

## **Unvalidated References:**

*Teaching Service Act 1988*

*Constitution*

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

.....  
Legislative Counsel  
Dated 25 November 2006

### **INDEPENDENT STATE OF PAPUA NEW GUINEA.**

No. 3 of 1994.

#### ***Teaching Service Regulation 1994***

#### **ARRANGEMENT OF SECTIONS.**

##### **PART I – APPOINTMENT, STATUS, PROMOTION, ETC.**

1. Oath or affirmation of service of members.
2. Rights of members in non-institutional positions.
3. Election to become associate member.
4. Appeals against promotions.
5. Notice of refusal of declaration as to eligibility status.
6. Appeals in respect of declaration as to eligibility status.
7. Notice of refusal or deferment of increment.
8. Appeals in respect of increments.

##### **PART II – DUTIES AND DISCIPLINE.**

###### ***Division 1 – Duties.***

9. Members to be acquainted with Act, etc.
10. Attendance for duty.
11. Conduct on duty.
12. Maintenance of order.
13. Care of property.
14. Secrecy of information.
15. Outside influence.
16. Borrowing and lending.
17. Minor disciplinary offences.
18. Serious disciplinary offences.
19. Suspension.

##### **PART III – LEAVE.**

20. Leave for national purposes.  
“time of war”  
“year”
21. Prescribed organizations, etc., under Section 107 of the Act.

##### **PART IV – MISCELLANEOUS.**

22. Oaths and affirmations of office, etc.

23. Acceptance of responsibilities by education agency.
24. Rewards.

### **SCHEDULE 1**

#### ***Teaching Service Regulation 1994***

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the *Teaching Service Act 1988*.

Dated                    200 .

### **PART I. – APPOINTMENT, STATUS, PROMOTION, ETC.**

#### **1. Oath or affirmation of service of members.**

The oath or affirmation to be taken by a member of the Teaching Service for the purposes of Section 22(2)(c) of the Act shall be–

- (a) in Form 1; and
- (b) taken before a person authorized for the purpose by the Commission.

#### **2. Rights of members in non-institutional positions.**

(1) Subject to Section 106 and 107 of the Act, a member of the Teaching Service who is appointed to a non-institutional position, otherwise than under Section 32 of the Act, is entitled to return to his former position at the end of the appointment if–

- (a) a substantive appointment has not in the meantime been made to the position; and
- (b) the position has not in the meantime been abolished or reclassified under Section 29 of the Act; and
- (c) he has not attained the age of 60 years.

(2) Notwithstanding Subsection (1), a member who is appointed to a non-institutional position is entitled to appointment, at the end of that appointment, to an institutional position not lower in pay than his former position, unless he has attained the age of 60 years.

#### **3. Election to become associate member.**

(1) A notice, under Section 132(1) of the Act, of an election to become an associate member of the Teaching Service may be in Form 2.

(2) A notice by the Commission appointing a date from which an election referred to in Subsection (1) takes effect may be in Form 3.

(3) A request under Section 132(2) of the Act by an associate member of the Teaching Service for recognition again as a full member or a provisional member of the Service may be in Form 4.

(4) A notice by the Commission granting or refusing to grant a request referred to in Subsection (3) and, where the request is granted, appointing a date from which the recognition takes effect may be in Form 5.

**4. Appeals against promotions.**

(1) An appeal under Section 59(1) of the Act may be made by lodging with the Chairman of the Teaching Service Appeals Committee a notice of appeal in Form 6.

(2) The notice referred to in Subsection (1) shall be lodged within the period of five weeks after the date of the relevant notice under Section 43 of the Act or such further time as the Commission, in its discretion, allows in a particular case.

**5. Notice of refusal of declaration as to eligibility status.**

(1) Where the Departmental Head refuses to make a declaration under Section 47(1) of the Act, he shall send a notice of the refusal by registered mail to the applicant, stating the grounds for the refusal.

(2) Where an applicant has no means of receiving registered mail, the notice under Subsection (1) shall be sent by the normal means by which the applicant receives mail, and the Departmental Head, as far as is reasonably practicable, shall check that the notice is in fact received.

**6. Appeals in respect of declaration as to eligibility status.**

(1) An appeal under Section 62(1) of the Act against the failure or refusal of the Departmental Head to make a declaration under Section 47(1) of the Act may be made by lodging with the Chairman of the Teaching Service Appeals Committee a notice of appeal in Form 7.

(2) The notice referred to in Subsection (1) shall be lodged—

- (a) in the case of an appeal against the failure of the Departmental Head—not less than three months after the date of the relevant application under Section 47(1) of the Act; and
- (b) in the case of an appeal against a refusal by the Departmental Head—within three months after the date of the relevant notice under this section,

or within such further time as the Commission, in its discretion, allows in a particular case.

(3) Where after the lodgement of a notice of appeal against the failure of the Departmental Head to make a declaration under Section 47(1) of the Act the Departmental Head refuses to make the declaration—

- (a) the notice of appeal shall be treated as a notice of appeal against the refusal; and
- (b) before dealing with the appeal the Chairman of the Teaching Service Appeals Committee shall notify the appellant that the declaration has been refused and that the notice is being so treated; and
- (c) there is no further right of appeal, unless the Commission, in its discretion, decides, in a particular case, to allow an appeal against the refusal itself.

**7. Notice of refusal or deferment of increment.**

(1) Where an appointing authority makes an order under Section 77(3) of the Act or a direction under Section 77(5) of the Act in relation to

the withholding or deferment of an increment, it shall send notice in Form 8 of the order or direction by registered mail to the member of the Teaching Service concerned.

(2) Where a member has no means of receiving registered mail, the notice under Subsection (1) shall be sent by the normal means by which the applicant receives mail, and the appointing authority, as far as is reasonably practicable, shall check that the notice is in fact received.

**8. Appeals in respect of increments.**

(1) An appeal under Section 77(4) of the Act may be made by lodging with the Commission a notice of appeal in Form 9.

(2) The notice referred to in Subsection (1) shall be lodged within the period of five weeks after the date of the relevant notice under Section 8 or such further time as the Commission, in its direction, allows in a particular case.

**PART II. – DUTIES AND DISCIPLINE.**

*Division 1.*

*Duties.*

**9. Members to be acquainted with Act, etc.**

(1) All members of the Teaching Service shall acquaint themselves with the provisions of–

- (a) the Act; and
- (b) this Regulation; and
- (c) the determinations; and
- (d) any directions given under Section 151 of the Act.

(2) The education agency conducting an educational institution shall ensure that sufficient copies of the documents referred to in Subsection (1) are kept at the institution to enable members at the institution to have ready access to them, and shall allow such access at all reasonable times.

**10. Attendance for duty.**

(1) A member of the Teaching Service occupying a position in an educational institution shall, unless authorized not to attend, attend for duty at all times when the institution is open for purposes of instruction or for the purposes of other activities of pupils.

(2) A member of the Teaching Service occupying a non-institutional position shall attend for duty at such times as are directed as being necessary for the performance of this duty.

(3) When required, a member of the Teaching Service shall perform duty outside his usual hours of duty in order to meet the exigencies of the Service or of the Education System.

(4) A member of the Teaching Service shall not be absent from duty without reasonable cause (proof of which is on him).

(5) If a member is prevented by illness or other emergency from attending for duty, he shall report the fact to his superior as soon as he can reasonably be expected to do so.

(6) Without prejudice to any other action that may be taken for a breach of the Act or this Regulation, where a member's absence from duty has not been sanctioned he shall not receive pay for the period of his absence.

**11. Conduct on duty.**

(1) During his hours of duty, a member of the Teaching Service shall—

- (a) devote himself exclusively and zealously to the discharge of his duties; and
- (b) behave at all times with dignity and courtesy; and
- (c) obey promptly all lawful instructions given to him by his superiors, or by a Board or a person authorized by a Board; and
- (d) in due course and at proper times, comply with and give effect to all laws, regulations and instructions applying to or in relation to, or made or issued for his guidance in the performance of, his duties, including any relevant directions under Section 151 of the Act.

(2) Whether or not he has appealed, or intends to appeal, under Section 13 of the Act or otherwise against an instruction given to him, a member of the Teaching Service shall obey the instruction until it is countermanded by lawful authority.

**12. Maintenance of order.**

A member of the Teaching Service occupying a supervisory position is responsible for the maintenance of good order in the educational institution in which he is occupying a position.

**13. Care of property.**

A member of the Teaching Service is responsible for the careful use and preservation of all property in his occupation, possession, custody or care as a member.

**14. Secrecy of information.**

Except in the course of his duty or otherwise as required or permitted by law, a member of the Teaching Service shall not divulge, directly or indirectly, any confidential information concerning—

- (a) examinations; or
- (b) individual members of the Teaching Service; or
- (c) students,

of which he has knowledge officially.

**15. Outside influence.**

Except as authorized by the Act or this Regulation, a member of the Teaching Service shall not—

- (a) seek the influence or interest of any person in order to obtain promotion, transfer or other advantage; or

- (b) supply to another member, for use for any such purpose, a certificate or testimonial relating to official capacity or performance of official duties.

**16. Borrowing and lending.**

A member of the Teaching Service shall not, whether as principal or agent, enter into a monetary transaction with another member, by which—

- (a) any interest or return in money or in kind is charged or paid; or
- (b) money is borrowed by a supervising member from his subordinate.

**17. Minor disciplinary offences.**

(1) For the purposes of Section 84(1) of the Act, the prescribed manner of charging a member of the Teaching Service with a disciplinary offence is for the person authorized by the Commission to cause to be served on the member, personally or by registered post—

- (a) a notice of charge in Form 10; and
- (b) a statement; and
- (c) a pre-paid envelope addressed to the person who laid the charge.

(2) The prescribed time for the purposes of Section 84(2) of the Act is seven days after the date of service of the relevant notice of charge.

(3) A statement under Section 84(2) of the Act shall, within the prescribed time, be—

- (a) given personally to the person who served the charge or the person who laid the charge; or
- (b) forwarded by registered post to the person who laid the charge.

(4) When the Departmental Head or the Assistant Secretary of Education has made a decision as to the charge, he shall cause a notice of decision in Form 11 to be served on the member charged, personally or by registered post.

(5) The prescribed time for the purposes of Section 84(5) of the Act is five weeks after the date of service of the relevant notice of decision.

(6) For the purposes of Section 84(5) of the Act, an appeal may be made by giving or forwarding by registered post, a notice of appeal to the National Education Board or to the Provincial Education Board, as the case may be, within the time prescribed by Subsection (5).

(7) When the National Education Board or a Provincial Education Board has made a decision on an appeal under Section 84(5) of the Act, it shall cause a notice of decision on appeal in Form 12 to be sent to the appellant, and copies to—

- (a) the convicting authority; and
- (b) Headquarters, Department of Education.

**18. Serious disciplinary offences.**

(1) For the purposes of Section 85(1) of the Act, the prescribed manner of charging a member of the Teaching Service with a disciplinary offence is for the person authorized by the Commission to cause to be served on the member, personally or by registered post—

- (a) a notice of charge in Form 13; and
- (b) a statement; and
- (c) a pre-paid envelope addressed to the person who laid the charge.

(2) The prescribed time for the purposes of Section 85(2) of the Act is seven days after the date of service of the relevant notice of charge.

(3) A statement under Section 85(2) of the Act shall, within the prescribed time, be—

- (a) given personally to the person who served the charge or the person who laid the charge; or
- (b) forwarded by registered post to the person who laid the charge.

(4) When a Board has made a decision under Section 85(7) of the Act, it shall promptly inform the member concerned of its decision by causing a notice in Form 14 to be served on him, personally or by registered post.

(5) The prescribed time for the purposes of Section 85(10) of the Act is five weeks after the date of service of the relevant notice of decision.

(6) For the purposes of Section 85(10) of the Act, an appeal may be made by giving or forwarding by registered post, within the time prescribed by Subsection (5), a notice of appeal to the Chairman of the Teaching Service Commission Disciplinary Committee.

(7) Where the Teaching Service Commission Disciplinary Committee has made a decision on an appeal under Section 85(11) of the Act, it shall cause a notice of decision on appeal in Form 15 to be sent to—

- (a) the appellant; and
- (b) the convicting authority; and
- (c) Headquarters, Department of Education.

(8) Where the Commission—

- (a) confirms a decision of a Board under Section 85(12) of the Act; or
- (b) reduces or dismisses a member, or imposes some other penalty under Section 85(13) of the Act,

it shall cause a notice in Form 16 to be sent to—

- (c) the member concerned; and
- (d) the National Education Board or the District Education Board, as the case may be; and
- (e) Headquarters, Department of Education.

## **19. Suspension.**

(1) A notice of suspension under Section 90(1) of the Act shall be in Form 17 and shall be served on the member concerned.

- (2) A removal of a notice of suspension shall be in Form 18.
- (3) A notice of suspension under Section 93(2) of the Act shall be in Form 19 and shall be served on the member concerned.
- (4) A notice of suspension under Section 95(1) of the Act shall be in Form 20 and shall be served on the member concerned.
- (5) A notice of removal of suspension under Section 90(2) of the Act shall be in Form 18 and shall be served on the member concerned.

### **PART III. – LEAVE.**

#### **20. Leave for national purposes.**

(1) In this section–

“**time of war**” has the same meaning as in Section Sch.1.2(1) (*meaning of certain expressions*) of the *Constitution*;

“**year**” means the period of 12 months commencing on 1 July in any year and ending on the following 30 June.

(2) Each of the following is a prescribed service for the purposes of Section 105(1) of the Act:–

- (a) service in time of war as a member of the Defence Force or in the naval, military or air forces of the United Nations; and
- (b) service as a member of a part of the Defence Force or of the naval, military or air forces of the United Nations that has been allotted for duty in an area in which the forces of the United Nations are engaged in warlike operations; and
- (c) annual training required by law as a part-time member of the Defence Force; and
- (d) attendance at a school, class or course of instruction conducted for the training of part-time members of any part of the Defence Force.

(3) Leave of absence to enable a member of the Teaching Service to engage in a service referred to in Subsection (2)(a) or (b) shall be granted to the member–

- (a) on full pay for the first 14 days; and
- (b) without pay for the remainder of the period for which the member is granted leave of absence.

(4) Subject to Subsections (5) to (8), leave of absence to enable a member to engage in a service specified in Subsection (2)(c) shall not exceed 14 days in any year, and the Commission may grant such additional time for travelling, not exceeding 14 days, as it thinks fit.

(5) A maximum period of leave specified in Subsection (4) may, in any particular case, be extended by the Commission by a period not exceeding four days, inclusive of Saturdays and Sundays, if the commanding officer of the member concerned certifies, in writing, that the additional period is required for the purpose of the annual training referred to in that subsection.

(6) Leave of absence to enable a member to engage in a service specified in Subsection (2)(b) shall not exceed 16 days in any year, and the Commission may grant such additional time for travelling, not exceeding



14 days, as it thinks proper.

(7) Where the Commission is satisfied that special circumstances exist that justify the grant of leave of absence to a member to engage in a service specified to in Subsection (2)(c) or (d) exceeding the period specified in Subsection (4) or (6), as the case may be, the period for which the leave of absence may be granted shall be such as the Commission determines.

(8) Where, in the opinion of the Commission, it would not be in the public interest to grant a member leave of absence to attend an annual training at a school, class or course of instruction, the Commission shall not grant leave of absence at that time, but shall grant leave of absence to the member to attend at an equivalent training or at an equivalent school, class or course of instruction.

(9) A member who has been granted leave of absence to engage in a service specified in Subsection (2)(c) or (d) shall submit to the Commission, at the expiration of the leave, a certificate by his commanding officer specifying the period for which he was engaged in that service.

(10) Leave of absence granted to a member to engage in a service referred to in Subsection (2)(c) or (d) shall be with pay.

**21. Prescribed organizations, etc., under Section 107 of the Act.**

The prescribed organizations, governments and authorities for the purposes of Section 107 of the Act are—

- (a) the United Nations; and
- (b) the Government of—
  - (i) the United Kingdom; or
  - (ii) Australia or a State of Australia; or
  - (iii) a British Dominion, colony or dependency; and
- (c) the South Pacific Commission.

**PART IV. – MISCELLANEOUS.**

**22. Oaths and affirmations of office, etc.**

(1) The Oath and affirmation of office to be taken or made for the purposes of Section 6 of the Act by members of the Commission shall be in Form 21.

(2) The oath and affirmation of office to be taken or made for the purposes of Sections 56 and 82 of the Act by members of Teaching Service Appeals Committees and Disciplinary Committees shall be in Form 23.

(3) The declaration of secrecy to be made for the purposes of Sections 56 and 82 of the Act by members of Teaching Service Appeals Committees and Disciplinary Committees shall be in Form 24.

**23. Acceptance of responsibilities by education agency.**

(1) An undertaking under Section 142(3) of the Act by an education authority to accept all or any of the responsibilities of another education agency in relation to a member of the Teaching Service shall be made by the education authority giving to the education agency an

undertaking in Form 25.

(2) The education authority referred to in Subsection (1) shall promptly—

- (a) give copies of the undertaking to the Commission and to the members of the Teaching Service concerned; or
- (b) cause a copy of the notice to be published in the Education Gazette.

#### **24. Rewards.**

(1) Where, in the opinion of the National Education Board, a member of the Teaching Service has contributed beyond the call of duty to the efficiency of the Service or of the Education System, the Board may recommend to the Commission, and the Commission may, subject to Subsection (2), authorize the payment to the member of such sum as the Commission thinks proper in the circumstances.

(2) The Commission shall not authorize payment of a sum exceeding K100.00 without the approval of the Head of State, acting on advice.

### **SCHEDULE 1**

#### **PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

#### **Form 1 – OATH AND AFFIRMATION OF SERVICE OF MEMBERS OF THE TEACHING SERVICE.**

Act, Sec. 22(2)(c). Form 1.Reg., Sec. 1.

#### **PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

#### **Form 2 – ELECTION TO BECOME AN ASSOCIATE MEMBER OF THE TEACHING SERVICE.**

Act, Sec. 132(1). Form 2.&break;Reg., Sec. 3(1).

#### **PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

#### **Form 3 – NOTICE FIXING DATE FROM WHICH ELECTION TO BECOME ASSOCIATE MEMBER TAKES EFFECT.**

Act, Sec. 132(3). Form 3.&break;Reg., Sec. 3(2).

#### **PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

***Form 4 – REQUEST FOR RE-RECOGNITION AS FULL/  
PROVISIONAL\* MEMBER OF  
TEACHING SERVICE.***

Act, Sec. 132(2). Form 4.Reg., Sec. 3(3).

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 5 – NOTICE OF RECOGNITION/NON-  
RECOGNITION.***

Act, Sec. 132(3). Form 5.&break;Reg., Sec. 3(4).

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 6 – NOTICE OF APPEAL AGAINST PROMOTION.***

Act, Sec. 59(1). Form 6.Reg., Sec. 4.

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 7 – Notice of appeal against failure/refusal to make a  
declaration of eligibility.***

Act, Sec. 62(1). Form 7.Reg., Sec. 6.

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 8 – Notice of withholding or deferring of increment.***

Act, Sec. 77(3), (5). Form 8.&break;Reg., Sec. 7

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 9 – NOTICE OF APPEAL AGAINST WITHHOLDING  
OR DEFERRING OF INCREMENT.***

Act, Sec. 77(4). Form 9.Reg., Sec. 8.

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

**Form 10 – NOTICE OF CHARGE OF MINOR  
DISCIPLINARY OFFENCE.**

Act, Sec. 84(1).      Form 10.Reg., Sec. 17(1).

**PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

**Form 11 – NOTICE OF DECISION ON CHARGE OF  
MINOR DISCIPLINARY OFFENCE.**

Act, Sec. 84(4).      Form 11.Reg., Sec. 17(4).

**PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

**Form 12 – NOTICE OF DECISION ON APPEAL IN  
RESPECT OF MINOR DISCIPLINARY  
OFFENCE.**

Act, Sec., 84(5).      Form 12.Reg., Sec. 17(7).

**PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

**Form 13 – NOTICE OF CHARGE OF SERIOUS  
DISCIPLINARY OFFENCE.**

Act, Sec. 85(1).      Form 13.Reg., Sec. 18(1).

**PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

**Form 14 – NOTICE OF DECISION ON CHARGE OF  
SERIOUS DISCIPLINARY OFFENCE.**

Act, Sec. 85(4).      Form 14.Reg., Sec. 18(4).

**PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

**Form 15 – NOTICE OF DECISION ON APPEAL IN  
RESPECT OF SERIOUS  
DISCIPLINARY OFFENCE.**

Act, Sec. 85(12).      Form 15.Reg., Sec. 18(8).

**PAPUA NEW GUINEA.**

*Teaching Service Act 1988.*

***Form 16 – NOTICE OF CONFIRMATION ETC., OF  
DECISION ON SERIOUS  
DISCIPLINARY OFFENCE.***

Act, Sec. 85(11). Form 16.Reg., Sec. 18(8).

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 17 – NOTICE OF SUSPENSION.***

Act, Sec. 90. Form 17.Reg., Sec. 19(1).

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 18 – NOTICE OF REMOVAL OF SUSPENSION.***

Act, Sec. 90(2). Form 18.Reg., Sec. 19(2).

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 19 – NOTICE OF SUSPENSION WHERE A MEMBER  
IS CHARGED WITH A CRIMINAL  
OFFENCE.***

Act, Sec. 93. Form 19.Reg., Sec. 19(3).

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 20 – NOTICE OF SUSPENSION FOR STRIKE.***

Act, Sec. 90/95. Form 20.Reg., Sec. 19(4).

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

***Form 21 – OATH AND AFFIRMATION OF OFFICE OF  
MEMBERS OF THE COMMISSION.***

Act, Sec. 6. Form 21.Reg., Sec. 22(1).

***PAPUA NEW GUINEA.***

*Teaching Service Act 1988.*

**Form 22 – NOTICE OF VARIATION OF ORDER.**  
Act, Sec. 90(2)      Form 22.Reg., Sec. 19(5).

**PAPUA NEW GUINEA.**

**Teaching Service Act 1988.**

**Form 23 – OATH AND AFFIRMATION OF OFFICE OF  
MEMBERS OF APPEALS AND  
DISCIPLINARY COMMITTEES.**  
Act, Sec. 84(1).      Form 23.Reg., Sec. 22(2).

**PAPUA NEW GUINEA.**

**Teaching Service Act 1988.**

**Form 24 – DECLARATION OF SECRECY.**  
Act, Sec. 56, 82.      Form 24.Reg., Sec. 22(3).

**PAPUA NEW GUINEA.**

**Teaching Service Act 1988.**

**Form 25 – UNDERTAKING TO ACCEPT  
RESPONSIBILITIES OF EDUCATION  
AGENCY.**  
Act, Sec. 142(3).      Form 25.Reg., Sec. 23.