



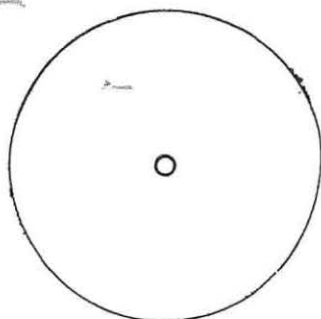
MINUTES forming ENCLOSURE to..... E.D. No. 909/3/58B 19

RETURNED TO THE HONOURABLE THE ATTORNEY-GENERAL:

Education Act, 1972-1976 - section 26 - Enquiry into conduct of teacher - recommendation that teacher be dismissed - whether Minister of Education should dismiss teacher.

Acting pursuant to a delegation executed by the Acting Director-General of Education, the Director of Educational Facilities, Dr. J.M. Mayfield, conducted an enquiry into certain allegations which had been made against Mr. G.R. Knight, a teacher at the Willunga High School. I have perused the papers in the file before me and have come to the conclusion that:-

1. In conducting the enquiry and making the recommendation which he made, Dr. Mayfield was acting within the terms of the delegation conferred upon him.
2. Mr. Knight was given full and adequate notice (at least one month) of the particulars of the conduct alleged against him.
3. The method of enquiry adopted by Dr. Mayfield met the requirements of fairness and natural justice: Mr. Knight had legal representation to assist him.
4. The findings of fact made by Dr. Mayfield were clearly open to him on the evidence presented.
5. On the findings made by Dr. Mayfield, the view expressed by him, namely, that Mr. Knight's conduct included acts which were "disgraceful and totally unacceptable in a teacher" is supportable and not unreasonable.
6. Dr. Mayfield has recommended to the Minister that Mr. Knight be dismissed from the teaching service. The Acting

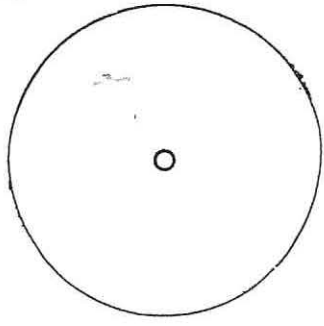


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Director-General of Education agrees with Dr. Mayfield's recommendation, and has further expressed the view that such a recommendation represents "the only possible course of action".

7. Section 26 of the Education Act, 1972-1976 provides inter alia, that if an officer "is guilty of any disgraceful or improper conduct there shall be sufficient cause for disciplinary action against that officer". Subsection (2) of that section provides that where the Director-General finds there is sufficient cause for disciplinary action, he may reprimand the officer, impose a fine not exceeding \$50 on the officer, reduce the classification of the officer or recommend to the Minister that the officer be dismissed from the teaching service. Thus the course recommended by Dr. Mayfield is one which, on the provisions of section 26, is properly open to him.
8. Although, on its face, subsection (2) of section 26 makes provision for alternatives other than a recommendation for dismissal, the findings made with respect to Mr. Knight's conduct are such that, from a practical point of view, a recommendation for his dismissal may well represent "the only possible course of action". The adoption of any of the other alternatives specified in the subsection will mean that Mr. Knight remains a teacher in either the Willunga or some other school. Both the Acting Director-General of Education and Dr. Mayfield regard this as



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undesirable. Accordingly, I have come to the conclusion that the recommendation relating to Mr. Knight's dismissal is well founded. I point out that if it is accepted by the Honourable the Minister of Education, subsections (4) (5) of section 26 confer upon Mr. Knight a right of appeal to the Appeal Board.

25/5/78
MLWB:JVH

G. C. Prior
(G.C.Prior)
CROWN SOLICITOR

per M. Bowring

To the Minister of Education

P. Duncan

A. G.

per Mr

Dismissed Approved.

J. A.
Min of Education

29.5.78