or use of educational resources, unless it has first consulted with the Education Commission of New South Wales concerning the proposed introduction or change of policy.

## (6) (a) Section 10A (2)—

Omit "direct", insert instead "determine".

## (b) Section 10A (2) (b)—

Omit "and specified in the direction".

## (c) Section 10A (3)—

Omit "direct", insert instead "determine".

## (d) Section 10A (3)—

Omit "and specified in the direction".

## (e) Section 10A (4)—

Omit "a direction under".

## (f) Section 10A (5)—

Omit the subsection, insert instead:—

(5) The Board shall not make a determination under this section except on application that is—

- (a) made to it within such period as is prescribed by rules made under section 10B; and
- (b) supported by evidence acceptable to the Board.

## (g) Section 10A (6)—

Omit the subsection.



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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

- New South Wales State Conservatorium of Music Act, 1965—
- Amendment  
of Act No.  
5, 1965.
- (1) Section 12 (4), (5)—
- Omit section 12 (4), insert instead:—
- (4) The Public Service Board may, in relation to the Board constituted under this Act, exercise its power of delegation under section 35 of the Public Service Act, 1979, in the same way as it may exercise the power in relation to a Department Head, within the meaning of that Act.
- (5) A Department Head, within the meaning of the Public Service Act, 1979, may, in relation to the Board, exercise his power of delegation under section 48 of that Act in the same way as he may exercise the power in relation to any officer of the Department, within the meaning of that Act.
- (2) Section 15A (1) (a)—
- After “section 12 (4)”, insert “or (5)”.
- Technical Education Trust Funds Act, 1967—
- Amendment  
of Act No.  
95, 1967.
- Section 5 (4) (b)—
- Omit “Director”, insert instead “Director-General”.
- Apprentices Act, 1969—
- Amendment  
of Act No.  
37, 1969.
- (1) Section 9 (2) (b)—
- Omit “Director”, insert instead “Director-General”.
- (2) Section 18 (10)—
- Omit “Director”, insert instead “Director-General”.
- (3) Section 22 (c)—
- Omit “Director”, insert instead “Director-General”.
- (4) Section 41 (d)—
- Omit “Director”, insert instead “Director-General”.

*Miscellaneous Acts (Education Commission) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

## (5) Section 62 (2) (c)—

Omit “Director” where thirdly occurring, insert instead “Director-General”.

Amendment of Act No. 29, 1973. Nurses Education Board Act, 1973—

## (1) Section 6 (1) (a)—

After “Board”, insert “, the Education Commission of New South Wales”.

## (2) Section 6 (3)—

After section 6 (2), insert:—

(3) The Board shall not exercise any function so as to introduce or seek the introduction of any new policy, or to change or seek to change any policy, being a policy relating to the overall planning, allocation or use of educational resources, unless it has first consulted with the Education Commission of New South Wales concerning the proposed introduction or change of policy.

Amendment of Act No. 72, 1974. Technical and Further Education Act, 1974—

## (1) Section 4, definition of “Director-General”—

Omit the definition of “Director”, insert instead:—

“Director-General” means the Director-General of Technical and Further Education;

## (2) Section 10 (1)—

Omit “Director”, insert instead “Director-General”.

## (3) Section 10A (1)—

Omit “Director”, insert instead “Director-General”.

## (4) (a) Section 11—

Omit “On”, insert instead “Subject to subsection (2), on”.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

(b) Section 11 (2)—

At the end of section 11, insert:—

(2) On and from the day appointed and notified under section 2 (2) of the Education Commission Act, 1980, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind, to the Director of Technical and Further Education shall be read and construed as a reference to the Director-General.

(5) Section 13 (3)—

Omit “Director”, insert instead “Director-General”.

(6) Section 15 (4)—

After section 15 (3), insert:—

(4) The Council shall not make any recommendation or furnish any report to the Minister in respect of the introduction of any new policy, or any change in any policy, being a policy relating to the overall planning, allocation or use of educational resources, unless the Council has first consulted with the Education Commission of New South Wales concerning the matter the subject of the recommendation or report.

(7) Section 19 (2) (a)—

Omit “Director”, insert instead “Chairman of the Council of Technical and Further Education constituted under section 13”.

(8) Section 26 (1)—

Omit the subsection.

(9) Section 30 (2), (5), (6)—

Omit “Director” wherever occurring, insert instead “Director-General”.

(10) Schedule 3, clause 2 (1), definition of “district”—

Omit the definition.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*


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SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

## Amendment of Act No. 11, 1975. Colleges of Advanced Education Act, 1975—

## (1) (a) Section 12 (9)—

Omit “section 11A of the Public Service Act, 1902,” insert instead “section 35 of the Public Service Act, 1979,”.

## (b) Section 12 (9)—

Omit “an officer”, insert instead “a Department Head, within the meaning of that Act,”.

## (c) Section 12 (10)—

After section 12 (9), insert:—

(10) To the extent to which a Department Head, within the meaning of the Public Service Act, 1979, may, under section 48 of that Act, delegate any power, authority, duty or function to any officer of the Department, within the meaning of that Act, he may, under that section, delegate the power, authority, duty or function to a corporate college or to a servant of a corporate college.

## (2) (a) Section 13 (2)—

Omit “the Teaching Service”, insert instead “a Teaching Service”.

## (b) Section 13 (3)—

Omit “the Teaching Service”, insert instead “a Teaching Service”.

## (c) Section 13 (5)—

Omit “Teaching Service Act, 1970,” insert instead “Education Commission Act, 1980,”.

## (d) Section 13 (6) (a)—

Omit “the Teaching Service”, insert instead “a Teaching Service”.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

(e) Section 13 (9)—

Omit “the Teaching Service”, insert instead “a Teaching Service”.

Teacher Housing Authority Act, 1975—

Amendment  
of Act  
No. 27,  
1975.

(1) Section 4, definitions of “teacher”, “Teaching Service”—

Omit the definition of “teacher”, insert instead:—

“teacher” means—

- (a) a member of a Teaching Service; and
- (b) a person employed in the Department of Youth and Community Services as a deputy superintendent (educational), educational officer or trained pre-school teacher;

“Teaching Service” means the Education Teaching Service under the Education Commission Act, 1980, or the Technical and Further Education Teaching Service under that Act.

(2) Section 5A—

After section 5, insert:—

5A. The Authority shall not exercise or perform any power, authority, duty or function conferred or imposed on it by or under this or any other Act, section 5 (3) excepted, so as to introduce or seek the introduction of any new policy, or to change or seek to change any policy, being a policy relating to the provision or maintenance of suitable and adequate housing accommodation for teachers, unless it has first consulted with the Education Commission of New South Wales concerning the proposed introduction or change of policy.

(3) (a) Section 9 (2) (a)—

Omit “the Teaching Service”, insert instead “a Teaching Service”.

*Miscellaneous Acts (Education Commission) Repeal and Amendment.*SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

## (b) Section 9 (7)—

Omit “the Teaching Service”, insert instead “a Teaching Service”.

## (4) Section 10 (5)—

Omit “Teaching Service Act, 1970,”, insert instead “Education Commission Act, 1980,”.

## (5) Schedule—

Omit so much as relates to Act No. 4, 1970.

Amendment of Act No. 38, 1975. Public Servant Housing Authority Act, 1975—

## (1) Section 4, definition of “public servant”—

Omit paragraph (a).

## (2) Schedule—

Omit so much as relates to Act No. 4, 1970.

Amendment of Act No. 47, 1975. Higher Education Act, 1975—

## (1) Section 5 (1)—

After “Minister”, insert “, one of whom shall be a person nominated by the Minister on the recommendation of the Education Commission of New South Wales”.

## (2) (a) Section 9 (2)—

Omit “the Teaching Service”, insert instead “a Teaching Service”.

## (b) Section 9 (3) (b)—

Omit “the Teaching Service”, insert instead “a Teaching Service”.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 2—*continued.*

AMENDMENTS—*continued.*

(3) Section 11 (8)—

After section 11 (7), insert:—

(8) The Board shall not exercise or perform any power, authority, duty or function conferred or imposed on it by or under this or any other Act so as to introduce or seek the introduction of any new policy, or to change or seek to change any policy, being a policy relating to the overall planning, allocation or use of education resources, unless the Board has first consulted with the Education Commission of New South Wales concerning the proposed introduction or change of policy.

Statutory and Other Offices Remuneration Act, 1975—

Amendment  
of Act No.  
4, 1976.

Schedule 2, Part 1—

At the end of the Part, insert:—

Chairman of the Education Commission of New South Wales.

Public Service Act, 1979—

Amendment  
of Act No.  
89, 1979.

(1) Section 23 (2) (a)—

After "Service", insert "or a Teaching Service within the meaning of the Education Commission Act, 1980".

(2) (a) Section 24 (1), definition of "retiring age"—

After "Service", insert "or a Teaching Service within the meaning of the Education Commission Act, 1980".

(b) Section 24 (2) (a)—

Omit "or".

(c) Section 24 (2) (a1)—

After section 24 (2) (a), insert:—

(a1) an officer of a Teaching Service—to some position in the Teaching Service of which he was an officer; or

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 2—*continued.*AMENDMENTS—*continued.*

- (3) (a) Section 65 (1)—  
Omit “Teaching Service Act, 1970,” insert instead “Education Commission Act, 1980.”
- (b) Section 65 (2) (a)—  
Omit “Director-General of Education”, insert instead “appropriate Director-General within the meaning of the Education Commission Act, 1980”.
- (c) Section 65 (3)—  
Omit “Teaching Service Act, 1970,” insert instead “Education Commission Act, 1980.”
- (4) (a) Section 80 (2)—  
Omit “Director-General of Education”, insert instead “appropriate Director-General within the meaning of the Education Commission Act, 1980”.
- (b) Section 80 (2)—  
Omit “Teaching Service Act, 1970,” insert instead “Education Commission Act, 1980.”
- (5) Schedule 1—  
From Column 2, omit “Director of the Department.” where occurring opposite “Department of Technical and Further Education.” in Column 1, insert instead “Director-General of the Department.”
- (6) Schedule 5—  
Omit so much as relates to Act No. 4, 1970.
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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

SCHEDULE 3.

Sec. 6.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) Except in so far as the context or subject-matter otherwise indicates or requires, expressions used in this Schedule have the same meaning as in the Education Commission Act, 1980. Interpretation: Sch. 3.

(2) In this Schedule, a reference to a subclause is, unless a contrary intention appears, a reference to a subclause of the clause in which the reference appears.

2. (1) The person who, immediately before the appointed day, held the office of Director of Technical and Further Education shall be deemed to have been appointed, on the appointed day, in accordance with the Public Service Act, 1979, to the office of Director-General of Technical and Further Education. Director-General of Technical and Further Education.

(2) Subject to the Public Service Act, 1979, the person deemed to have been appointed to the office of Director-General of Technical and Further Education under subclause (1) shall hold that office on the same terms and conditions as he would, but for this Act, have held the office of Director of Technical and Further Education.

3. On and from the appointed day, a reference in a provision of any Act (other than this Act and the Education Commission Act, 1980), any instrument made under any such Act or any other instrument— Construction of certain references.

(a) to the Teaching Service (whether the reference is to the Teaching Service under, or within the meaning of, the Teaching Service Act, 1970, or otherwise) shall be read and construed as a reference to the Education Teaching Service; and

(b) to the Public Service Board, where the reference occurs in relation to the conferring of functions on the Public Service Board in respect of a member or members of the Teaching Service under the Teaching Service Act, 1970, shall be read and construed as a reference to the Commission.

4. (1) In this clause, "transferred person" means a person who becomes a member of a Teaching Service under section 45 (1) or 53 (2) of the Education Commission Act, 1980. Preservation of rights of certain members of Teaching Services.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

## (2) A transferred person—

- (a) shall, subject to the Education Commission Act, 1980, be paid salary or wages at a rate not less than the rate that was payable to him immediately before he became a member of a Teaching Service, subject to any adjustment necessary to give effect to any fluctuation in a basic or minimum wage by reference to which his salary or wages is or are fixed, until the salary or wages payable to him are varied by the Commission in accordance with that Act; and
- (b) shall have a rank, position or grade in a Teaching Service not lower than the rank, position or grade in which he was employed immediately before he became such a member until his rank, position or grade is varied in accordance with law.

(3) Where any condition of employment of a transferred person was, immediately before he became a member of a Teaching Service, regulated by an award or industrial agreement or agreement made under or in pursuance of the Teaching Service Act, 1970, or the Public Service Act, 1979, that condition shall continue to be so regulated as if the award or industrial agreement applied to him as such a member or the agreement made under or in pursuance of the Teaching Service Act, 1970, or the Public Service Act, 1979, were an agreement made under section 26 (1) of the Education Commission Act, 1980, and applied to him as such a member.

(4) Annual and sick leave shall continue to accrue to a transferred person on the same basis as they accrued to him immediately before the appointed day as a member of the Teaching Service under the Teaching Service Act, 1970, or an officer or temporary employee of the Public Service until that basis is varied or altered by the Commission under the Education Commission Act, 1980.

(5) A transferred person shall be entitled to receive as a member of a Teaching Service any annual leave or sick leave accrued to him as a member of the Teaching Service under the Teaching Service Act, 1970, or an officer or temporary employee of the Public Service as at the day on which he became a member of a Teaching Service under the Education Commission Act, 1980.

(6) A transferred person shall not, in respect of the same period of service, be entitled to claim a benefit under this Act and another Act.

*Miscellaneous Acts (Education Commission) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

5. A person included, immediately before the appointed day, in a division of the Teaching Service under the Teaching Service Act, 1970, shall, subject to this Act and the Education Commission Act, 1980, be deemed to be a member of the corresponding division of the Education Teaching Service. Divisions.

6. A classification, determination or promotions list in force under section 17 of the Teaching Service Act, 1970, immediately before the appointed day, shall be deemed to be a classification, determination or promotions list, as the case may require, under section 40 of the Education Commission Act, 1980. Classifications, etc., under section 17 of the Teaching Service Act, 1970.

7. (1) A delegation by the Director-General of Education, being a delegation in force under section 18 of the Teaching Service Act, 1970, immediately before the appointed day, shall be deemed to be a delegation by the Director-General under section 41 of the Education Commission Act, 1980. Delegations.

(2) A delegation by the Director-General of Technical and Further Education, being a delegation in force under section 48 of the Public Service Act, 1979, immediately before the appointed day, to a person who, on the appointed day, becomes a member of the Technical and Further Education Teaching Service under section 53 of the Education Commission Act, 1980, shall be deemed to be a delegation by the Director-General under section 41 of the Education Commission Act, 1980.

8. An agreement entered into and in force under section 26 (3) of the Teaching Service Act, 1970, immediately before the appointed day, shall be deemed to have been entered into under section 26 (1) of the Education Commission Act, 1980. Industrial agreements.

9. A promotions committee constituted, immediately before the appointed day, under section 29 of the Teaching Service Act, 1970, for a division of the Teaching Service under that Act shall be deemed to be a promotions committee constituted under section 61 (1) of the Education Commission Act, 1980, for the corresponding division of the Education Teaching Service. Promotions committees.

*Miscellaneous Acts (Education Commission) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- Appeals and inquiries in respect of seniority, etc.
10. (1) An appeal or inquiry pending, immediately before the appointed day, under section 28 of the Teaching Service Act, 1970, shall be deemed to be an appeal or inquiry, respectively, under section 60 of the Education Commission Act, 1980.
- (2) Where, immediately before the appointed day, an appeal may be made under section 28 of the Teaching Service Act, 1970, the appeal may be made, after that day, under and in accordance with section 60 of the Education Commission Act, 1980.
- Permission to engage in other employment.
11. (1) A permission of the Director-General of Education, being a permission in force under section 41 of the Teaching Service Act, 1970, immediately before the appointed day, shall be deemed to be a permission of the Director-General in force under section 89 (1) of the Education Commission Act, 1980.
- (2) A permission of the Public Service Board, being a permission in force under section 99 (1) of the Public Service Act, 1979, immediately before the appointed day, in relation to a person who, on the appointed day, becomes a member of the Technical and Further Education Teaching Service under section 53 of the Education Commission Act, 1980, shall be deemed to be a permission of the Director-General of Technical and Further Education under section 89 (1) of the Education Commission Act, 1980.
- Pending appeals to certain appellate bodies by members of the Technical and Further Education Teaching Service.
12. (1) In this clause, "appellate body" means the Crown Employees Appeal Board, a Promotions Appeal Tribunal constituted under section 69H of the Public Service (Promotion Appeals) Act, 1902, and the Government and Related Employees Appeal Tribunal.
- (2) Where immediately before the appointed day an appeal is pending before, or may be made to, an appellate body by any person who on that day becomes a member of the Technical and Further Education Teaching Service by the operation of section 53 of the Education Commission Act, 1980, that appeal may—
- (a) where it was pending, be continued and completed; or
- (b) where it is made after the appointed day, be commenced within the period prescribed by the Crown Employees Appeal Board Act, 1944, the Public Service (Promotion Appeals) Act, 1902, or the Government and Related Employees Appeal Tribunal Act, 1980, as the case may require, and be continued and completed.
- and may be determined by the appellate body and the determination of the appellate body on the appeal shall be given effect to by the Director-General of Technical and Further Education.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

## (3) Where—

- (a) immediately before the appointed day, an appeal is pending before, or may be made to, the Crown Employees Appeal Board or the Government and Related Employees Appeal Tribunal by any person against a decision or determination of the Public Service Board or the Director-General of Technical and Further Education—

- (i) for the reduction in rank, position or grade of that person;
- (ii) for the dismissal of that person; or
- (iii) requiring that person to resign; and

- (b) that person does not by the operation of section 53 of the Education Commission Act, 1980, become a member of the Technical and Further Education Teaching Service but would, had his rank, position or grade not been reduced or had he not been dismissed or required to resign, as the case may be, have become a member of that service by the operation of that section,

the appeal may—

- (c) where it was pending, be continued and completed; or
- (d) where it is made after the appointed day, be commenced within the period prescribed by the Crown Employees Appeal Board Act, 1944, or the Government and Related Employees Appeal Tribunal Act, 1980, as the case may require, and be continued and completed.

and may be determined by the Crown Employees Appeal Board or the Government and Related Employees Appeal Tribunal, as the case may require, and the Board or Tribunal may, if it upholds the appeal, make such orders as it thinks fit with respect to the employment of that person in the Technical and Further Education Teaching Service, and any such order shall be given effect to by the Director-General of Technical and Further Education.

(4) Where a person becomes a member of the Technical and Further Education Teaching Service by virtue of an order made under subclause (3), he thereupon ceases to be employed under the Public Service Act, 1979, and the provisions of clause 4 apply to him in the same way as they apply to persons who become members of that service under section 53 of the Education Commission Act, 1980.

*Miscellaneous Acts (Education Commission) Repeal and Amendment.*SCHEDULE 3—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

- References to retired officers, etc. 13. (1) The reference in section 49 (1) of the Education Commission Act, 1980, to an officer who has been retired from a Teaching Service includes a reference to an officer who has been retired from the Teaching Service under the Teaching Service Act, 1970.
- (2) The reference in section 57 (1) of the Education Commission Act, 1980, to an officer who has been retired from a Teaching Service includes a reference to an officer who has been retired, before the appointed day, from the Department of Technical and Further Education under the Public Service Act, 1902, or the Public Service Act, 1979.
- (3) The reference in section 57 (1) of the Education Commission Act, 1980, to an officer whose services have been dispensed with under section 72 of that Act includes a reference to a person whose services in the Department of Technical and Further Education have been dispensed with, before the appointed day, under section 9 (2) of the Public Service Act, 1902, or under section 113 of the Public Service Act, 1979.
- Saving of certain rules under the Education Act, 1961. 14. A period prescribed by the rules made under section 10B of the Education Act, 1961, as in force immediately before the appointed day, being a period prescribed for the purposes of section 10A (5) (b) of that Act, as so in force, shall, subject to that Act, be deemed to be the period prescribed for the purposes of section 10A (5) (a) of that Act, as amended by this Act.
- Regulations under the Teaching Service Act, 1970. 15. Any regulations in force under section 49 of the Teaching Service Act, 1970, immediately before the appointed day, shall, to the extent that they could have been made under the Education Commission Act, 1980, on or after that day, be deemed to have been made under section 100 of the Education Commission Act, 1980.
- Preservation of certain rights. 16. Schedule 1 to the Education Commission Act, 1980, applies to and in respect of a person who, immediately before his appointment as the Chairman, was an officer of the Teaching Service within the meaning of the Teaching Service Act, 1970, in the same way as it applies to a person who, immediately before his appointment as the Chairman, was an officer of a Teaching Service within the meaning of the Education Commission Act, 1980.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 3—*continued.*

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

17. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the enactment of the Education Commission Act, 1980, and this Act.

(2) A provision made under subclause (1) may take effect as from the appointed day or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or
- (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding the foregoing clauses of this Schedule.

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SCHEDULE 4.

Sec. 7 (2).

FURTHER AMENDMENTS.

Government and Related Employees Appeal Tribunal Act, 1980—

(1) (a) Section 4 (1), definition of “employee”—

Omit paragraph (b), insert instead:—

- (b) a person who is an officer within the meaning of section 4 (1) of the Education Commission Act, 1980, or a temporary employee within the meaning of that subsection;

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 4—*continued.*

FURTHER AMENDMENTS—*continued.*

(b) Section 4 (1), definition of “employer”—

Omit paragraph (b), insert instead:—

(b) in relation to an employee of the class referred to in paragraph (b) of that definition—

(i) for the purposes of those provisions of this Act relating to the membership and constitution of the Tribunal—the appropriate Director-General within the meaning of section 4 (1) of the Education Commission Act, 1980; and

(ii) for the purposes of those provisions of this Act relating to the making of appeals and the hearing of appeals—the person against whose decision the appeal is made, being, as the case may require, the appropriate Director-General or a prescribed officer within the meaning of section 82 of the Education Commission Act, 1980;

(2) (a) Schedule 2, clause 4 (b)—

Omit the paragraph, insert instead:—

(b) an officer of the Education Teaching Service within the meaning of section 4 (1) of the Education Commission Act, 1980; or

(b) Schedule 2, clause 4A—

After clause 4, insert:—

4A. A person nominated by the Director-General of Technical and Further Education in accordance with this Schedule shall be—

(a) the Director-General of Technical and Further Education;

(b) an officer of the Technical and Further Education Teaching Service within the meaning of section 4 (1) of the Education Commission Act, 1980; or

(c) an officer within the meaning of section 4 (1) of the Public Service Act, 1979, employed in the Department of Technical and Further Education.

Representatives of Director-General of Technical and Further Education.



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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 4—*continued.*

FURTHER AMENDMENTS—*continued.*

Education Commission Act, 1980—

(1) Section 48 (5)—

Omit “Crown Employees Appeal Board”, insert instead “Government and Related Employees Appeal Tribunal”.

(2) Section 56 (5)—

Omit “Crown Employees Appeal Board”, insert instead “Government and Related Employees Appeal Tribunal”.

(3) (a) Section 62 (1)—

Omit “Crown Employees Appeal Board Act, 1944”, insert instead “Government and Related Employees Appeal Tribunal Act, 1980”.

(b) Section 62 (2)—

Omit “Crown Employees Appeal Board Act, 1944,”, insert instead “Government and Related Employees Appeal Tribunal Act, 1980,”.

(4) Section 65 (3)—

Omit “Crown Employees Appeal Board Act, 1944,”, insert instead “Government and Related Employees Appeal Tribunal Act, 1980,”.

(5)(a) Section 68 (1) (b)—

Omit the paragraph, insert instead:—

(b) against which he would, but for section 21 (1) (d) of the Government and Related Employees Appeal Tribunal Act, 1980, have been entitled to appeal under that Act,

(b) Section 68 (4)—

Omit “Crown Employees Appeal Board”, insert instead “Government and Related Employees Appeal Tribunal”.

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*Miscellaneous Acts (Education Commission) Repeal and Amendment.*

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SCHEDULE 4—*continued.*FURTHER AMENDMENTS—*continued.*

## (6) Section 76 (2)—

Omit "Crown Employees Appeal Board Act, 1944", insert instead "Government and Related Employees Appeal Tribunal Act 1980".

## (7) (a) Section 85 (4)—

Omit "section 10 of the Crown Employees Appeal Board Act, 1944," insert instead "section 26 of the Government and Related Employees Appeal Tribunal Act, 1980,".

## (b) Section 85 (5)—

Omit "section 10 of the Crown Employees Appeal Board Act, 1944," insert instead "section 24 of the Government and Related Employees Appeal Tribunal Act, 1980,".

## (c) Section 85 (5)—

Omit "section 10 (1) (e)", insert instead "section 23 (1) (g)".

## (8) Section 87 (2)—

Omit "Crown Employees Appeal Board Act, 1944," insert instead "Government and Related Employees Appeal Tribunal Act, 1980,".

## (9) Section 96—

Omit "Crown Employees Appeal Board", insert instead "Government and Related Employees Appeal Tribunal".

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