

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 8 May, 1940.*

New South Wales.



ANNO QUARTO

GEORGII VI REGIS.

Act No. , 1940.

An Act to make further provision for and in relation to the provision, maintenance, control and management of technical education in New South Wales; to provide for the establishment of technical education districts, and for the constitution of a technical education district council in respect of each district, and for the constitution of a Technical Education Board and a New South Wales Institute of Technology; to amend the Public Instruction Act of 1880, and certain other Acts; and for purposes connected therewith.

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BE

Technical Education.

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Technical Educa-
tion Act, 1940." Short title
and com-
mencement.
- 10 (2) This Act shall commence upon a date to be
appointed by the Governor and notified by proclamation
published in the Gazette.
2. This Act is divided into Parts as follows:— Division
into Parts.

PART I.—PRELIMINARY.

15 **PART II.—TECHNICAL EDUCATION DISTRICTS.**

**PART III.—TECHNICAL EDUCATION DISTRICT COUN-
CILS.**

- DIVISION 1.—*District councils.*
- DIVISION 2.—*Incorporation of district councils.*
- 20 DIVISION 3.—*Term of office and casual vacancies*
- DIVISION 4.—*Appointed members.*
- DIVISION 5.—*President and vice-president.*
- DIVISION 6.—*Miscellaneous provisions.*

25 **PART IV.—POWERS AND FUNCTIONS OF DISTRICT
COUNCILS.**

- DIVISION 1.—*The appointed day.*
- DIVISION 2.—*Preliminary powers and functions of
a district council.*
- DIVISION 3.—*Joint committee.*
- 30 DIVISION 4.—*Transfer of property.*
- DIVISION 5.—*Officers and employees.*

PART V.—DEALINGS WITH LAND.

PART VI.—EDUCATION.

PART

Technical Education.

PART VII.—TECHNICAL EDUCATION BOARD.

PART VIII.—NEW SOUTH WALES INSTITUTE OF TECHNOLOGY.

PART IX.—FINANCE.

5 DIVISION 1.—*General.*

DIVISION 2.—*Loans.*

PART X.—GENERAL.

DIVISION 1.—*Gift bequest and devise.*

10 DIVISION 2.—*Removal of members of a district council.*

DIVISION 3.—*Special power of Minister.*

DIVISION 4.—*Vocational and pre-vocational instruction.*

PART XI.—REGULATIONS AND BY-LAWS.

15 PART XII.—AMENDMENT OF LOCAL GOVERNMENT ACT, 1919.

3. (1) In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

20 “By-laws” means by-laws made under this Act by a district council or the Technical Education Board with the approval of the Governor.

“District” means technical education district established by or under this Act.

25 “District council” means technical education district council constituted in respect of a district.

“Employee” means any person employed either temporarily or casually in the Department of Education (Technical Education Branch) or in the service of a district council.

30 “Fund” means the fund of a district council or of the Technical Education Board as the case may be, established under this Act.

“Member” means member of a district council.

35 “Officer” means any person employed permanently or on probation with a view to permanent employment in any capacity in the Department of Education (Technical Education Branch) or in the service of a district council.

40 “Regulations” means regulations made under this Act by the Governor.

“Superintendent

Technical Education.

“Superintendent of Technical Education” means the officer of the public service who is for the time being the Superintendent of Technical Education in the Department of Education.

5 “Technical Education Board” means the Technical Education Board constituted under this Act.

(2) The provisions of this Act conferring and imposing powers, rights, titles, authorities, duties, liabilities, obligations and functions upon a district council
10 shall apply in respect of each district to the district council constituted in respect of such district.

(3) A reference in any provision of this Act to “the college” shall in the application of such provision to or in respect of any particular district be construed as
15 a reference to the principal technical education institution under the control of the district council of such district.

(4) A reference in any provision of this Act to “the principal” shall in the application of such provision
20 to or in respect of any particular district be construed as a reference to the principal of the college under the control of the district council of such district.

PART II.

TECHNICAL EDUCATION DISTRICTS.

25 4. There is hereby established a district under the name of the Sydney Technical Education District which shall comprise the city of Sydney and all those municipalities and shires which are situated either wholly or in part within the boundaries of the county of Cumberland.

30 5. There is hereby established a district under the name of the Newcastle Technical Education District, which shall comprise the city of Greater Newcastle and all those municipalities and shires which are situated either wholly or in part within the boundaries of the county
35 of Northumberland, together with the shires of Port Stephens and Bolwarra, and the municipalities of Raymond Terrace and Singleton.

Technical Education.

6. (1) The Governor may from time to time, by proclamation published in the Gazette, establish any new technical education district. New districts.

(2) Every such proclamation shall set out—

- 5 (a) the name of the new technical education district;
 (b) a general or particular description of the boundaries of the new technical education district;
 (c) the corporate name of the district council to be constituted for and in respect of such district.

10

(3) A new technical education district shall not be established under this section if the principal technical education institution of the proposed new district is within a distance of forty miles from the college of an existing district.

15

7. (1) The Governor may from time to time by proclamation published in the Gazette alter the boundaries of any district established by or under this Act. Governor may alter districts.

(2) Every such proclamation shall contain a general or particular description of the boundaries of the district as so altered.

20

PART III.

TECHNICAL EDUCATION DISTRICT COUNCILS.

DIVISION 1.—*District councils.*

25 **8.** (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, a district council shall be constituted for and in respect of the Sydney Technical Education District. Constitution of district council for Sydney District.

(2) Such district council shall, subject to sections eleven and twelve of this Act, consist of forty-three members as follow:—

30

- (a) Four members who shall be appointed by the Governor and who shall be nominated for such appointment by the Minister for Education.

(b)

Technical Education.

- 5 (b) Four members who shall be appointed by the Governor and who shall be nominated for such appointment by those persons who are representatives of trade unions on the Advisory Committees of the Sydney Technical College.
- (c) One member who shall be appointed by the Governor and who shall be nominated for such appointment by the Senate of the University of Sydney.
- 10 (d) Two members who shall be appointed by the Governor. One of such members shall be selected in accordance with the regulations as the representative of students in diploma courses in the Sydney Technical College and the
- 15 other shall be selected in accordance with the regulations as the representative of students in trades courses in the Sydney Technical College.
- (e) Four members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the Sydney County Council, the Metropolitan Water, Sewerage and Drainage Board, the Commissioner for Railways and the Australian Gas Light Company.
- 20
- 25 (f) Fourteen members who shall be appointed by the Governor to represent trade, industry and commerce, and who shall be nominated for such appointment by the Minister for Education.
- (g) Seven members who shall be the persons who, for the time being, hold respectively the following offices, that is to say:—
- 30 The Under Secretary to the Treasury.
The Director of Education.
The Superintendent of Technical Education.
The Principal of the Sydney Technical College.
- 35 The Curator of the Technological Museum.
The Apprenticeship Commissioner.
The Principal of the Sydney Teachers College.

(h)

Technical Education.

- 5 (h) Two members elected in accordance with the regulations by the teaching staff of the Sydney Technical College. One member shall be elected by teachers chiefly engaged in instructing trades or certificate courses students, and the other shall be elected by teachers chiefly engaged in instructing students in diploma courses.
- 10 (i) One member who shall be a member of the Public Service Board selected for the purpose by that Board.
- 15 (j) Four members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the Committee of the Sydney Division of the Institution of Engineers, Australia, the Royal Australian Institute of Architects (New South Wales Chapter), the Australian Chemical Institute (New South Wales Branch) and the Board of Optical Registration.
- 20 (3) At least six of the members appointed under subsection two of this section shall be persons who hold one or more of the following qualifications, that is to say:—
- 25 A Fellow, Associate or Diplomate of the Sydney Technical College, or a holder of a State diploma issued in accordance with this Act, or a Fellow or Associate of the New South Wales Institute of Technology.
- 30 (4) (a) The constitution of a body called "The Sydney Technical College Advisory Council" as provided in paragraph (a) of a notification published in Gazette No. 94 of the fifth day of June, one thousand nine hundred and thirty-six, is hereby ratified and approved.
- 35 (b) The persons who, immediately before the day appointed pursuant to subsection one of this section, were members of the Sydney Technical College Advisory Council (whether such members were appointed under the notification referred to in paragraph (a) of this sub-
- 40 section or under any subsequent notification published in the

Technical Education.

the Gazette) shall; on and from the day so appointed, be the members of the Sydney Technical Education District Council for the purposes of the first constitution of that Council, and shall be deemed to have been
5 appointed or to take office as the case may be under and pursuant to the provisions of subsection two of this section, and to hold any qualification required by that subsection, and this Act shall apply accordingly; and the Governor shall, by notification published in the Gazette,
10 specify the particular paragraph of that subsection (and, where necessary, the person or body deemed to have made the nomination) under which each of such persons shall be deemed to have been so appointed or to take office as the case may be.

15 (c) Upon the day appointed pursuant to subsection one of this section the Sydney Technical College Advisory Council referred to in paragraph (a) of this subsection shall be dissolved.

9. (1) Upon the day appointed pursuant to subsection
20 one of section eight of this Act a district council shall be constituted for and in respect of the Newcastle Technical Education District.

(2) Such district council shall, subject to sections eleven and twelve of this Act, consist of thirty members
25 as follow:—

- (a) Three members who shall be appointed by the Governor and who shall be nominated for such appointment by the Minister for Education.
- 30 (b) Three members who shall be appointed by the Governor and who shall be nominated for such appointment by those persons who are representatives of trade unions on the Advisory Committees of the Newcastle Technical College.
- 35 (c) Two members who shall be appointed by the Governor. One of such members shall be selected in accordance with the regulations as the representative of students in diploma courses in the Newcastle Technical College and the other shall be selected in accordance with the regulations as the representative of students in trades courses
40 in the Newcastle Technical College.

(d)

of district
council for
Newcastle
District.

Technical Education.

- 5 (d) Two members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the council of the city of Greater Newcastle and the Hunter District Water Board.
- (e) Eight members who shall be appointed by the Governor to represent trade, industry and commerce and who shall be nominated for such appointment by the Minister for Education.
- 10 (f) Five members who shall be the persons who, for the time being, hold respectively the following offices, that is to say:—
- 15 The Under Secretary to the Treasury.
 The Director of Education.
 The Superintendent of Technical Education.
 The Principal of the Newcastle Technical College.
 The Apprenticeship Commissioner.
- 20 (g) Two members elected in accordance with the regulations by the teaching staff of the Newcastle Technical College. One member shall be elected by teachers chiefly engaged in instructing trades or certificate courses students, and the other shall be elected by teachers chiefly engaged in instructing diploma course students.
- 25 (h) One member who shall be a member of the Public Service Board selected for the purpose by that Board.
- 30 (i) Three members who shall be appointed by the Governor. Two of such members shall respectively be nominated for such appointment by the Committee of the Newcastle Division of the Institution of Engineers, Australia, and the Royal Australian Institute of Architects (New South Wales Chapter). The third of such members shall be nominated jointly by the Newcastle section of the Australian Chemical Institute (New South Wales Branch) and the Newcastle Division of the Institute of Mining and Metallurgy.
- 40

(j)

Technical Education.

(j) One member who shall be appointed by the Governor to represent persons who have completed a diploma course in the Newcastle Technical College, and who shall be nominated for such appointment by the Minister for Education.

(3) At least three of the members appointed under subsection two of this section shall be persons who hold one or more of the following qualifications, that is to say:—

10 A Fellow, Associate or Diplomat of the Sydney Technical College, a Diplomat of the Newcastle Technical College, a holder of a State diploma issued in accordance with this Act, or a Fellow or Associate of the New South Wales Institute of Technology.

15 (4) (a) The constitution of a body called "The Newcastle Technical Education Advisory Council" as provided in paragraph (a) of a notification published in Gazette No. 27 of the thirty-first day of January, one thousand nine hundred and thirty-six, is hereby ratified
20 and approved.

(b) The persons who, immediately before the day appointed pursuant to subsection one of section eight of this Act, were members of the Newcastle Technical Education Advisory Council (whether such members were
25 appointed under the notification referred to in paragraph (a) of this subsection or under any subsequent notification published in the Gazette) shall, on and from the day so appointed, be the members of the Newcastle Technical Education District Council for the purposes of the first
30 constitution of that Council, and shall be deemed to have been appointed or to take office as the case may be under and pursuant to the provisions of subsection two of this section, and to hold any qualification required by that subsection, and this Act shall apply accordingly; and the
35 Governor shall, by notification published in the Gazette, specify the particular paragraph of that subsection (and, where necessary, the person or body deemed to have made the nomination) under which each of such persons shall be deemed to have been so appointed or to take office as
40 the case may be.

(c)

Technical Education.

(c) Upon the day appointed pursuant to subsection one of section eight of this Act the Newcastle Technical Education Advisory Council referred to in paragraph (a) of this subsection shall be dissolved.

- 5 **10.** (1) Where in pursuance of section six of this Act any new technical education district has been established a district council shall upon a day to be appointed by the Governor and notified by proclamation published in the Gazette be constituted for and in respect of such
10 district.

Constitution
of district
council for
new district.

(2) Each such district council shall consist of such number of members as the Governor may specify in a proclamation published in the Gazette.

- Three of such members shall be the persons who for
15 the time being hold respectively the following offices, that is to say:—

The Director of Education.

The Superintendent of Technical Education.

The Principal of the College in the district.

- 20 One of such members shall be elected in accordance with the regulations to represent the teaching staff.

The remainder of such members shall be appointed by the Governor, under and in accordance with the regulations.

- 25 Nothing in this section shall affect the operation of sections eleven and twelve of this Act.

- 11.** (1) The Governor may appoint to a district council not more than two members from persons nominated in accordance with the regulations by benefactors,
30 that is to say, by persons or bodies of persons who have at any time after the first day of January, one thousand nine hundred and thirty-five, donated a sum of at least one thousand pounds or real or personal property amounting in value to at least one thousand pounds for the purposes
35 of technical education in the whole or any part of the area comprised in the district.

Appoint-
ment of
additional
members of
a district
council.

(2) No such appointment shall be made unless there are at least three such benefactors.

Technical Education.

12. (1) A district council may, if it thinks fit, from time to time by resolution, appoint as co-opted members of the district council—

Persons may
be co-opted.

- 5 (a) a person to represent technical education institutions (other than the college) in the district;
(b) such other persons as the district council deems necessary.

Not more than three persons shall hold office as co-opted members of a district council at one and the same
10 time.

(2) A co-opted member shall be appointed for a term of two years but may be removed by resolution of the district council at any time before the expiration of his term.

- 15 (3) A co-opted member shall have all the powers, privileges and immunities of a member of the district council:

Provided that he shall not vote at any election of a president or vice-president of the district council or upon
20 any proposal for the appointment or removal of a co-opted member.

(4) Upon the expiration of the term of office of a co-opted member, he shall be eligible from time to time to be co-opted for a further period of two years.

25 DIVISION 2.—*Incorporation of district councils.*

13. (1) Each district council shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall for the purposes and subject to the provisions of
30 this Act be capable of purchasing holding granting demising disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Incorporation.

35 (2) (a) The corporate name of the district council constituted for and in respect of the Sydney Technical Education District shall be the "Sydney Technical Education District Council."

(b) The corporate name of the district council constituted for and in respect of the Newcastle
40 Technical Education District shall be the "Newcastle Technical Education District Council." (c)

Technical Education.

(c) The corporate name of the district council constituted for and in respect of a new technical education district established after the commencement of this Act by proclamation published in the Gazette shall be the corporate name as set out in such proclamation.

(3) The common seal of a district council shall be kept in the custody of the president of the district council or of such member of the district council as the district council may determine, and shall not be affixed to any instrument or writing except under a resolution of the district council, and in the presence of two of the members who shall attest by their signatures the fact and date of the seal being so affixed.

(4) All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—

(a) shall take judicial notice of the seal of the district council affixed to any instrument or writing; and

(b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

DIVISION 3.—Term of office and casual vacancies.

14. Persons who are members of a district council by virtue of their being the holders of particular offices (in this Act referred to as “ex officio members”) shall continue to be members while they retain such office.

A member of the Public Service Board who is a member of a district council shall be an ex officio member.

15. (1) Members of a district council who are appointed by the Governor (in this Act referred to as “appointed members”) shall subject to this Act hold office as such members for a term of four years, and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of four years.

Provided that a member appointed under section eleven of this Act shall, subject to this Act, hold office for a term of

Technical Education.

of two years and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of two years.

- 5 (2) (a) The members of a district council who are appointed by the Governor for the first constitution of a district council shall be divided by the Governor into two groups. Members to be grouped.

The number of members in each group shall be as nearly equal as is practicable.

- 10 The members comprised in such one of these groups as the Governor may determine shall, subject to this Act, hold office as members for a term of two years only.

- 15 The members who under this subsection are to hold office for two years only shall, upon the expiration of their term of office as members, if otherwise qualified, be eligible to be reappointed from time to time for a further term of four years.

- 20 (b) In the application of paragraph (a) of this subsection to and in respect of the Sydney Technical Education District Council one of the groups referred to in that paragraph shall comprise—

- (i) one half of the members appointed under paragraph (a) of subsection two of section eight of this Act; and
- 25 (ii) one half of the members appointed under paragraph (b) of that subsection; and
- (iii) one of the members appointed under paragraph (d) of that subsection; and
- (iv) one half of the members appointed under paragraph (e) of that subsection; and
- 30 (v) one half of the members appointed under paragraph (f) of that subsection; and
- (vi) one half of the members appointed under paragraph (j) of that subsection.

- 35 The other of such groups shall comprise the remaining members of such district council not being ex officio members.

Subject

Technical Education.

Subject to the foregoing provisions of this paragraph, the Governor shall determine which of the members of the district council are to be included in a group.

(c) In the application of paragraph (a) of this subsection to and in respect of the Newcastle Technical Education District Council one of the groups referred to in that paragraph shall comprise—

- (i) two of the members appointed under paragraph (a) of subsection two of section nine of this Act; and
- (ii) one of the members appointed under paragraph (b) of that subsection; and
- (iii) one of the members appointed under paragraph (c) of that subsection; and
- (iv) one of the members appointed under paragraph (d) of that subsection; and
- (v) one half of the members appointed under paragraph (e) of that subsection; and
- (vi) one of the members appointed under paragraph (i) of that subsection; and
- (vii) the member appointed under paragraph (j) of that subsection.

The other of such groups shall comprise the remaining members of such district council not being ex officio members.

Subject to the foregoing provisions of this paragraph, the Governor shall determine which of the members of the district council are to be included in a group.

(3) (a) Where a vacancy occurs in the office of an appointed member before the expiration of his term of office, the casual vacancy so arising shall, subject to this Act, be filled in the same manner in all respects as if the vacancy occurred by reason of the expiration of the term of office of such member.

(b) The member filling any such casual vacancy shall, subject to this Act, hold office as a member until the time when his predecessor's term of office would have

Extra-ordinary vacancies.

Technical Education.

have expired, and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of four years.

DIVISION 4.—*Appointed members.*

- 5 **16.** Where, by or under this Act, it is provided that a member or members of a district council shall be appointed by the Governor upon the nomination of any person or body of persons whether corporate or unincorporate the Governor may by regulations prescribe the
10 method to be adopted by any such person or body in selecting the person to be nominated and the manner in which and the time within which such nomination shall be made.

Nomina-
tions.

- If for any reason a valid nomination is not made the
15 Governor may make the appointment, and the person so appointed shall be deemed to have been validly nominated.

DIVISION 5.—*President and vice-president.*

- 17.** There shall be a president and a vice-president of
20 each district council.

President
and vice-
president.

18. A president or a vice-president shall vacate his office if he ceases to be a member of the district council, or resigns his office as president or vice-president by writing under his hand addressed to the Governor.

Vacation
of office.

- 25 **19.** A president shall, subject to this Act, hold office as president for a term of two years and shall, if otherwise qualified, be eligible to hold office as president from time to time for a further term of two years.

Term of
office of
president.

- 20.** (1) Where a district council is for the first time
30 constituted in respect of a district, the first president shall be appointed by the Governor from amongst the members of the district council.

First presi-
dent to be
appointed.

- (2) Where the office of a president appointed
under this section becomes vacant before the expiration
35 of his term of office as president, a president shall be appointed by the Governor from amongst the members
to

Technical Education.

to fill the vacancy. Subject to section eighteen of this Act the president so appointed shall hold office as president during the residue of his predecessor's term and shall, if otherwise qualified, be eligible for re-election
5 from time to time as president.

21. (1) Subject to the provisions of section twenty of this Act, the president of a district council shall be elected by the members from amongst their number at an assembly of members specially convened for the purpose. Election of president.

10 (2) Where the office of a president elected under this section becomes vacant before the expiration of his term of office as president, a president shall be elected to fill the vacancy by the members from amongst their number at an assembly of members specially convened
15 for the purpose. Subject to section eighteen of this Act the president so elected shall hold office as president during the residue of his predecessor's term and shall, if otherwise qualified, be eligible for re-election from time to time as president.

20 (3) Any election under this section shall be carried out at the times and in the manner prescribed by the regulations.

22. If the members of a district council fail to elect a president within the time prescribed by the regulations the Governor may appoint one of their number to be president and the president so appointed shall be deemed to have been elected by the members in accordance with this Act. Failure to elect.

23. (1) The vice-president of a district council shall be elected by the members from amongst their number. Election of vice-president.

He shall, subject to section eighteen of this Act, hold office for a term of one year and shall, if otherwise qualified, be eligible for re-election from time to time as vice-president.

35 (2) Where the office of a vice-president becomes vacant before the expiration of his term the members of the district council shall elect one of their number to

Technical Education.

fill the vacancy. The person so elected shall, subject to section eighteen of this Act, hold office as vice-president for the residue of his predecessor's term of office, and shall, if otherwise qualified, be eligible for re-election from
5 time to time as vice-president.

(3) Any election under this section shall be carried out at the times and in the manner prescribed by the regulations.

24. (1) At every meeting of a district council the
10 president shall preside. President to preside at meetings.

(2) In the absence of the president from a meeting the vice-president shall preside, and if both the president and vice-president are absent, a chairman, selected from amongst their number by the members
15 present at the meeting, shall preside at the meeting.

25. The person who presides at a meeting of the district council shall have a deliberative vote on any question before the meeting, and where there is an equality of votes on such question he shall have a second or
20 casting vote. Person presiding to have a casting vote.

DIVISION 6.—Miscellaneous provisions.

26. The members of the first district council constituted in respect of a district shall assume their office as members on the day appointed by the Governor
25 pursuant to this Act for the first constitution of such district council. Assumption of office.

27. (1) Each appointed member of a district council shall before entering upon the duties of his office take an oath of allegiance under and in accordance with the
30 Oaths Act, 1900-1936, and shall make and subscribe the following declaration of office:— Declaration and oath.

I having been appointed a member of the (insert name of district council) do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.
35

(2)

Technical Education.

(2) If a person, after having been afforded an opportunity of taking the oath of allegiance and making and subscribing such declaration, neglects to do so for a period of one month or during such extended period as the Governor may appoint pursuant to subsection three of this section after the date upon which he is appointed, he shall upon the expiration of such period of one month or extended period, as the case may be, be deemed to have declined to accept office.

(3) Where the Governor is satisfied that the delay in taking such oath and making and subscribing such declaration is unavoidable he may extend the time for taking such oath and making and subscribing such declaration for any period not exceeding six months.

(4) Any person who is deemed to have declined to accept office shall not be eligible to be re-appointed to fill the extraordinary vacancy created.

28. An appointed member of a district council shall be deemed to have vacated his office as a member if he—

Vacancies—
how caused.

- (a) declines office, or is deemed to have declined office;
- (b) fails to give his attendance at four consecutive ordinary meetings of the district council, without leave of absence granted by the district council;
- (c) becomes bankrupt, compounds with his creditors or makes an assignment of his estate for their benefit;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898;
- (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards; or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;

(f)

Technical Education.

(f) dies, or resigns his office by writing under his hand addressed to the Governor.

29. The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment by the Governor of a member of a district council or of a president of a district council, and no such member or president shall, in his capacity as such member or president, be subject to the provisions of any such Act during his term of office.

Public Service Acts not to apply to appointments.

30. (1) A district council may pay out of its fund to or on behalf of its members reasonable allowances towards expenses incurred by them for conveyance and subsistence in travelling—

Allowances.

- (a) to and from the meetings of the district council;
- (b) upon any inspection within the district undertaken in compliance with a resolution of the district council passed beforehand;
- (c) upon business of the district council outside the district carried out in compliance with a resolution of the district council passed beforehand.

(2) Allowance shall not be paid under paragraph (c) of subsection one of this section—

- (a) to or on behalf of more than two members of the district council in respect of business carried out under the authority of any one resolution;
- (b) to or on behalf of any member of the district council in respect of business carried out outside the State unless the Minister approves of such payment.

(3) Allowances paid under this section shall not exceed such amount as may be prescribed by the regulations.

(4) The office of a member of a district council shall not by reason only of the receipt by him of any allowance in pursuance of this section be deemed to be an office

Technical Education.

office or place of profit under the Crown for the purposes of the Sydney Corporation Act, 1932-1934, or the Constitution Act, 1902, as amended by subsequent Acts.

- 31.** (1) No matter or thing done and no contract entered into by a district council, and no matter or thing done by any member of a district council or by any person whomsoever acting under the direction of a district council shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever.
- Members and persons acting bona fide not personally liable. cf. Act No. 50, 1924, s. 25.

- (2) Nothing in this section shall exempt any member of a district council from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the district council, and which such member authorised or joined in authorising.

- 32.** No act or proceeding of a district council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced any vacancies existed in the offices of members of the district council.
- Validity of acts and proceedings.

- 33.** (1) The procedure for the calling of meetings of a district council, and for the conduct of business at such meetings, shall, subject to any by-laws in relation thereto made by the district council, and to the provisions of subsection two of this section, be as determined by the district council.
- Meetings.

- (2) Ordinary meetings of a district council shall be held at such times as the district council may determine. Each meeting shall be convened by notice sent to the president and to each member at least seven days before the date of the meeting.

- Such notice shall state the business to be transacted at the meeting.

- 34.** The number ascertained by dividing the total number of members of a district council by three and adding one to the quotient (any fractional remainder being
- Quorum.

Technical Education.

being disregarded) shall, unless the district council, by by-laws, fixes a greater number, be the number of members necessary to form a quorum for the purposes of any meeting of the district council.

5 **35.** (1) Any duly convened meeting of a district council at which a quorum is present shall be competent to transact any business of the district council and shall have all the powers and authority by this Act conferred upon the district council. Meeting of district council to be competent to transact business.

10 (2) A decision of the majority of the members present at a meeting of a district council shall be the decision of the district council.

36. A district council may by resolution authorise the president or the vice-president or any committee of the district council to determine such matters as are specified in the resolution. Delegation.

Any such authority may from time to time be revoked or varied by the district council by resolution.

37. A district council shall cause minutes of its decisions to be kept upon the official papers, and cause minutes to be kept of the proceedings at formal meetings. Minutes of meetings.

38. A district council shall as soon as practicable after the thirty-first day of December in each year cause a report of its work during the year ending on that date to be prepared and forwarded to the Minister for presentation to Parliament. Annual report.

The report shall contain such information as may be prescribed by the regulations.

39. An ex officio member of a district council may from time to time appoint a deputy to act on his behalf, either generally at all meetings or at any particular meeting or meetings of the district council or of any committee thereof at which he is unable to be present, and if a deputy has been so appointed and his appointment notified to the district council he shall be entitled so to act, Deputies—ex officio members.

Technical Education.

act, and, while so acting, shall possess all the powers, privileges and immunities of a member of the district council.

40. An appointed member may appoint a deputy Deputies—
appointed
members.
5 approved by the district council to act on his behalf at a meeting or meetings of the district council or of any committee thereof held during any period in which the appointed member is on leave of absence granted by the district council; and a deputy so appointed and approved
10 shall be entitled so to act, and while so acting, shall possess all the powers, privileges and immunities of a member of the district council.

PART IV.

POWERS AND FUNCTIONS OF DISTRICT COUNCILS.

15 DIVISION 1.—*The appointed day.*

41. (1) Upon and after a day to be appointed by the Transfer of
powers relat-
ing to
technical
education.
Governor and notified by proclamation published in the Gazette (in this Act referred to as "the appointed day")
the powers, authorities, duties and functions which
20 immediately before the appointed day were exercised and discharged by or on behalf of the Crown in relation to the provision, maintenance, control and management of technical education in a particular district, shall, subject to this Act, be exercised and discharged by the district
25 council constituted in respect of such district.

(2) The same day shall be appointed in respect of the Sydney Technical Education District and the Newcastle Technical Education District.

- (3) Subject to subsection two of this section
30 different days may be appointed under subsection one of this section in respect of different districts.

(4)

Technical Education.

(4) A reference in any provision of this Act to the appointed day shall, in the application of such provision to or in respect of a particular district, be construed as a reference to the day appointed in respect of that district under subsection one of this section.

(5) In no case shall the day appointed under this section in respect of a particular district be later than six months after the date upon which the district council for that district was constituted.

10 (6) In this section the expression "technical education" does not include instruction in any school which the Minister by notification published in the Gazette may declare to be a junior technical school.

15 **42.** (1) Upon and after the appointed day the district council shall from time to time provide and shall maintain control and manage such facilities for technical education as it may think suitable to the requirements of the district.

District council to manage facilities.

20 (2) All facilities for technical education existing immediately before the appointed day the control maintenance and management of which are transferred to the district council pursuant to this Part of this Act, shall be deemed to have been provided by the district council under subsection one of this section.

25 (3) Nothing in subsection one or subsection two of this section shall be construed to preclude the district council from modifying, extending or terminating any course of instruction for the time being in existence:

30 Provided that where a particular diploma course of instruction is, immediately before the appointed day, accepted by any society as satisfying the educational requirements for admission to membership of that society, the standard of such course of instruction shall not be lowered by the district council after the appointed day.

35 In this subsection "society" means every body of persons corporate or unincorporate which the Governor by notification published in the Gazette declares to be a society for the purposes of this subsection.

DIVISION

Technical Education.

DIVISION 2.—Preliminary powers and functions of a district council.

43. (1) During the period commencing on the day upon which a district council is for the first time constituted for a particular district and ending on the appointed day the powers authorities duties and functions of the district council shall be limited to the matters and things following, that is to say—

Preliminary
powers and
functions.

- (a) the election of a vice-president;
- 10 (b) the preparation, performance and carrying into effect of all such matters and things as in the opinion of the district council are necessary or expedient in order to enable the district council to exercise and discharge all or any of the
- 15 powers authorities duties and functions conferred and imposed upon it by or under this Act;
- (c) matters relating to the making of determinations in accordance with this Part;
- 20 (d) at the request of the Minister—
 - (i) taking into consideration any matter affecting the administration of this Act and reporting thereon to the Minister;
 - 25 (ii) conferring with the Minister or the Technical Education Board on any such matter and providing the Minister or such board with any information relating to the matter under consideration required by the Minister or such board;
- 30 (e) the exercise and discharge of such other powers authorities duties and functions as the Minister may direct or as may be prescribed by the regulations.

Nothing in this subsection shall be construed so as to
35 limit the exercise and discharge by the district council of its powers authorities duties and functions in respect of any of the matters and things aforesaid after the appointed day.

(2) For the purposes of carrying out the powers
40 authorities duties and functions referred to in subsection one

Technical Education.

one of this section the district council may, with the approval of the Minister for Education, make use of the services of any of the officers or employees of the Department of Education.

5 DIVISION 3.—*Joint committee.*

44. (1) As soon as practicable after the first constitution of a district council a joint committee shall be constituted. Joint committee.

10 The joint committee shall consist of two members of the district council, appointed by it for the purpose, two persons appointed by the Minister, and one person appointed by the Colonial Treasurer.

The chairman of the joint committee shall be such member of that committee as the Governor may appoint.

15 (2) The joint committee shall determine—

(a) the extent to which real and personal property (or any right or interest therein) which, immediately before the appointed day, is held by or on behalf of the Crown and used for or in connection with the provision, maintenance, control and management of technical education in the district, shall be transferred to the district council;

20 (b) what books, documents, records and papers held by or on behalf of the Crown and used for or in connection with the provision, maintenance, control and management of technical education in the district shall be transferred to the district council.

30 (3) Every determination made under subsection two of this section shall be submitted to the Governor for his approval, and if approved by him a notification of such approval shall be published in the Gazette.

DIVISION 4.—*Transfer of property.*

35 45. On and from the appointed day the following provisions shall, subject to this Act, have effect:— Transfer of property, rights and liabilities.

(a) All real and personal property (and all right and interest therein) shall, to the extent specified in any determination made in pursuance of paragraph

Technical Education.

paragraph (a) of subsection two of section forty-four of this Act and approved by the Governor, vest in and belong to the district council for the purposes of this Act.

5 (b) All moneys, liquidated and unliquidated claims which, immediately before the appointed day, are payable to or recoverable by or on behalf of the Crown or the Minister for Education in relation to the provision, maintenance, control or
10 management of technical education in the district, shall be moneys liquidated and unliquidated claims payable to or recoverable by the district council.

15 (c) All suits, actions and proceedings pending immediately before the appointed day at the suit of or on behalf of the Crown or the Minister for Education in respect of any matter or claim which relates to the provision, maintenance, control or management of technical education in
20 the district, shall respectively be suits, actions and proceedings pending at the suit of the district council.

25 (d) The district council may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions, and proceedings as the Crown or the Minister for Education or person acting for or on behalf of the Crown or such Minister might have done but for this Act.

30 DIVISION 5.—*Officers and employees.*

46. (1) Subject to subsection two of this section all officers and employees necessary to enable the district council to exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by
35 this Act shall be persons appointed under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts; and every such officer and
employee

Technical Education.

employee shall continue to be subject to the said Acts during his tenure of office or employment; and the permanent head of the Department of Education shall in relation to such officers and employees be the "per-
5 manent head" within the meaning of the said Acts.

(2) The district council may from time to time employ and dismiss such casual employees as it deems necessary.

Part-time teachers shall be deemed to be casual em-
10 ployees for the purposes of this subsection.

A casual employee (being a part-time teacher) shall not be employed under this subsection for a period exceeding twelve months, but may be re-employed under this subsection, from time to time, for a further period or
15 periods not exceeding twelve months at any one time.

A casual employee (not being a part-time teacher) shall not be employed under this subsection for a period exceeding six months, but may be re-employed under this subsection, from time to time, for a further period or periods
20 not exceeding six months at any one time.

Every employment and re-employment of a casual employee under this subsection shall be reported forthwith to the Public Service Board which shall have power to review the employment or re-employment so reported;
25 and any direction given in relation thereto by the Public Service Board shall be carried out by the district council.

(3) For the purpose of exercising and discharging the powers, authorities, duties and functions conferred and imposed on a district council by this Act, the
30 district council may, with the approval of the Minister of the Department concerned and of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

35 **47.** (1) There shall be a Principal of the college which is under the control of a district council. Principal.

(2) The Principal shall be the chief executive officer of the district council.

(3)

Technical Education.

(3) A district council may in accordance with the regulations delegate to the Principal any of the powers, authorities, duties and functions conferred and imposed upon the district council by this Act; such delegation may
 5 be made generally or for any particular case or class of cases.

A delegation under this section shall be effective during the period specified in the resolution by which such delegation is made, but shall be subject to revocation
 10 by the district council by resolution at any time during such period.

The Principal, when acting within the scope of any delegation made to him under this section, shall be deemed to be the district council.

PART V.

DEALINGS WITH LAND.

48. (1) A district council may acquire land for any purpose of this Act, by lease or purchase, or by appropriation or resumption in accordance with this Part.

Lease,
purchase,
appropriation
or resumption.
cf. Act No. 41,
1919, s. 532.

20 (2) The acquisition of land by a district council by lease for a term exceeding two years shall not have effect unless and until approved by the Governor.

Lease.
cf. *Ibid.*
s. 533.

(3) The acquisition of land by a district council, by purchase for any sum exceeding one thousand pounds,
 25 shall not have effect unless approved by the Governor.

Purchase.
cf. *Ibid.*
s. 534.

(4) Where the district council proposes to acquire land for any purpose, it may also acquire other land adjoining or in the vicinity.

Other land
adjoining.
cf. *Ibid.*
s. 535.

(5) (a) Where a district council proposes to
 30 acquire land by appropriation or resumption it may apply to the Governor through the Minister.

Method of
resumption.
cf. *Ibid.*
s. 536.

(b)

Technical Education.

(b) The district council shall make such provision (if any) as the Governor may require for the payment of compensation for the land together with interest and all necessary charges and expenses incidental to the
5 appropriation or resumption.

(c) The Governor may authorise the appropriation or resumption of the land.

(d) Thereupon the Governor may—

- 10 (i) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912; and
(ii) notify that the land is vested in the district council.

(e) Thereupon the land shall vest in the dis-
15 trict council.

(f) For the purposes of the Public Works Act, 1912, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

20 (g) It shall not be compulsory for the Governor to take the whole of any parcel of vacant land in any case where the district council requires a portion only, except where—

- 25 (i) the residue so left would be less in area than is required by the law for the time being in force and applicable thereto for a building allotment; and
(ii) the owner so desires.

30 49. (1) No sale of any land vested in or held by a district council for the purposes of this Act shall have any force or effect until the same has been approved by the Governor.

Sales and
leases of
land.

35 (2) No lease of any land vested in or held by a district council for the purposes of this Act, except a lease made in accordance with the regulations, shall have any force or effect until the same has been approved by the Governor.

Technical Education.

PART VI.

EDUCATION.

50. There shall be in each district a council of studies which shall be constituted in accordance with the regulations, and which shall exercise and perform such powers, authorities, duties and functions as may be prescribed by the regulations.

Council of studies.

51. (1) (a) A district council may from time to time constitute such committees as it considers necessary.

Committees.

10 (b) The Sydney Technical Education District Council shall constitute a Sydney Technological Museum committee.

(2) Any committee constituted under this section shall consider any matter referred to it by the district council and furnish a report thereon.

52. (1) A district council shall, in the manner prescribed by the by-laws, cause to be constituted an advisory committee in respect of each course of instruction provided by or carried on under the district council.

Advisory committees.

20 (2) An advisory committee shall, where practicable, consist of representatives of employers and employees in the professional, industrial or commercial occupations in connection with which the course of instruction is provided or carried on.

25 (3) An advisory committee shall, from time to time, furnish such advice and information relating to the course of instruction in respect of which it is constituted, as it deems fit, and shall exercise and discharge such further functions and duties as may be prescribed by the by-laws.

30 (4) Any advisory committee existing immediately before the appointed day shall, subject to any by-laws made in that behalf, be deemed to have been constituted under this section.

35 53. A district council may arrange with the Minister, upon such terms and conditions as may be agreed upon between the district council and the Minister, for the conduct of training courses for officers and employees of the district council.

Training courses.

Technical Education.

54. (1) It shall be lawful for a district council to enter into an arrangement with any other district council, or with any other person or body of persons for the instruction of students within or outside its district, or **5** for the conduct of such instruction by either party to the arrangement.

Arrange-
ments
between
district
councils.

(2) A district council which is a party to any such arrangement shall have and may exercise all such powers, authorities and functions as may be necessary **10** to carry such arrangement into effect.

55. (1) A district council shall, if the Minister so directs, provide such facilities for technical education to students outside the district (whether by way of correspondence courses or otherwise) as the Minister may **15** specify in the direction.

Correspond-
ence courses,
etc.

(2) A district council shall, if the Minister so directs, require its officers and employees to render such services for or on behalf of technical education institutions, other than those in its district, as the Minister may **20** specify in the direction.

(3) Where the Minister is satisfied that the public interest renders necessary the establishment in a district of a course of instruction in technical education for which no provision or no adequate provision has **25** already been made by the district council, he may direct the district council to establish and conduct such course of instruction in the manner and subject to the provisions specified in the direction; and the district council shall comply with the direction of the Minister accordingly.

30 56. (1) The Technical Education Board may subject to and in accordance with the regulations grant State diplomas and issue State certificates of proficiency in technical or trade subjects either separately or jointly with the Department of Labour and Industry, district **35** councils and/or other institutions interested in the maintenance of satisfactory standards of technical education.

Diplomas,
certificates
and fellow-
ships.

(2) The Technical Education Board may grant an associateship or a fellowship of any particular college to any person who satisfies that Board that he possesses such

Technical Education.

such qualifications and has complied with such terms, conditions and requirements as may be prescribed by the regulations.

Upon the recommendation of the council of the New South Wales Institute of Technology, the Governor may by proclamation published in the Gazette declare that on and from a date to be specified therein the provisions of this subsection shall cease to have effect, and such proclamation shall operate according to its tenor.

(3) A district council may grant diplomas and issue certificates of the college to any person who satisfies the Technical Education Board that he has passed examinations of a standard prescribed by that Board, and has complied with such requirements and conditions as may be prescribed by that Board.

Any such examination may at the discretion of the Technical Education Board be conducted by that Board or by the district council or by such other authority as the Technical Education Board may determine.

57. (1) The power to make by-laws conferred upon a district council by this Act shall include power to make by-laws in relation to the council of studies constituted in the district and in relation to any committee constituted for and in respect of such district council under this Part.

(2) Such by-laws may—

- (a) prescribe the manner in which or the method by which the chairman and deputy chairman of such council of studies or of any such committee shall be appointed or elected;
- (b) prescribe the number of members of such council or of any such committee which shall constitute a quorum for the purpose of meetings of such council or committee;
- (c) prescribe the manner in which meetings of such council or of any such committee shall be convened;
- (d) prescribe the procedure for the conduct of business at meetings of such council or of any such committee.

351—C

(3)

Technical Education.

(3) Until by-laws are made under paragraphs (c) and (d) of subsection two of this section, the procedure for the calling of meetings of the council of studies or of a committee and for the conduct of business at such meetings and the times at which such meetings shall be held shall be as determined by the council of studies or the committee, as the case may be.

PART VII.

TECHNICAL EDUCATION BOARD.

10 58. (1) (a) As soon as practicable after the day appointed pursuant to subsection one of section eight of this Act, there shall be constituted a Technical Education Board which shall subject to paragraph (b) of this subsection consist of the Superintendent of Technical Education, the Principal of the Sydney Technical College, the
15 Principal of the Newcastle Technical College, and two other persons who shall be appointed by the Governor. One of the persons so appointed shall be a member of the Sydney Technical Education District Council and the
20 other shall be a member of the Newcastle Technical Education District Council.

Constitution
of Technical
Education
Board.

(b) As soon as practicable after the date upon which the first new district council is constituted pursuant to section ten of this Act two additional members shall be appointed by the Governor to the Technical
25 Education Board.

One of such members shall be appointed as the representative of the principals of colleges of districts established under section six of this Act; and the other shall
30 be appointed as the representative of district councils constituted under section ten of this Act.

(c) Members of the Technical Education Board appointed by the Governor under this subsection are in this Part referred to as "appointed members."

(2) The Superintendent of Technical Education shall be the chairman, and the Principal of the Sydney
35 Technical College the deputy chairman of the Technical Education Board.

(3)

Technical Education.

(3) The provisions of the Public Service Act, 1902, or of any Act amending that Act shall not apply to the appointment of appointed members, and such members shall not, in their capacities as such members, be
5 subject to the provisions of any of such Acts during their term of office.

(4) The Governor may at any time remove from office any appointed member.

(5) The appointed members shall, subject to this
10 Part, hold office for a term of three years from the date of their appointment, and be eligible for re-appointment from time to time for a like term.

(6) If any appointed member—

(a) dies; or

15 (b) resigns his office by writing under his hand addressed to the Governor; or

(c) fails to give his attendance at four consecutive meetings of the Technical Education Board without leave of absence granted by that Board;

20 or

(d) is removed from office by the Governor,
his office shall thereupon become vacant, and the Governor may, subject to this Part, appoint a person to take the place of the member whose office has become
25 vacant.

(7) Any person so appointed to take the place of an appointed member whose office has become vacant shall, subject to this Part, hold office for the remainder of the term for which his predecessor was appointed.

30 (8) In case of the illness or absence of the chairman of the Technical Education Board, the powers and authorities of such chairman shall, unless a person has been appointed to act in his place pursuant to subsection thirteen of this section, be exercised during such
35 illness or absence by the deputy chairman.

(9) No act or proceeding of the Technical Education Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done taken or commenced there was a vacancy
40 in the office of any one member.

(10)

Technical Education.

(10) The procedure for the calling of meetings of the Technical Education Board, and the conduct of business at such meetings and the times at which such meetings shall be held, shall, subject to any regulations
5 in relation thereto, be as determined by the Technical Education Board.

(11) Any three members of the Technical Education Board, one of whom shall be the chairman or the deputy chairman, shall form a quorum for the purpose
10 of transacting any business of the Technical Education Board.

(12) Any duly convened meeting of the Technical Education Board at which a quorum is present shall be competent to transact any business of the Technical Education Board.
15 cation Board.

At any such meeting the chairman or, in his absence, the deputy chairman, shall, in the event of an equal division of votes on any question, have a second or casting vote.

20 (13) In case of the illness or absence of the Superintendent of Technical Education, or of the Principal of the Sydney Technical College, the Governor may appoint a person to act in the place of such Superintendent or Principal during such illness or absence, and any
25 person so appointed shall, whilst so acting, be deemed, for all purposes of this Part, to be the Superintendent of Technical Education or the Principal of the Sydney Technical College as the case may be.

(14) Each appointed member of the Technical
30 Education Board (other than a member employed by or on behalf of the Crown in right of the State of New South Wales) shall be entitled to receive as remuneration for his services a fee for each meeting of the Technical Education Board at which he attends, of such amount as may
35 be prescribed by the regulations; but an appointed member shall not be entitled to receive, by way of fees aforesaid, an amount which in the aggregate exceeds one hundred pounds in any one year.

(15)

Technical Education.

(15) The Technical Education Board may pay out of its fund to or on behalf of its members allowances for conveyance and subsistence in travelling to and from meetings of that Board, or upon the business of that
5 Board, at such rates as may be prescribed by the regulations. Such allowances shall be paid out of the Technical Education Board Fund.

(16) The office of a member of the Technical Education Board shall not, by reason only of the receipt
10 by him of any fee or allowance in pursuance of this section, be deemed to be an office or place of profit under the Crown for the purposes of the Sydney Corporation Act, 1932-1934, or the Constitution Act, 1902, as amended by subsequent Acts.

15 **59.** (1) The Technical Education Board shall—

General
functions of
Technical
Education
Board.

- (a) determine from time to time the amounts which, in its opinion, are required to be provided by Parliament for payment into the respective funds of the district councils and the Technical Education Board, and furnish to the Minister a report in relation thereto;
- 20 (b) consider and recommend to the Minister any amendments of existing legislation and proposals for future legislation which, in its opinion, are necessary for carrying into effect any of the
25 objects or purposes referred to in this Act, or of any other object or purposes dealing with or affecting technical education;
- 30 (c) exercise and discharge, in respect of that portion of New South Wales which is not situated within a district established by or under this Act, such of the powers, authorities, duties and functions conferred and imposed by this Act upon a district council as may be prescribed by the regulations;
- 35 (d) make or cause to be made, from time to time, careful inquiry into the administration and management of every Technical College and technical education institution under the control of a district council or of the Technical Education
40 Board in the State;

(e)

Technical Education.

- (e) cause every technical college and technical education institution in the State to be inspected from time to time and at least once in every financial year;
- 5 (f) exercise and discharge such other powers, authorities, duties and functions in relation to technical education in the State as the Minister may, from time to time, by writing under his hand, direct.
- 10 (2) The Technical Education Board shall not be capable of exercising or discharging any of the powers, authorities, duties or functions referred to in paragraph (c) or paragraph (d) or paragraph (e) of subsection one of this section at any time before the day appointed pursuant to subsection one of section forty-one of this Act in respect of the Sydney Technical Education District and the Newcastle Technical Education District.
- 15 (3) In making any determination in relation to a district council pursuant to paragraph (a) of subsection one of this section the Technical Education Board shall, with regard to each district council, take into consideration—
- 20 (a) the financial position of the district council and the amount likely to be contributed to it during the financial year otherwise than from moneys provided by Parliament;
- 25 (b) the probable requirements for capital and maintenance expenditure;
- 30 (c) the probable net receipts (other than probable receipts under section seventy-eight of this Act) and expenditure for the financial year;
- (d) the general conditions and management of the technical education institutions under the control of the district council;
- 35 (e) the nature and extent of the services rendered by the technical education institutions under the control of the district council;
- (f) any exceptional circumstances of the district; and
- 40 (g) such other matters as are prescribed by the regulations or as the Technical Education Board thinks fit.

Technical Education.

60. (1) Subject to subsection two of this section all officers and employees necessary to enable the Technical Education Board to exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by this Act shall be persons appointed under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts; and every such officer and employee shall continue to be subject to the said Acts during his tenure of office or employment; and the permanent head of the Department of Education shall in relation to such officers and employees be the "permanent head" within the meaning of the said Acts.

(2) The Technical Education Board may from time to time employ and dismiss such casual employees as it deems necessary.

Part-time teachers shall be deemed to be casual employees for the purposes of this subsection.

A casual employee (being a part-time teacher) shall not be employed under this subsection for a period exceeding twelve months, but may be re-employed under this subsection from time to time for a further period or periods not exceeding twelve months at any one time.

A casual employee (not being a part-time teacher) shall not be employed under this subsection for a period exceeding six months, but may be re-employed under this subsection, from time to time, for a further period or periods not exceeding six months at any one time.

Every employment, re-employment and dismissal of a casual employee under this subsection shall be reported forthwith to the Public Service Board which shall have power to review the employment or re-employment so reported; and any direction given in relation thereto by the Public Service Board shall be carried out by the Technical Education Board.

(3) For the purpose of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Technical Education Board by or under this Act the Technical Education Board may, with the approval of the Minister of the Department concerned

Technical Education.

concerned, and of the Public Service Board on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

5 **61.** (1) The Technical Education Board shall, as soon as practicable after the thirty-first day of December in each year, cause a report of its work during the year ending on that date to be prepared and forwarded to the Minister for presentation to Parliament. Annual report.

(2) The report shall contain such information as
10 may be prescribed by the regulations.

62. (1) The Superintendent of Technical Education shall be the chief executive officer of the Technical Education Board. Chief executive officer.

(2) The Technical Education Board may, with
15 the approval of the Minister, by resolution in that behalf, delegate to the Superintendent of Technical Education any of the powers, authorities, duties and functions conferred and imposed upon the Technical Education Board by or under this Act; such delegation may be made gener-
20 ally or for any particular case or class of cases.

A delegation under this section shall be effective during the period specified in the resolution by which such delegation is made, but shall be subject to revocation by the Technical Education Board by resolution at any time
25 during such period.

The Superintendent of Technical Education, when acting within the scope of any delegation made to him under this section, shall be deemed to be the Technical Education Board.

30 **63.** The Technical Education Board may with the approval of the Minister make use of any building and any equipment of the Department of Education. Use of property.

Technical Education.

PART VIII.

NEW SOUTH WALES INSTITUTE OF TECHNOLOGY.

64. In this Part of this Act—Interpreta-
tion.

5 “Council” means the council constituted under this
Part of this Act.

“Institute” means the New South Wales Institute
of Technology.

10 **65.** (1) Upon a date to be appointed by the Governor
and notified by proclamation published in the Gazette
a council shall be constituted in accordance with this
Part of this Act.

Council to
be a body
corporate.

15 (2) The council shall be a body corporate under
the corporate name of the “New South Wales Institute
of Technology,” shall have perpetual succession and a
common seal, may sue and be sued in its corporate name,
and shall, for the purposes of carrying out the powers,
authorities, duties and functions conferred upon it by
this Part of this Act, be capable of purchasing, holding,
granting, demising, disposing of and alienating real and
20 personal property and of doing and suffering all such
other acts and things as bodies corporate may by law
do and suffer.

25 (3) The common seal of the Institute shall be
kept in the custody of the chairman of the council, or of
such councillor as the council may determine, and shall
not be affixed to any instrument or writing except under
a resolution of the council, and in the presence of two of
the members thereof who shall attest by their signatures
the fact and date of the seal being so affixed.

30 (4) All courts and persons having by law or con-
sent of parties authority to hear, receive and examine
evidence—

35 (a) shall take judicial notice of the common seal of
the Institute affixed to any instrument or writ-
ing; and

(b) shall, until the contrary be proved, presume
that such seal was properly affixed thereto.

66.

Technical Education.

66. (1) The council of the Institute shall, subject to subsection two of this section, consist of thirty-three councillors who shall be appointed by the Governor.

Constitution
of council.

The councillors so to be appointed shall be—

- 5 (a) the persons for the time being holding the offices of Vice Chancellor of the University of Sydney, the Director of Education, the Superintendent of Technical Education, Principal of the Sydney Technical College, and Principal of the New-
- 10 castle Technical College;
- (b) four persons who shall be nominated by the Senate of the University of Sydney;
- (c) two persons who shall be nominated by the Sydney Technical Education District Council;
- 15 (d) two persons who shall be nominated by the Newcastle Technical Education District Council;
- (e) one person who shall be elected by the Members of the Legislative Council;
- 20 (f) one person who shall be elected by the Members of the Legislative Assembly;
- (g) six persons who shall be nominated respectively by the Royal Society of New South Wales, the Royal Australian Institute of Architects (New South Wales Chapter), the Board of Optometrical Registration, the Australian Chemical Institute (New South Wales Branch), the Committees of the Sydney Division and Newcastle Division of the Institution of Engineers, Australia, acting jointly, and the Institute of Physics (New South Wales Division);
- 25 (h) one person who shall be nominated by the Minister to represent societies of artists;
- (i) five persons who shall respectively be elected in accordance with the regulations by the teaching staffs of each of the following departments of technical colleges, namely:—architecture, art, chemistry, electrical engineering and mechanical engineering;
- 30 (j) three persons who shall be elected in accordance with the regulations by the members of the Institute;
- 35
- 40

(k)

Technical Education.

(k) three persons who shall be nominated by the Minister.

(2) (a) Where the Governor is satisfied, upon the recommendation of the council, that an additional
5 councillor should be appointed to the council to represent one or more bodies of persons he may, from time to time by proclamation in the Gazette, name or otherwise describe such body or bodies.

(b) The Governor may appoint a person
10 nominated in accordance with the regulations by a body or bodies so named or described, to be an additional councillor.

(c) Not more than two additional councillors shall hold office as members of the council at one and the
15 same time.

(d) The Governor may, from time to time by proclamation published in the Gazette, amend any proclamation published under paragraph (a) of this subsection by omitting the name or description of a body
20 appearing therein or by adding the name or description of any other body.

(3) (a) The councillor to be elected by Members of the Legislative Council shall be so elected as soon as practicable after the commencement of the term of service of the fifteen Members of the Legislative Council elected at each triennial election of Members of the said Council:

Provided that the councillor to be elected by Members of the Legislative Council for the first constitution of
30 the council of the Institute shall be so elected on a day to be appointed by the Governor.

(b) A councillor elected by Members of the Legislative Council shall hold office until his successor has been elected under this subsection.

(4) (a) The councillor to be elected by Members of the Legislative Assembly shall be so elected as soon as practicable after every general election of Members of the Legislative Assembly:

Provided that the councillor to be elected by Members
40 of the Legislative Assembly for the first constitution of the council of the Institute shall be so elected on a day to be appointed by the Governor. (b)

Technical Education.

(b) A councillor elected by Members of the Legislative Assembly shall hold office until his successor has been elected under this subsection.

5 (5) (a) The first election of the three persons referred to in paragraph (j) of subsection one of this section shall be held upon a date to be fixed by the Governor by notification published in the Gazette.

(b) The date fixed shall be within twelve months after the date appointed under subsection one
10 of section sixty-five of this Act for the constitution of the council of the Institute.

(c) For the purposes of the first constitution of the council of the Institute the seats of the three councillors mentioned in paragraph (j) of subsection one of
15 this section may be filled by three persons appointed by the Governor upon the nomination of the Minister.

The term of office of the persons so appointed shall expire upon the date upon which the first election referred to in paragraph (a) of this subsection is held.

20 (6) A person shall not be qualified to be appointed as a councillor under paragraph (i), paragraph (j) or paragraph (k) of subsection one of this section unless he is an Associate or Fellow of the Sydney Technical College, or is the holder of a State diploma, or is a member
25 of the Institute:

Provided that, for the purposes of the first constitution of the council, a person who does not possess any of the qualifications referred to in this subsection may be nominated or elected for appointment as a councillor,
30 and may be so appointed if the Governor thinks fit.

(7) A councillor appointed under paragraph (a) of subsection one of this section shall hold office as a councillor whilst he continues to hold the office by virtue of which he is so appointed.

35 (8) Except where otherwise provided in this section the tenure of office of a councillor shall be two years.

(9) A person who retires from the office of councillor by reason of the expiration of his term shall be eligible for re-appointment if otherwise qualified.

40 (10) No act or proceeding of the council shall be invalidated or prejudiced by reason only of the fact that

at

Technical Education.

at the time when such act or proceeding was done, taken or commenced any vacancies existed in the offices of councillors.

- (11) The councillors shall elect one of their number to be chairman and another to be vice-chairman:

Provided that the first chairman shall be appointed by the Governor and shall, unless he resigns his office as chairman by writing addressed to the Governor, hold such office while he continues to be a member of the council.

- The chairman, or in his absence the vice-chairman, shall preside at all meetings of the council.

In the absence of the chairman and the vice-chairman the councillors present at a meeting shall elect one of their number to preside at that meeting.

- (12) The number of councillors who shall form a quorum for the purposes of any meeting of the council shall be as prescribed by the regulations.

- The procedure for the calling of meetings of the council and for the conduct of business at such meetings shall be as determined by the council.

- Any duly convened meeting of the council at which a quorum is present shall be competent to transact any business of the council, and shall have all the powers and authority conferred upon the council by this Part of this Act.

(13) Until the council otherwise determines the Registrar of the Sydney Technical College shall be the Secretary to the Institute.

67. (1) The objects of the council shall be—

- (a) to advise the Technical Education Board on all matters concerning the determination, maintenance and preservation of standards for all State diplomas;
- (b) to encourage, by all means which the council may deem appropriate, scientific and technological research and the application of science to industry;
- (c) to promote the increase and diffusion of knowledge concerning technological processes;
- (d) to prescribe the terms and conditions under which persons may be admitted to membership of

Powers and
functions of
Institute.

Technical Education.

- of the Institute, including the qualifications necessary to render a person eligible for such membership;
- 5 (e) to provide for the establishment of fellowships and associateships of the Institute;
- 10 (f) to provide for the admission to a fellowship or associateship of the Institute of any member thereof who has, to the satisfaction of the council, pursued an advanced course of study approved by the council, or who has made a distinguished contribution to art, architecture, science or technology;
- 15 (g) to provide for the admission of any person whether a member of the Institute or not to a fellowship or associateship of the Institute, *honoris causa* or *ad eundem gradum*.
- (2) Every person who, immediately before the date appointed under subsection one of section sixty-five of this Act, is an Associate or a Fellow of the Sydney
- 20 Technical College, and every person to whom the Technical Education Board has, before such date, granted an associateship or a fellowship of the Sydney Technical College, shall, by virtue of this subsection, be an associate or a fellow, as the case may be, of the Institute.
- 25 (3) The council shall have power to charge fees for such purposes connected with the carrying out of its objects as may be prescribed by the regulations.

PART IX.

FINANCE.

30 DIVISION 1.—*General.*

68. (1) On the day appointed pursuant to subsection one of section forty-one, in respect of the Sydney Technical Education District and the Newcastle Technical Education District, there shall be opened, within the
- 35 Colonial Treasurer's accounts, three separate accounts, as follows:—

- (a) An account for the Sydney Technical Education District Council, which shall be called the Sydney Technical

Establish-
ment of
funds.

Technical Education.

Technical Education District Fund, and which may be operated upon by the said council for the purposes of this Act in the manner prescribed by regulations.

5 (b) An account for the Newcastle Technical Education District Council, which shall be called the Newcastle Technical Education District Fund, and which may be operated upon by the said council for the purposes of this Act in the manner prescribed by regulations.

10 (c) An account for the Technical Education Board, which shall be called the Technical Education Board Fund, and which may be operated upon by the said Board for the purposes of this Act in the manner prescribed by regulations.

15 (2) On the day appointed pursuant to subsection one of section forty-one of this Act in respect of any new district established after the commencement of this Act there shall be opened, within the Colonial Treasurer's
20 accounts, an account for the district council of that district, which shall be the fund of that district council, and may be operated on by that district council for the purposes of this Act in the prescribed manner.

(3) Subject to subsection five of this section there shall be paid to the credit of the respective funds of the district councils and the Technical Education Board—

(a) all moneys provided by Parliament to meet the requirements of the district council or Technical Education Board, as the case may be, in carrying out the provisions of this Act;

30 (b) all other money received by the district council or Technical Education Board, as the case may be, from any other source, except to the extent necessary to carry out the provisions of section
35 seventy-eight of this Act.

(4) There shall be paid out of the fund of each district council and of the Technical Education Board—

(a) all sums required to meet the costs and expenses of the district council or the Technical Education Board, as the case may be, in carrying out the provisions of this Act, including the salaries,
40 wages,

Technical Education.

wages, allowances or other remuneration of officers and employees engaged in the carrying out by the district council or the Technical Education Board, as the case may be, of the provisions of this Act;

5

(b) any sums required or permitted by this or any other Act to be paid out of the fund.

(5) The proceeds of the sale by a district council of any property transferred to it under section forty-five of this Act shall be credited to the vote or votes from which such property was originally acquired.

69. Each district council and the Technical Education Board respectively shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the district council or the said Board as the case may be.

Accounts.

70. The accounts of a district council and of the Technical Education Board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the district council and the Technical Education Board, the members of the district council and of the said Board, and the officers and employees engaged in the carrying out by the district council or the said Board as the case may be of the provisions of this Act in the same manner as it applies to accounting officers of public departments.

Audit.

71. Each district council and the Technical Education Board respectively may, subject to any regulations made in that behalf, charge such fees for instruction as may be fixed by the by-laws.

Fees.

All fees received by the district council or the Technical Education Board, shall be paid into the fund of the district council or of the Technical Education Board as the case may be.

72.

Technical Education.

- 72.** (1) Each district council and the Technical Education Board respectively shall, in the month of May in each year or at such other time or times as may be required by the Minister, prepare and supply to the Minister, in a form prescribed by regulations made under the provisions of the Audit Act, 1902, estimates of the income from all sources and of the expenditure proposed for the financial year commencing on the first day of July following, or for any other period specified by the Minister.
- (2) The district council shall on request furnish the Minister with all the information at its disposal relating to any item of the estimated income or expenditure.

DIVISION 2.—Loans.

- 73.** (1) A district council may, from time to time, with the approval of the Governor, borrow money for—
- (a) the provision of facilities for technical education;
 - (b) the acquisition of land;
 - (c) the renewal of loans;
 - (d) the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank.
- The approval of the Governor under this subsection shall not be given except upon the recommendation of the Colonial Treasurer.
- (2) Money shall not be borrowed under this section for maintenance or repair works.
- (3) For securing repayment of the principal and interest on any moneys borrowed under this section the district council shall issue debentures or inscribed stock as prescribed by the regulations.
- (4) The due repayment of the debentures and inscribed stock, and the interest thereon shall be a charge upon the revenue of the district council from fees received by it under section seventy-one of this Act, and is hereby guaranteed by the Government. Any liability arising from such guarantee shall be payable out of moneys provided by Parliament.

Technical Education.

(5) If a district council borrows any money by the issue of debentures or inscribed stock, without having first obtained the approval of the Governor, every member holding office who has knowingly and wilfully, or for any
5 personal benefit or advantage, consented to the borrowing shall be liable to a penalty not exceeding five hundred pounds.

The action to recover the penalty shall not be taken without the written consent of the Attorney-General.

10 (6) A district council shall not borrow money otherwise than in accordance with this Part.

74. (1) The provisions of this section shall apply to and in respect of debentures and inscribed stock issued by a district council.

Debentures
and
inscribed
stock.

15 (2) Debentures and inscribed stock shall be issued in accordance with the regulations.

(3) Every debenture and every coupon originally annexed to the debenture and whether separated therefrom or not shall be transferable by simple delivery.

20 (4) Inscribed stock shall be transferable in the books of the district council in accordance with the regulations.

(5) Debentures or inscribed stock issued under this Act shall be deemed to be included in the general
25 exemptions from stamp duty under Part III of the Stamp Duties Act, 1920-1939, contained in the Second Schedule to that Act.

(6) The holder of a coupon originally annexed to a debenture and whether separated therefrom or not, shall
30 be entitled to receive payment from the district council of the interest mentioned in the coupon upon the presentation of the same on or after the date when and at the place where the interest is payable.

(7) Any trustee, unless expressly forbidden by
35 the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the district council, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925-1938, or any Act replacing the said Act.

(8)

Technical Education.

(8) Any debenture issued or stock inscribed by the district council shall be a lawful investment for any moneys which any company, council, or body corporate incorporated by any Act of Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(9) No notice of any trust expressed, implied, or constructive shall be received by the district council or by any officer or employee of the district council in relation to any debenture or coupon issued or stock inscribed by the district council.

(10) (a) If any debenture issued by the district council is lost or destroyed or defaced before the same has been paid, the district council may, subject to the provisions of this subsection, issue a new debenture in lieu thereof.

(b) The new debenture with interest coupon annexed shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture.

(c) When the debenture is lost or destroyed the new debenture shall not be issued unless and until—

- (i) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture, or of some person approved by the judge, that the same has been lost or destroyed before it has been paid off;
- (ii) such advertisement as the judge may direct has been published;
- (iii) six months have elapsed since the publication of the last of the advertisements;
- (iv) sufficient security has been given to the district council to indemnify it against any double payment if the missing debenture be at any time thereafter presented for payment; and
- (v) the cost of advertising and all other costs incurred in replacing such missing or lost debenture shall have been repaid to the district council incurring such costs.

Technical Education.

(d) When the debenture is defaced the new debenture shall not be issued unless and until the defaced debenture is lodged with the district council for cancellation.

5 (e) The provisions of this subsection shall, mutatis mutandis, extend to the case of a lost, destroyed or defaced coupon.

(11) All debentures or inscribed stock shall rank pari passu without any preference one above another by
10 reason of priority of date or otherwise.

75. The Colonial Treasurer may advance such moneys to a district council as the Governor may approve upon such terms and conditions (if any) as to repayment and interest as may be agreed upon. Advances by Treasurer.

15 76. (1) A person advancing money to the district council shall not be bound to inquire into the application of the money advanced or to be in any way responsible for the non-application or misapplication thereof. Protection of investors.

(2) A notification in the Gazette that the Governor
20 has approved a borrowing by the district council shall, in favour of a lender and of any holder of a security given by the district council, be conclusive evidence that all conditions precedent to the borrowing have been complied with, that the approval of the Governor to the borrowing
25 has been given upon the recommendation of the Colonial Treasurer, and that the prescribed limits of borrowing have not been exceeded.

77. A district council shall not in any year borrow money in excess of an amount which will cause five per
30 centum of the total amount of its loan indebtedness to exceed the estimated revenue of the district council from fees received by it under section seventy-one of this Act in respect of that year. Limit of borrowing.

Technical Education.

PART X.

GENERAL.

DIVISION 1.—*Gift, bequest and devise.*

78. (1) A district council shall have power to
5 acquire by gift, bequest or devise any property for any
of the purposes of this Act, and to agree to and carry out
the condition of any such gift, bequest or devise.

Power to
accept
gifts, etc.

(2) The rule of law relating to perpetuities
shall not apply to any condition of a gift, bequest or
10 devise to which the district council has agreed.

Rule against
perpetuities
not to apply
to certain
conditions.
cf. 17 and 18
Geo. V, c. 41,
s. 8.

DIVISION 2.—*Removal of members of a district council.*

79. (1) The Governor may, on the recommendation
of the Minister following upon report by the Technical
Education Board, by order published in the Gazette—

Removal of
members of
district
council.

15 (a) remove all or any of the members of a technical
education district council;

(b) direct that the management and administration
of a district be carried out and controlled by the
Technical Education Board, or by such person
20 as may be, on the recommendation of the Tech-
nical Education Board, nominated in the order
for such time as may be therein stated.

(2) The order may vest in the Technical Educa-
tion Board or in the person so nominated all or any of
25 the powers of the technical education district council
concerned.

DIVISION 3.—*Special power of Minister.*

80. (1) Where the district council establishes any
new course of instruction or class of study and the
30 Technical Education Board reports to the Minister that
adequate provision for such instruction or study is
already made otherwise than by the district council, the
Minister may by writing request the district council to
discontinue such course or class.

Power of
Minister.

(2)

Technical Education.

(2) Where the Technical Education Board reports to the Minister that any change in curriculum made by a district council is likely to be prejudicial to educational standards, or to affect in any way the work of other technical education institutions in the State, the Minister may if he thinks fit by writing request the district council to revert to the original curriculum, or to make such changes in the curriculum as he may specify in the request.

(3) A district council shall comply with any request made by the Minister under this section.

(4) (a) If any difference, whether arising out of the construction of this Act or not, arise between two or more district councils or between a district council and the Technical Education Board, with respect to the carrying out of the provisions of this Act or with respect to the fulfilment or exercise of the powers, authorities, duties or functions of any district council or the Technical Education Board under any Act, a district council or the Technical Education Board may submit such difference to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make such inquiry.

Disputes may be submitted to the Minister.
cf. Act No. 41, 1919, s. 654.

(b) The Minister may thereupon make such order or give such directions as in the public interest and in the circumstances of the case may seem to him just and equitable, and any such order or direction shall be carried into effect.

DIVISION 4.—*Vocational and pre-vocational instruction.*

81. (1) (a) After the expiration of twelve months from the commencement of this Act no person shall give or offer to give for fee, remuneration or reward (whether such fee, remuneration or reward is paid or given to such person by or on behalf of any student or by the employer of such person or otherwise howsoever) instruction in any subject matter which the Governor by proclamation in the Gazette may declare to be vocational or pre-vocational in character, unless such person is the holder of a certificate issued by the Technical Education Board under and in accordance with the regulations authorising him so to do.

Certificates of qualification.

(b)

Technical Education.

(b) Paragraph (a) of this subsection shall not extend to or in respect of any person who gives or offers to give any instruction in his capacity as an officer or employee of the Crown or of a district council or of
5 the Technical Education Board, or in his capacity as principal of or an employee in any school registered under this section, or in his capacity as teacher in any school certified under the Public Instruction Act, 1916, or registered under the Bursary Endowment Act, 1912.

10 (c) A certificate under this section may be issued subject to such terms and conditions as may be specified therein or as may be prescribed by the regulations.

(d) No such certificate shall be issued unless
15 the applicant satisfies the Technical Education Board that he possesses sufficient qualifications and capacity to enable him to give such instruction in an adequate and satisfactory manner.

(e) Any certificate issued under this subsection may be withdrawn by the Technical Education
20 Board if the said Board is satisfied that—

- (i) the holder of the certificate no longer possesses the capacity to give such instruction in an adequate and satisfactory manner; or
- 25 (ii) the holder has contravened or failed to comply with any of the terms and conditions of the certificate.

(f) Any person who contravenes the provisions of this subsection shall be liable to a penalty not
30 exceeding fifty pounds.

(2) (a) The Minister may, upon the recommendation of the Technical Education Board, register under this section any school which is in existence immediately before the commencement of this Act.
35 The Technical Education Board shall not make such recommendation unless it is satisfied that the school is providing efficient instruction.

(b) The Minister may, upon the recommendation of the Technical Education Board, cancel the registration of any such school.
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The

Technical Education.

The Technical Education Board shall not make any such recommendation unless it is satisfied that the school is no longer providing efficient instruction.

(c) An appeal may be made as prescribed by
5 the regulations against the refusal of any registration or the cancellation of any registration under this section.

The appeal shall be heard by the apprenticeship council constituted under the Industrial Arbitration (Amendment) Act, 1932, as amended by subsequent Acts, for
10 such industry as the apprenticeship commissioner may determine. The appeal shall be in the nature of a rehearing and the decision of the apprenticeship council upon such appeal shall be final and shall be deemed to be the decision of the Technical Education Board.

(3) The Superintendent of Technical Education,
15 or any officer of the Education Department authorised by the Minister in writing in that behalf, may enter any premises at or upon which any instruction to which this section applies is being given or is suspected of being
20 given for fee, remuneration or reward as referred to in subsection one of this section and may carry out such inspections, examinations and investigations as may be reasonably necessary to enable him to ascertain whether or not such instruction is being given in an adequate and
25 efficient manner, and shall report in writing to the Technical Education Board the results of such inspections, examinations and investigations.

Any person who hinders or obstructs the Superintendent of Technical Education or an officer so authorised
30 in exercising the powers conferred by this subsection shall be liable to a penalty not exceeding ten pounds.

(4) A person whose application for a certificate under this section has been refused, or whose certificate has been withdrawn may in the manner and within the
35 time prescribed by the regulations appeal against such refusal or withdrawal. The appeal shall be heard by the apprenticeship council constituted under the Industrial Arbitration (Amendment) Act, 1932, as amended by subsequent Acts for such industry as the apprenticeship
40 commissioner may determine. The appeal shall be in the nature

Technical Education.

nature of a rehearing, and the decision of the apprenticeship council upon such appeal shall be final, and shall be deemed to be the decision of the Technical Education Board and be carried into effect accordingly.

5

PART XI.

REGULATIONS AND BY-LAWS.

82. The Governor may make regulations not inconsistent with this Act prescribing all matters which— Regulations.

- 10 (a) are required or permitted by this Act to be prescribed by regulations;
(b) are necessary or convenient to be prescribed for carrying into effect Parts II and III, Parts V, VII, VIII, IX and X of this Act.

83. Each district council and the Technical Education Board may, with the approval of the Governor, make by-laws not inconsistent with this Act or with any regulation made thereunder— By-laws.

- 15 (a) providing for the management and discipline of institutions and schools which are under the control and supervision of the district council or the Technical Education Board, as the case may be, and of classes conducted at such institutions and schools;
20 (b) providing for the conduct of examinations and the granting of scholarships, exhibitions, diplomas and certificates;
25 (c) providing for the establishment and regulation of classes and courses of instruction;
(d) prescribing all matters which—
30 (i) are required or permitted by this Act to be prescribed by by-laws;
(ii) are necessary or convenient to be prescribed for carrying into effect the provisions of this Act other than of Parts II and III, Parts V, VII, VIII, IX and X
35 or to enable the district council or the

Technical

Technical Education.

Technical Education Board, as the case may be, to exercise and discharge the powers authorities duties and functions conferred and imposed upon the district council or the said board by this Act.

5

84. Any regulation or by-law made under this Act may impose a penalty not exceeding twenty pounds for any breach thereof. Regulation or by-law—penalty.

Such penalty may be recovered in a summary manner before a police or stipendiary magistrate or any two justices.

85. Any regulations or by-laws made under this Act shall— Publication of regulations and by-laws.

- (a) be published in the Gazette;
- 15 (b) take effect from the date of publication or from a later date to be specified in such regulations or by-laws;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session and if not, then within
- 20 fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations or by-laws have been laid before

25 such House disallowing any regulation or by-law or part thereof, such regulation, by-law or part shall thereupon cease to have effect.

PART XII.

30 AMENDMENT OF LOCAL GOVERNMENT ACT, 1919.

86. The Local Government Act, 1919, as amended by subsequent Acts is amended by inserting after the words "Metropolitan Meat Industry Board" in the definition of "Statutory body" in section four the words

35 "any district council constituted under the Technical Education Act, 1940."

Amendment of Act No. 41, 1919, s.4. (Definition of "Statutory body.")

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 23 May, 1940.*

New South Wales.



ANNO QUARTO

GEORGII VI REGIS.

Act No. 20, 1940.

An Act to make further provision for and in relation to the provision, maintenance, control and management of technical education in New South Wales; to provide for the establishment of technical education districts, and for the constitution of a technical education district council in respect of each district, and for the constitution of a Technical Education Board and a New South Wales Institute of Technology; to amend the Public Instruction Act of 1880, and certain other Acts; and for purposes connected therewith. [Assented to, 7th June, 1940.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

*W. W. HEDGES,
Chairman of Committees of the Legislative Assembly.*

Technical Education.

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:—

PART I.**PRELIMINARY.**

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Technical Education Act, 1940."

(2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

Division
into Parts.

2. This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—TECHNICAL EDUCATION DISTRICTS.

PART III.—TECHNICAL EDUCATION DISTRICT COUNCILS.

DIVISION 1.—*District councils.*

DIVISION 2.—*Incorporation of district councils.*

DIVISION 3.—*Term of office and casual vacancies.*

DIVISION 4.—*Appointed members.*

DIVISION 5.—*President and vice-president.*

DIVISION 6.—*Miscellaneous provisions.*

PART IV.—POWERS AND FUNCTIONS OF DISTRICT COUNCILS.

DIVISION 1.—*The appointed day.*

DIVISION 2.—*Preliminary powers and functions of a district council.*

DIVISION 3.—*Joint committee.*

DIVISION 4.—*Transfer of property.*

DIVISION 5.—*Officers and employees.*

PART V.—DEALINGS WITH LAND.

PART VI.—EDUCATION.

PART

Technical Education.

PART VII.—TECHNICAL EDUCATION BOARD.

PART VIII.—NEW SOUTH WALES INSTITUTE OF TECHNOLOGY.

PART IX.—FINANCE.

DIVISION 1.—*General.*

DIVISION 2.—*Loans.*

PART X.—GENERAL.

DIVISION 1.—*Gift bequest and devise.*

DIVISION 2.—*Removal of members of a district council.*

DIVISION 3.—*Special power of Minister.*

DIVISION 4.—*Vocational and pre-vocational instruction.*

PART XI.—REGULATIONS AND BY-LAWS.

PART XII.—AMENDMENT OF LOCAL GOVERNMENT ACT, 1919.

3. (1) In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.

“By-laws” means by-laws made under this Act by a district council or the Technical Education Board with the approval of the Governor.

“District” means technical education district established by or under this Act.

“District council” means technical education district council constituted in respect of a district.

“Employee” means any person employed either temporarily or casually in the Department of Education (Technical Education Branch) or in the service of a district council.

“Fund” means the fund of a district council or of the Technical Education Board as the case may be, established under this Act.

“Member” means member of a district council.

“Officer” means any person employed permanently or on probation with a view to permanent employment in any capacity in the Department of Education (Technical Education Branch) or in the service of a district council.

“Regulations” means regulations made under this Act by the Governor.

“Superintendent

Technical Education.

“Superintendent of Technical Education” means the officer of the public service who is for the time being the Superintendent of Technical Education in the Department of Education.

“Technical Education Board” means the Technical Education Board constituted under this Act.

(2) The provisions of this Act conferring and imposing powers, rights, titles, authorities, duties, liabilities, obligations and functions upon a district council shall apply in respect of each district to the district council constituted in respect of such district.

(3) A reference in any provision of this Act to “the college” shall in the application of such provision to or in respect of any particular district be construed as a reference to the principal technical education institution under the control of the district council of such district.

(4) A reference in any provision of this Act to “the principal” shall in the application of such provision to or in respect of any particular district be construed as a reference to the principal of the college under the control of the district council of such district.

PART II.

TECHNICAL EDUCATION DISTRICTS.

Sydney
Technical
Education
District.

4. There is hereby established a district under the name of the Sydney Technical Education District which shall comprise the city of Sydney and all those municipalities and shires which are situated either wholly or in part within the boundaries of the county of Cumberland.

Newcastle
Technical
Education
District.

5. There is hereby established a district under the name of the Newcastle Technical Education District, which shall comprise the city of Greater Newcastle and all those municipalities and shires which are situated either wholly or in part within the boundaries of the county of Northumberland, together with the shires of Port Stephens and Bolwarra, and the municipalities of Raymond Terrace and Singleton.

6.

Technical Education.

6. (1) The Governor may from time to time, by proclamation published in the Gazette, establish any new technical education district. New districts.

(2) Every such proclamation shall set out—

- (a) the name of the new technical education district;
- (b) a general or particular description of the boundaries of the new technical education district;
- (c) the corporate name of the district council to be constituted for and in respect of such district.

(3) A new technical education district shall not be established under this section if the principal technical education institution of the proposed new district is within a distance of forty miles from the college of an existing district.

7. (1) The Governor may from time to time by proclamation published in the Gazette alter the boundaries of any district established by or under this Act. Governor may alter districts.

(2) Every such proclamation shall contain a general or particular description of the boundaries of the district as so altered.

PART III.

TECHNICAL EDUCATION DISTRICT COUNCILS.

DIVISION 1.—*District councils.*

8. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, a district council shall be constituted for and in respect of the Sydney Technical Education District. Constitution of district council for Sydney District.

(2) Such district council shall, subject to sections eleven and twelve of this Act, consist of forty-three members as follow:—

- (a) Four members who shall be appointed by the Governor and who shall be nominated for such appointment by the Minister for Education.

(b)

Technical Education.

- (b) Four members who shall be appointed by the Governor and who shall be nominated for such appointment by those persons who are representatives of trade unions on the Advisory Committees of the Sydney Technical College.
- (c) One member who shall be appointed by the Governor and who shall be nominated for such appointment by the Senate of the University of Sydney.
- (d) Two members who shall be appointed by the Governor. One of such members shall be selected in accordance with the regulations as the representative of students in diploma courses in the Sydney Technical College and the other shall be selected in accordance with the regulations as the representative of students in trades courses in the Sydney Technical College.
- (e) Four members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the Sydney County Council, the Metropolitan Water, Sewerage and Drainage Board, the Commissioner for Railways and the Australian Gas Light Company.
- (f) Fourteen members who shall be appointed by the Governor to represent trade, industry and commerce, and who shall be nominated for such appointment by the Minister for Education.
- (g) Seven members who shall be the persons who, for the time being, hold respectively the following offices, that is to say:—
 - The Under Secretary to the Treasury.
 - The Director of Education.
 - The Superintendent of Technical Education.
 - The Principal of the Sydney Technical College.
 - The Curator of the Technological Museum.
 - The Apprenticeship Commissioner.
 - The Principal of the Sydney Teachers College.

(h)

Technical Education.

- (h) Two members elected in accordance with the regulations by the teaching staff of the Sydney Technical College. One member shall be elected by teachers chiefly engaged in instructing trades or certificate courses students, and the other shall be elected by teachers chiefly engaged in instructing students in diploma courses.
- (i) One member who shall be a member of the Public Service Board selected for the purpose by that Board.
- (j) Four members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the Committee of the Sydney Division of the Institution of Engineers, Australia, the Royal Australian Institute of Architects (New South Wales Chapter), the Australian Chemical Institute (New South Wales Branch) and the Board of Optical Registration.

(3) At least six of the members appointed under subsection two of this section shall be persons who hold one or more of the following qualifications, that is to say:—

A Fellow, Associate or Diplomat of the Sydney Technical College, or a holder of a State diploma issued in accordance with this Act, or a Fellow or Associate of the New South Wales Institute of Technology.

(4) (a) The constitution of a body called "The Sydney Technical College Advisory Council" as provided in paragraph (a) of a notification published in Gazette No. 94 of the fifth day of June, one thousand nine hundred and thirty-six, is hereby ratified and approved.

(b) The persons who, immediately before the day appointed pursuant to subsection one of this section, were members of the Sydney Technical College Advisory Council (whether such members were appointed under the notification referred to in paragraph (a) of this subsection or under any subsequent notification published in the

Technical Education.

the Gazette) shall, on and from the day so appointed, be the members of the Sydney Technical Education District Council for the purposes of the first constitution of that Council, and shall be deemed to have been appointed or to take office as the case may be under and pursuant to the provisions of subsection two of this section, and to hold any qualification required by that subsection, and this Act shall apply accordingly; and the Governor shall, by notification published in the Gazette, specify the particular paragraph of that subsection (and, where necessary, the person or body deemed to have made the nomination) under which each of such persons shall be deemed to have been so appointed or to take office as the case may be.

(c) Upon the day appointed pursuant to subsection one of this section the Sydney Technical College Advisory Council referred to in paragraph (a) of this subsection shall be dissolved.

Constitution
of district
council for
Newcastle
District.

9. (1) Upon the day appointed pursuant to subsection one of section eight of this Act a district council shall be constituted for and in respect of the Newcastle Technical Education District.

(2) Such district council shall, subject to sections eleven and twelve of this Act, consist of thirty members as follow:—

- (a) Three members who shall be appointed by the Governor and who shall be nominated for such appointment by the Minister for Education.
- (b) Three members who shall be appointed by the Governor and who shall be nominated for such appointment by those persons who are representatives of trade unions on the Advisory Committees of the Newcastle Technical College.
- (c) Two members who shall be appointed by the Governor. One of such members shall be selected in accordance with the regulations as the representative of students in diploma courses in the Newcastle Technical College and the other shall be selected in accordance with the regulations as the representative of students in trades courses in the Newcastle Technical College.

(d)

Technical Education.

- (d) Two members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the council of the city of Greater Newcastle and the Hunter District Water Board.
- (e) Eight members who shall be appointed by the Governor to represent trade, industry and commerce and who shall be nominated for such appointment by the Minister for Education.
- (f) Five members who shall be the persons who, for the time being, hold respectively the following offices, that is to say:—
 - The Under Secretary to the Treasury.
 - The Director of Education.
 - The Superintendent of Technical Education.
 - The Principal of the Newcastle Technical College.
 - The Apprenticeship Commissioner.
- (g) Two members elected in accordance with the regulations by the teaching staff of the Newcastle Technical College. One member shall be elected by teachers chiefly engaged in instructing trades or certificate courses students, and the other shall be elected by teachers chiefly engaged in instructing diploma course students.
- (h) One member who shall be a member of the Public Service Board selected for the purpose by that Board.
- (i) Three members who shall be appointed by the Governor. Two of such members shall respectively be nominated for such appointment by the Committee of the Newcastle Division of the Institution of Engineers, Australia, and the Royal Australian Institute of Architects (New South Wales Chapter). The third of such members shall be nominated jointly by the Newcastle section of the Australian Chemical Institute (New South Wales Branch) and the Newcastle Division of the Institute of Mining and Metallurgy.

(j)

Technical Education.

- (j) One member who shall be appointed by the Governor to represent persons who have completed a diploma course in the Newcastle Technical College, and who shall be nominated for such appointment by the Minister for Education.

(3) At least three of the members appointed under subsection two of this section shall be persons who hold one or more of the following qualifications, that is to say:—

A Fellow, Associate or Diplomate of the Sydney Technical College, a Diplomate of the Newcastle Technical College, a holder of a State diploma issued in accordance with this Act, or a Fellow or Associate of the New South Wales Institute of Technology.

(4) (a) The constitution of a body called "The Newcastle Technical Education Advisory Council" as provided in paragraph (a) of a notification published in Gazette No. 27 of the thirty-first day of January, one thousand nine hundred and thirty-six, is hereby ratified and approved.

(b) The persons who, immediately before the day appointed pursuant to subsection one of section eight of this Act, were members of the Newcastle Technical Education Advisory Council (whether such members were appointed under the notification referred to in paragraph (a) of this subsection or under any subsequent notification published in the Gazette) shall, on and from the day so appointed, be the members of the Newcastle Technical Education District Council for the purposes of the first constitution of that Council, and shall be deemed to have been appointed or to take office as the case may be under and pursuant to the provisions of subsection two of this section, and to hold any qualification required by that subsection, and this Act shall apply accordingly; and the Governor shall, by notification published in the Gazette, specify the particular paragraph of that subsection (and, where necessary, the person or body deemed to have made the nomination) under which each of such persons shall be deemed to have been so appointed or to take office as the case may be.

(c)

Technical Education.

(c) Upon the day appointed pursuant to subsection one of section eight of this Act the Newcastle Technical Education Advisory Council referred to in paragraph (a) of this subsection shall be dissolved.

10. (1) Where in pursuance of section six of this Act any new technical education district has been established a district council shall upon a day to be appointed by the Governor and notified by proclamation published in the Gazette be constituted for and in respect of such district.

Constitution of district council for new district.

(2) Each such district council shall consist of such number of members as the Governor may specify in a proclamation published in the Gazette.

Three of such members shall be the persons who for the time being hold respectively the following offices, that is to say:—

The Director of Education.

The Superintendent of Technical Education.

The Principal of the College in the district.

One of such members shall be elected in accordance with the regulations to represent the teaching staff.

The remainder of such members shall be appointed by the Governor, under and in accordance with the regulations.

Nothing in this section shall affect the operation of sections eleven and twelve of this Act.

11. (1) The Governor may appoint to a district council not more than two members from persons nominated in accordance with the regulations by benefactors, that is to say, by persons or bodies of persons who have at any time after the first day of January, one thousand nine hundred and thirty-five, donated a sum of at least one thousand pounds or real or personal property amounting in value to at least one thousand pounds for the purposes of technical education in the whole or any part of the area comprised in the district.

Appointment of additional members of a district council.

(2) No such appointment shall be made unless there are at least three such benefactors.

Technical Education.

Persons may
be co-opted.

12. (1) A district council may, if it thinks fit, from time to time by resolution, appoint as co-opted members of the district council—

- (a) a person to represent technical education institutions (other than the college) in the district;
- (b) such other persons as the district council deems necessary.

Not more than three persons shall hold office as co-opted members of a district council at one and the same time.

(2) A co-opted member shall be appointed for a term of two years but may be removed by resolution of the district council at any time before the expiration of his term.

(3) A co-opted member shall have all the powers, privileges and immunities of a member of the district council:

Provided that he shall not vote at any election of a president or vice-president of the district council or upon any proposal for the appointment or removal of a co-opted member.

(4) Upon the expiration of the term of office of a co-opted member, he shall be eligible from time to time to be co-opted for a further period of two years.

DIVISION 2.—Incorporation of district councils.

Incorporation.

13. (1) Each district council shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall for the purposes and subject to the provisions of this Act be capable of purchasing holding granting demising disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(2) (a) The corporate name of the district council constituted for and in respect of the Sydney Technical Education District shall be the "Sydney Technical Education District Council."

(b) The corporate name of the district council constituted for and in respect of the Newcastle Technical Education District shall be the "Newcastle Technical Education District Council." (c)

Technical Education.

(c) The corporate name of the district council constituted for and in respect of a new technical education district established after the commencement of this Act by proclamation published in the Gazette shall be the corporate name as set out in such proclamation.

(3) The common seal of a district council shall be kept in the custody of the president of the district council or of such member of the district council as the district council may determine, and shall not be affixed to any instrument or writing except under a resolution of the district council, and in the presence of two of the members who shall attest by their signatures the fact and date of the seal being so affixed.

(4) All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—

- (a) shall take judicial notice of the seal of the district council affixed to any instrument or writing; and
- (b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

DIVISION 3.—*Term of office and casual vacancies.*

14. Persons who are members of a district council by virtue of their being the holders of particular offices (in this Act referred to as “ex officio members”) shall continue to be members while they retain such office. Term of office of ex officio members.

A member of the Public Service Board who is a member of a district council shall be an ex officio member.

15. (1) Members of a district council who are appointed by the Governor (in this Act referred to as “appointed members”) shall subject to this Act hold office as such members for a term of four years, and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of four years: Term of office of appointed members.

Provided that a member appointed under section eleven of this Act shall, subject to this Act, hold office for a term of

Technical Education.

of two years and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of two years.

Members to
be grouped.

(2) (a) The members of a district council who are appointed by the Governor for the first constitution of a district council shall be divided by the Governor into two groups.

The number of members in each group shall be as nearly equal as is practicable.

The members comprised in such one of these groups as the Governor may determine shall, subject to this Act, hold office as members for a term of two years only.

The members who under this subsection are to hold office for two years only shall, upon the expiration of their term of office as members, if otherwise qualified, be eligible to be reappointed from time to time for a further term of four years.

(b) In the application of paragraph (a) of this subsection to and in respect of the Sydney Technical Education District Council one of the groups referred to in that paragraph shall comprise—

- (i) one half of the members appointed under paragraph (a) of subsection two of section eight of this Act; and
- (ii) one half of the members appointed under paragraph (b) of that subsection; and
- (iii) one of the members appointed under paragraph (d) of that subsection; and
- (iv) one half of the members appointed under paragraph (e) of that subsection; and
- (v) one half of the members appointed under paragraph (f) of that subsection; and
- (vi) one half of the members appointed under paragraph (j) of that subsection.

The other of such groups shall comprise the remaining members of such district council not being *ex officio* members.

Subject

Technical Education.

Subject to the foregoing provisions of this paragraph, the Governor shall determine which of the members of the district council are to be included in a group.

(c) In the application of paragraph (a) of this subsection to and in respect of the Newcastle Technical Education District Council one of the groups referred to in that paragraph shall comprise—

- (i) two of the members appointed under paragraph (a) of subsection two of section nine of this Act; and
- (ii) one of the members appointed under paragraph (b) of that subsection; and
- (iii) one of the members appointed under paragraph (c) of that subsection; and
- (iv) one of the members appointed under paragraph (d) of that subsection; and
- (v) one half of the members appointed under paragraph (e) of that subsection; and
- (vi) one of the members appointed under paragraph (i) of that subsection; and
- (vii) the member appointed under paragraph (j) of that subsection.

The other of such groups shall comprise the remaining members of such district council not being *ex officio* members.

Subject to the foregoing provisions of this paragraph, the Governor shall determine which of the members of the district council are to be included in a group.

(3) (a) Where a vacancy occurs in the office of an appointed member before the expiration of his term of office, the casual vacancy so arising shall, subject to this Act, be filled in the same manner in all respects as if the vacancy occurred by reason of the expiration of the term of office of such member. Extra-ordinary vacancies.

(b) The member filling any such casual vacancy shall, subject to this Act, hold office as a member until the time when his predecessor's term of office would have

Technical Education.

have expired, and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of four years.

DIVISION 4.—*Appointed members.*

Nomina-
tions.

16. Where, by or under this Act, it is provided that a member or members of a district council shall be appointed by the Governor upon the nomination of any person or body of persons whether corporate or unincorporate the Governor may by regulations prescribe the method to be adopted by any such person or body in selecting the person to be nominated and the manner in which and the time within which such nomination shall be made.

If for any reason a valid nomination is not made the Governor may make the appointment, and the person so appointed shall be deemed to have been validly nominated.

DIVISION 5.—*President and vice-president.*

President
and vice-
president.

17. There shall be a president and a vice-president of each district council.

Vacation
of office.

18. A president or a vice-president shall vacate his office if he ceases to be a member of the district council, or resigns his office as president or vice-president by writing under his hand addressed to the Governor.

Term of
office of
president.

19. A president shall, subject to this Act, hold office as president for a term of two years and shall, if otherwise qualified, be eligible to hold office as president from time to time for a further term of two years.

First presi-
dent to be
appointed.

20. (1) Where a district council is for the first time constituted in respect of a district, the first president shall be appointed by the Governor from amongst the members of the district council.

(2) Where the office of a president appointed under this section becomes vacant before the expiration of his term of office as president, a president shall be appointed by the Governor from amongst the members
to

Technical Education.

to fill the vacancy. Subject to section eighteen of this Act the president so appointed shall hold office as president during the residue of his predecessor's term and shall, if otherwise qualified, be eligible for re-election from time to time as president.

21. (1) Subject to the provisions of section twenty of this Act, the president of a district council shall be elected by the members from amongst their number at an assembly of members specially convened for the purpose. Election of president.

(2) Where the office of a president elected under this section becomes vacant before the expiration of his term of office as president, a president shall be elected to fill the vacancy by the members from amongst their number at an assembly of members specially convened for the purpose. Subject to section eighteen of this Act the president so elected shall hold office as president during the residue of his predecessor's term and shall, if otherwise qualified, be eligible for re-election from time to time as president.

(3) Any election under this section shall be carried out at the times and in the manner prescribed by the regulations.

22. If the members of a district council fail to elect a president within the time prescribed by the regulations the Governor may appoint one of their number to be president and the president so appointed shall be deemed to have been elected by the members in accordance with this Act. Failure to elect.

23. (1) The vice-president of a district council shall be elected by the members from amongst their number. Election of vice-president.

He shall, subject to section eighteen of this Act, hold office for a term of one year and shall, if otherwise qualified, be eligible for re-election from time to time as vice-president.

(2) Where the office of a vice-president becomes vacant before the expiration of his term the members of the district council shall elect one of their number to fill

Technical Education.

fill the vacancy. The person so elected shall, subject to section eighteen of this Act, hold office as vice-president for the residue of his predecessor's term of office, and shall, if otherwise qualified, be eligible for re-election from time to time as vice-president.

(3) Any election under this section shall be carried out at the times and in the manner prescribed by the regulations.

President to
preside at
meetings.

24. (1) At every meeting of a district council the president shall preside.

(2) In the absence of the president from a meeting the vice-president shall preside, and if both the president and vice-president are absent, a chairman, selected from amongst their number by the members present at the meeting, shall preside at the meeting.

Person
presiding
to have a
casting
vote.

25. The person who presides at a meeting of the district council shall have a deliberative vote on any question before the meeting, and where there is an equality of votes on such question he shall have a second or casting vote.

DIVISION 6.—Miscellaneous provisions.

Assumption
of office.

26. The members of the first district council constituted in respect of a district shall assume their office as members on the day appointed by the Governor pursuant to this Act for the first constitution of such district council.

Declaration
and oath.

27. (1) Each appointed member of a district council shall before entering upon the duties of his office take an oath of allegiance under and in accordance with the Oaths Act, 1900-1936, and shall make and subscribe the following declaration of office:—

I having been appointed a member of the (insert name of district council) do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(2)

Technical Education.

(2) If a person, after having been afforded an opportunity of taking the oath of allegiance and making and subscribing such declaration, neglects to do so for a period of one month or during such extended period as the Governor may appoint pursuant to subsection three of this section after the date upon which he is appointed, he shall upon the expiration of such period of one month or extended period, as the case may be, be deemed to have declined to accept office.

(3) Where the Governor is satisfied that the delay in taking such oath and making and subscribing such declaration is unavoidable he may extend the time for taking such oath and making and subscribing such declaration for any period not exceeding six months.

(4) Any person who is deemed to have declined to accept office shall not be eligible to be re-appointed to fill the extraordinary vacancy created.

28. An appointed member of a district council shall be deemed to have vacated his office as a member if he—

Vacancies—
how caused.

- (a) declines office, or is deemed to have declined office;
- (b) fails to give his attendance at four consecutive ordinary meetings of the district council, without leave of absence granted by the district council;
- (c) becomes bankrupt, compounds with his creditors or makes an assignment of his estate for their benefit;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898;
- (e) is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards; or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;

(f)

Technical Education.

- (f) dies, or resigns his office by writing under his hand addressed to the Governor.

Public Service Acts not to apply to appointments.

29. The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment by the Governor of a member of a district council or of a president of a district council, and no such member or president shall, in his capacity as such member or president, be subject to the provisions of any such Act during his term of office.

Allowances.

30. (1) A district council may pay out of its fund to or on behalf of its members reasonable allowances towards expenses incurred by them for conveyance and subsistence in travelling—

- (a) to and from the meetings of the district council;
- (b) upon any inspection within the district undertaken in compliance with a resolution of the district council passed beforehand;
- (c) upon business of the district council outside the district carried out in compliance with a resolution of the district council passed beforehand.

(2) Allowance shall not be paid under paragraph (c) of subsection one of this section—

- (a) to or on behalf of more than two members of the district council in respect of business carried out under the authority of any one resolution;
- (b) to or on behalf of any member of the district council in respect of business carried out outside the State unless the Minister approves of such payment.

(3) Allowances paid under this section shall not exceed such amount as may be prescribed by the regulations.

(4) The office of a member of a district council shall not by reason only of the receipt by him of any allowance in pursuance of this section be deemed to be an office

Technical Education.

office or place of profit under the Crown for the purposes of the Sydney Corporation Act, 1932-1934, or the Constitution Act, 1902, as amended by subsequent Acts.

31. (1) No matter or thing done and no contract entered into by a district council, and no matter or thing done by any member of a district council or by any person whomsoever acting under the direction of a district council shall, if the matter or thing was done or the contract was entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever.

Members and persons acting bona fide not personally liable. cf. Act No. 50, 1924, s. 25.

(2) Nothing in this section shall exempt any member of a district council from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of the district council, and which such member authorised or joined in authorising.

32. No act or proceeding of a district council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced any vacancies existed in the offices of members of the district council.

Validity of acts and proceedings.

33. (1) The procedure for the calling of meetings of a district council, and for the conduct of business at such meetings, shall, subject to any by-laws in relation thereto made by the district council, and to the provisions of subsection two of this section, be as determined by the district council.

Meetings.

(2) Ordinary meetings of a district council shall be held at such times as the district council may determine. Each meeting shall be convened by notice sent to the president and to each member at least seven days before the date of the meeting.

Such notice shall state the business to be transacted at the meeting.

34. The number ascertained by dividing the total number of members of a district council by three and adding one to the quotient (any fractional remainder being

Quorum.

Technical Education.

being disregarded) shall, unless the district council, by by-laws, fixes a greater number, be the number of members necessary to form a quorum for the purposes of any meeting of the district council.

Meeting of district council to be competent to transact business.

35. (1) Any duly convened meeting of a district council at which a quorum is present shall be competent to transact any business of the district council and shall have all the powers and authority by this Act conferred upon the district council.

(2) A decision of the majority of the members present at a meeting of a district council shall be the decision of the district council.

Delegation.

36. A district council may by resolution authorise the president or the vice-president or any committee of the district council to determine such matters as are specified in the resolution.

Any such authority may from time to time be revoked or varied by the district council by resolution.

Minutes of meetings.

37. A district council shall cause minutes of its decisions to be kept upon the official papers, and cause minutes to be kept of the proceedings at formal meetings.

Annual report.

38. A district council shall as soon as practicable after the thirty-first day of December in each year cause a report of its work during the year ending on that date to be prepared and forwarded to the Minister for presentation to Parliament.

The report shall contain such information as may be prescribed by the regulations.

Deputies—
ex officio
members.

39. An ex officio member of a district council may from time to time appoint a deputy to act on his behalf, either generally at all meetings or at any particular meeting or meetings of the district council or of any committee thereof at which he is unable to be present, and if a deputy has been so appointed and his appointment notified to the district council he shall be entitled so to
act,

Technical Education.

act, and, while so acting, shall possess all the powers, privileges and immunities of a member of the district council.

40. An appointed member may appoint a deputy Deputies—
appointed
members. approved by the district council to act on his behalf at a meeting or meetings of the district council or of any committee thereof held during any period in which the appointed member is on leave of absence granted by the district council; and a deputy so appointed and approved shall be entitled so to act, and while so acting, shall possess all the powers, privileges and immunities of a member of the district council.

PART IV.

POWERS AND FUNCTIONS OF DISTRICT COUNCILS.

DIVISION 1.—*The appointed day.*

41. (1) Upon and after 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") the powers, authorities, duties and functions which Transfer of
powers relat-
ing to
technical
education. immediately before the appointed day were exercised and discharged by or on behalf of the Crown in relation to the provision, maintenance, control and management of technical education in a particular district, shall, subject to this Act, be exercised and discharged by the district council constituted in respect of such district.

(2) The same day shall be appointed in respect of the Sydney Technical Education District and the Newcastle Technical Education District.

(3) Subject to subsection two of this section different days may be appointed under subsection one of this section in respect of different districts.

(4)

Technical Education.

(4) A reference in any provision of this Act to the appointed day shall, in the application of such provision to or in respect of a particular district, be construed as a reference to the day appointed in respect of that district under subsection one of this section.

(5) In no case shall the day appointed under this section in respect of a particular district be later than six months after the date upon which the district council for that district was constituted.

(6) In this section the expression "technical education" does not include instruction in any school which the Minister by notification published in the Gazette may declare to be a junior technical school.

District
council to
manage
facilities.

42. (1) Upon and after the appointed day the district council shall from time to time provide and shall maintain control and manage such facilities for technical education as it may think suitable to the requirements of the district.

(2) All facilities for technical education existing immediately before the appointed day the control maintenance and management of which are transferred to the district council pursuant to this Part of this Act, shall be deemed to have been provided by the district council under subsection one of this section.

(3) Nothing in subsection one or subsection two of this section shall be construed to preclude the district council from modifying, extending or terminating any course of instruction for the time being in existence:

Provided that where a particular diploma course of instruction is, immediately before the appointed day, accepted by any society as satisfying the educational requirements for admission to membership of that society, the standard of such course of instruction shall not be lowered by the district council after the appointed day.

In this subsection "society" means every body of persons corporate or unincorporate which the Governor by notification published in the Gazette declares to be a society for the purposes of this subsection.

DIVISION

Technical Education.

DIVISION 2.—*Preliminary powers and functions of a district council.*

43. (1) During the period commencing on the day upon which a district council is for the first time constituted for a particular district and ending on the appointed day the powers authorities duties and functions of the district council shall be limited to the matters and things following, that is to say—

Preliminary
powers and
functions.

- (a) the election of a vice-president;
- (b) the preparation, performance and carrying into effect of all such matters and things as in the opinion of the district council are necessary or expedient in order to enable the district council to exercise and discharge all or any of the powers authorities duties and functions conferred and imposed upon it by or under this Act;
- (c) matters relating to the making of determinations in accordance with this Part;
- (d) at the request of the Minister—
 - (i) taking into consideration any matter affecting the administration of this Act and reporting thereon to the Minister;
 - (ii) conferring with the Minister or the Technical Education Board on any such matter and providing the Minister or such board with any information relating to the matter under consideration required by the Minister or such board;
- (e) the exercise and discharge of such other powers authorities duties and functions as the Minister may direct or as may be prescribed by the regulations.

Nothing in this subsection shall be construed so as to limit the exercise and discharge by the district council of its powers authorities duties and functions in respect of any of the matters and things aforesaid after the appointed day.

(2) For the purposes of carrying out the powers authorities duties and functions referred to in subsection one

Technical Education.

one of this section the district council may, with the approval of the Minister for Education, make use of the services of any of the officers or employees of the Department of Education.

DIVISION 3.—*Joint committee.*

Joint
committee.

44. (1) As soon as practicable after the first constitution of a district council a joint committee shall be constituted.

The joint committee shall consist of two members of the district council, appointed by it for the purpose, two persons appointed by the Minister, and one person appointed by the Colonial Treasurer.

The chairman of the joint committee shall be such member of that committee as the Governor may appoint.

(2) The joint committee shall determine—

- (a) the extent to which real and personal property (or any right or interest therein) which, immediately before the appointed day, is held by or on behalf of the Crown and used for or in connection with the provision, maintenance, control and management of technical education in the district, shall be transferred to the district council;
- (b) what books, documents, records and papers held by or on behalf of the Crown and used for or in connection with the provision, maintenance, control and management of technical education in the district shall be transferred to the district council.

(3) Every determination made under subsection two of this section shall be submitted to the Governor for his approval, and if approved by him a notification of such approval shall be published in the Gazette.

DIVISION 4.—*Transfer of property.*

Transfer of
property,
rights and
liabilities.

45. On and from the appointed day the following provisions shall, subject to this Act, have effect:—

- (a) All real and personal property (and all right and interest therein) shall, to the extent specified in any determination made in pursuance of paragraph

Technical Education.

paragraph (a) of subsection two of section forty-four of this Act and approved by the Governor, vest in and belong to the district council for the purposes of this Act.

- (b) All moneys, liquidated and unliquidated claims which, immediately before the appointed day, are payable to or recoverable by or on behalf of the Crown or the Minister for Education in relation to the provision, maintenance, control or management of technical education in the district, shall be moneys liquidated and unliquidated claims payable to or recoverable by the district council.
- (c) All suits, actions and proceedings pending immediately before the appointed day at the suit of or on behalf of the Crown or the Minister for Education in respect of any matter or claim which relates to the provision, maintenance, control or management of technical education in the district, shall respectively be suits, actions and proceedings pending at the suit of the district council.
- (d) The district council may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions, and proceedings as the Crown or the Minister for Education or person acting for or on behalf of the Crown or such Minister might have done but for this Act.

DIVISION 5.—Officers and employees.

46. (1) Subject to subsection two of this section all officers and employees necessary to enable the district council to exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by this Act shall be persons appointed under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts; and every such officer and employee

Officers and
employees.

Technical Education.

employee shall continue to be subject to the said Acts during his tenure of office or employment; and the permanent head of the Department of Education shall in relation to such officers and employees be the "permanent head" within the meaning of the said Acts.

(2) The district council may from time to time employ and dismiss such casual employees as it deems necessary.

Part-time teachers shall be deemed to be casual employees for the purposes of this subsection.

A casual employee (being a part-time teacher) shall not be employed under this subsection for a period exceeding twelve months, but may be re-employed under this subsection, from time to time, for a further period or periods not exceeding twelve months at any one time.

A casual employee (not being a part-time teacher) shall not be employed under this subsection for a period exceeding six months, but may be re-employed under this subsection, from time to time, for a further period or periods not exceeding six months at any one time.

Every employment and re-employment of a casual employee under this subsection shall be reported forthwith to the Public Service Board which shall have power to review the employment or re-employment so reported; and any direction given in relation thereto by the Public Service Board shall be carried out by the district council.

(3) For the purpose of exercising and discharging the powers, authorities, duties and functions conferred and imposed on a district council by this Act, the district council may, with the approval of the Minister of the Department concerned and of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

Principal.

47. (1) There shall be a Principal of the college which is under the control of a district council.

(2) The Principal shall be the chief executive officer of the district council.

(3)

Technical Education.

(3) A district council may in accordance with the regulations delegate to the Principal any of the powers, authorities, duties and functions conferred and imposed upon the district council by this Act; such delegation may be made generally or for any particular case or class of cases.

A delegation under this section shall be effective during the period specified in the resolution by which such delegation is made, but shall be subject to revocation by the district council by resolution at any time during such period.

The Principal, when acting within the scope of any delegation made to him under this section, shall be deemed to be the district council.

PART V.

DEALINGS WITH LAND.

48. (1) A district council may acquire land for any purpose of this Act, by lease or purchase, or by appropriation or resumption in accordance with this Part.

Lease,
purchase,
appropriation
or resumption.
cf. Act No. 41,
1919, s. 532.

(2) The acquisition of land by a district council by lease for a term exceeding two years shall not have effect unless and until approved by the Governor.

Lease.
cf. *Ibid.*
s. 533.

(3) The acquisition of land by a district council, by purchase for any sum exceeding one thousand pounds, shall not have effect unless approved by the Governor.

Purchase.
cf. *Ibid.*
s. 534.

(4) Where the district council proposes to acquire land for any purpose, it may also acquire other land adjoining or in the vicinity.

Other land
adjoining.
cf. *Ibid.*
s. 535.

(5) (a) Where a district council proposes to acquire land by appropriation or resumption it may apply to the Governor through the Minister.

Method of
resumption.
cf. *Ibid.*
s. 536.

(b)

Technical Education.

(b) The district council shall make such provision (if any) as the Governor may require for the payment of compensation for the land together with interest and all necessary charges and expenses incidental to the appropriation or resumption.

(c) The Governor may authorise the appropriation or resumption of the land.

(d) Thereupon the Governor may—

- (i) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912; and
- (ii) notify that the land is vested in the district council.

(e) Thereupon the land shall vest in the district council.

(f) For the purposes of the Public Works Act, 1912, such appropriation or resumption shall be deemed to be for the purpose of carrying out an authorised work within the meaning of that Act.

(g) It shall not be compulsory for the Governor to take the whole of any parcel of vacant land in any case where the district council requires a portion only, except where—

- (i) the residue so left would be less in area than is required by the law for the time being in force and applicable thereto for a building allotment; and
- (ii) the owner so desires.

Sales and
leases of
land.

49. (1) No sale of any land vested in or held by a district council for the purposes of this Act shall have any force or effect until the same has been approved by the Governor.

(2) No lease of any land vested in or held by a district council for the purposes of this Act, except a lease made in accordance with the regulations, shall have any force or effect until the same has been approved by the Governor.

Technical Education.

PART VI.

EDUCATION.

50. There shall be in each district a council of studies which shall be constituted in accordance with the regulations, and which shall exercise and perform such powers, authorities, duties and functions as may be prescribed by the regulations. Council of studies.

51. (1) (a) A district council may from time to time constitute such committees as it considers necessary. Committees.

(b) The Sydney Technical Education District Council shall constitute a Sydney Technological Museum committee.

(2) Any committee constituted under this section shall consider any matter referred to it by the district council and furnish a report thereon.

52. (1) A district council shall, in the manner prescribed by the by-laws, cause to be constituted an advisory committee in respect of each course of instruction provided by or carried on under the district council. Advisory committees.

(2) An advisory committee shall, where practicable, consist of representatives of employers and employees in the professional, industrial or commercial occupations in connection with which the course of instruction is provided or carried on.

(3) An advisory committee shall, from time to time, furnish such advice and information relating to the course of instruction in respect of which it is constituted, as it deems fit, and shall exercise and discharge such further functions and duties as may be prescribed by the by-laws.

(4) Any advisory committee existing immediately before the appointed day shall, subject to any by-laws made in that behalf, be deemed to have been constituted under this section.

53. A district council may arrange with the Minister, upon such terms and conditions as may be agreed upon between the district council and the Minister, for the conduct of training courses for officers and employees of the district council. Training courses.

54.

Technical Education.

Arrange-
ments
between
district
councils.

54. (1) It shall be lawful for a district council to enter into an arrangement with any other district council, or with any other person or body of persons for the instruction of students within or outside its district, or for the conduct of such instruction by either party to the arrangement.

(2) A district council which is a party to any such arrangement shall have and may exercise all such powers, authorities and functions as may be necessary to carry such arrangement into effect.

Correspond-
ence courses,
etc.

55. (1) A district council shall, if the Minister so directs, provide such facilities for technical education to students outside the district (whether by way of correspondence courses or otherwise) as the Minister may specify in the direction.

(2) A district council shall, if the Minister so directs, require its officers and employees to render such services for or on behalf of technical education institutions, other than those in its district, as the Minister may specify in the direction.

(3) Where the Minister is satisfied that the public interest renders necessary the establishment in a district of a course of instruction in technical education for which no provision or no adequate provision has already been made by the district council, he may direct the district council to establish and conduct such course of instruction in the manner and subject to the provisions specified in the direction; and the district council shall comply with the direction of the Minister accordingly.

Diplomas,
certificates
and fellow-
ships.

56. (1) The Technical Education Board may subject to and in accordance with the regulations grant State diplomas and issue State certificates of proficiency in technical or trade subjects either separately or jointly with the Department of Labour and Industry, district councils and/or other institutions interested in the maintenance of satisfactory standards of technical education.

(2) The Technical Education Board may grant an associateship or a fellowship of any particular college to any person who satisfies that Board that he possesses such

Technical Education.

such qualifications and has complied with such terms, conditions and requirements as may be prescribed by the regulations.

Upon the recommendation of the council of the New South Wales Institute of Technology, the Governor may by proclamation published in the Gazette declare that on and from a date to be specified therein the provisions of this subsection shall cease to have effect, and such proclamation shall operate according to its tenor.

(3) A district council may grant diplomas and issue certificates of the college to any person who satisfies the Technical Education Board that he has passed examinations of a standard prescribed by that Board, and has complied with such requirements and conditions as may be prescribed by that Board.

Any such examination may at the discretion of the Technical Education Board be conducted by that Board or by the district council or by such other authority as the Technical Education Board may determine.

57. (1) The power to make by-laws conferred upon a district council by this Act shall include power to make by-laws in relation to the council of studies constituted in the district and in relation to any committee constituted for and in respect of such district council under this Part. By-laws.

(2) Such by-laws may—

- (a) prescribe the manner in which or the method by which the chairman and deputy chairman of such council of studies or of any such committee shall be appointed or elected;
- (b) prescribe the number of members of such council or of any such committee which shall constitute a quorum for the purpose of meetings of such council or committee;
- (c) prescribe the manner in which meetings of such council or of any such committee shall be convened;
- (d) prescribe the procedure for the conduct of business at meetings of such council or of any such committee.

(3)

Technical Education.

(3) Until by-laws are made under paragraphs (c) and (d) of subsection two of this section, the procedure for the calling of meetings of the council of studies or of a committee and for the conduct of business at such meetings and the times at which such meetings shall be held shall be as determined by the council of studies or the committee, as the case may be.

PART VII.

TECHNICAL EDUCATION BOARD.

Constitution
of Technical
Education
Board.

58. (1) (a) As soon as practicable after the day appointed pursuant to subsection one of section eight of this Act, there shall be constituted a Technical Education Board which shall subject to paragraph (b) of this subsection consist of the Superintendent of Technical Education, the Principal of the Sydney Technical College, the Principal of the Newcastle Technical College, and two other persons who shall be appointed by the Governor. One of the persons so appointed shall be a member of the Sydney Technical Education District Council and the other shall be a member of the Newcastle Technical Education District Council.

(b) As soon as practicable after the date upon which the first new district council is constituted pursuant to section ten of this Act two additional members shall be appointed by the Governor to the Technical Education Board.

One of such members shall be appointed as the representative of the principals of colleges of districts established under section six of this Act; and the other shall be appointed as the representative of district councils constituted under section ten of this Act.

(c) Members of the Technical Education Board appointed by the Governor under this subsection are in this Part referred to as "appointed members."

(2) The Superintendent of Technical Education shall be the chairman, and the Principal of the Sydney Technical College the deputy chairman of the Technical Education Board.

(3)

Technical Education.

(3) The provisions of the Public Service Act, 1902, or of any Act amending that Act shall not apply to the appointment of appointed members, and such members shall not, in their capacities as such members, be subject to the provisions of any of such Acts during their term of office.

(4) The Governor may at any time remove from office any appointed member.

(5) The appointed members shall, subject to this Part, hold office for a term of three years from the date of their appointment, and be eligible for re-appointment from time to time for a like term.

(6) If any appointed member—

(a) dies; or

(b) resigns his office by writing under his hand addressed to the Governor; or

(c) fails to give his attendance at four consecutive meetings of the Technical Education Board without leave of absence granted by that Board; or

(d) is removed from office by the Governor, his office shall thereupon become vacant, and the Governor may, subject to this Part, appoint a person to take the place of the member whose office has become vacant.

(7) Any person so appointed to take the place of an appointed member whose office has become vacant shall, subject to this Part, hold office for the remainder of the term for which his predecessor was appointed.

(8) In case of the illness or absence of the chairman of the Technical Education Board, the powers and authorities of such chairman shall, unless a person has been appointed to act in his place pursuant to subsection thirteen of this section, be exercised during such illness or absence by the deputy chairman.

(9) No act or proceeding of the Technical Education Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done taken or commenced there was a vacancy in the office of any one member.

(10)

Technical Education.

(10) The procedure for the calling of meetings of the Technical Education Board, and the conduct of business at such meetings and the times at which such meetings shall be held, shall, subject to any regulations in relation thereto, be as determined by the Technical Education Board.

(11) Any three members of the Technical Education Board, one of whom shall be the chairman or the deputy chairman, shall form a quorum for the purpose of transacting any business of the Technical Education Board.

(12) Any duly convened meeting of the Technical Education Board at which a quorum is present shall be competent to transact any business of the Technical Education Board.

At any such meeting the chairman or, in his absence, the deputy chairman, shall, in the event of an equal division of votes on any question, have a second or casting vote.

(13) In case of the illness or absence of the Superintendent of Technical Education, or of the Principal of the Sydney Technical College, the Governor may appoint a person to act in the place of such Superintendent or Principal during such illness or absence, and any person so appointed shall, whilst so acting, be deemed, for all purposes of this Part, to be the Superintendent of Technical Education or the Principal of the Sydney Technical College as the case may be.

(14) Each appointed member of the Technical Education Board (other than a member employed by or on behalf of the Crown in right of the State of New South Wales) shall be entitled to receive as remuneration for his services a fee for each meeting of the Technical Education Board at which he attends, of such amount as may be prescribed by the regulations; but an appointed member shall not be entitled to receive, by way of fees aforesaid, an amount which in the aggregate exceeds one hundred pounds in any one year.

(15)

Technical Education.

(15) The Technical Education Board may pay out of its fund to or on behalf of its members allowances for conveyance and subsistence in travelling to and from meetings of that Board, or upon the business of that Board, at such rates as may be prescribed by the regulations. Such allowances shall be paid out of the Technical Education Board Fund.

(16) The office of a member of the Technical Education Board shall not, by reason only of the receipt by him of any fee or allowance in pursuance of this section, be deemed to be an office or place of profit under the Crown for the purposes of the Sydney Corporation Act, 1932-1934, or the Constitution Act, 1902, as amended by subsequent Acts.

59. (1) The Technical Education Board shall—

General
functions of
Technical
Education
Board.

- (a) determine from time to time the amounts which, in its opinion, are required to be provided by Parliament for payment into the respective funds of the district councils and the Technical Education Board, and furnish to the Minister a report in relation thereto;
- (b) consider and recommend to the Minister any amendments of existing legislation and proposals for future legislation which, in its opinion, are necessary for carrying into effect any of the objects or purposes referred to in this Act, or of any other object or purposes dealing with or affecting technical education;
- (c) exercise and discharge, in respect of that portion of New South Wales which is not situated within a district established by or under this Act, such of the powers, authorities, duties and functions conferred and imposed by this Act upon a district council as may be prescribed by the regulations;
- (d) make or cause to be made, from time to time, careful inquiry into the administration and management of every Technical College and technical education institution under the control of a district council or of the Technical Education Board in the State;

(e)

Technical Education.

- (e) cause every technical college and technical education institution in the State to be inspected from time to time and at least once in every financial year;
- (f) exercise and discharge such other powers, authorities, duties and functions in relation to technical education in the State as the Minister may, from time to time, by writing under his hand, direct.

(2) The Technical Education Board shall not be capable of exercising or discharging any of the powers, authorities, duties or functions referred to in paragraph (c) or paragraph (d) or paragraph (e) of subsection one of this section at any time before the day appointed pursuant to subsection one of section forty-one of this Act in respect of the Sydney Technical Education District and the Newcastle Technical Education District.

(3) In making any determination in relation to a district council pursuant to paragraph (a) of subsection one of this section the Technical Education Board shall, with regard to each district council, take into consideration—

- (a) the financial position of the district council and the amount likely to be contributed to it during the financial year otherwise than from moneys provided by Parliament;
- (b) the probable requirements for capital and maintenance expenditure;
- (c) the probable net receipts (other than probable receipts under section seventy-eight of this Act) and expenditure for the financial year;
- (d) the general conditions and management of the technical education institutions under the control of the district council;
- (e) the nature and extent of the services rendered by the technical education institutions under the control of the district council;
- (f) any exceptional circumstances of the district; and
- (g) such other matters as are prescribed by the regulations or as the Technical Education Board thinks fit.

Technical Education.

60. (1) Subject to subsection two of this section all officers and employees necessary to enable the Technical Education Board to exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by this Act shall be persons appointed under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts; and every such officer and employee shall continue to be subject to the said Acts during his tenure of office or employment; and the permanent head of the Department of Education shall in relation to such officers and employees be the "permanent head" within the meaning of the said Acts. Officers and employees.

(2) The Technical Education Board may from time to time employ and dismiss such casual employees as it deems necessary.

Part-time teachers shall be deemed to be casual employees for the purposes of this subsection.

A casual employee (being a part-time teacher) shall not be employed under this subsection for a period exceeding twelve months, but may be re-employed under this subsection from time to time for a further period or periods not exceeding twelve months at any one time.

A casual employee (not being a part-time teacher) shall not be employed under this subsection for a period exceeding six months, but may be re-employed under this subsection, from time to time, for a further period or periods not exceeding six months at any one time.

Every employment, re-employment and dismissal of a casual employee under this subsection shall be reported forthwith to the Public Service Board which shall have power to review the employment or re-employment so reported; and any direction given in relation thereto by the Public Service Board shall be carried out by the Technical Education Board.

(3) For the purpose of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Technical Education Board by or under this Act the Technical Education Board may, with the approval of the Minister of the Department concerned

Technical Education.

concerned, and of the Public Service Board on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

Annual
report.

61. (1) The Technical Education Board shall, as soon as practicable after the thirty-first day of December in each year, cause a report of its work during the year ending on that date to be prepared and forwarded to the Minister for presentation to Parliament.

(2) The report shall contain such information as may be prescribed by the regulations.

Chief
executive
officer.

62. (1) The Superintendent of Technical Education shall be the chief executive officer of the Technical Education Board.

(2) The Technical Education Board may, with the approval of the Minister, by resolution in that behalf, delegate to the Superintendent of Technical Education any of the powers, authorities, duties and functions conferred and imposed upon the Technical Education Board by or under this Act; such delegation may be made generally or for any particular case or class of cases.

A delegation under this section shall be effective during the period specified in the resolution by which such delegation is made, but shall be subject to revocation by the Technical Education Board by resolution at any time during such period.

The Superintendent of Technical Education, when acting within the scope of any delegation made to him under this section, shall be deemed to be the Technical Education Board.

Use of
property.

63. The Technical Education Board may with the approval of the Minister make use of any building and any equipment of the Department of Education.

Technical Education.

PART VIII.

NEW SOUTH WALES INSTITUTE OF TECHNOLOGY.

64. In this Part of this Act—

“Council” means the council constituted under this Part of this Act.

Interpreta-
tion.

“Institute” means the New South Wales Institute of Technology.

65. (1) Upon a date to be appointed by the Governor and notified by proclamation published in the Gazette a council shall be constituted in accordance with this Part of this Act.

Council to
be a body
corporate.

(2) The council shall be a body corporate under the corporate name of the “New South Wales Institute of Technology,” shall have perpetual succession and a common seal, may sue and be sued in its corporate name, and shall, for the purposes of carrying out the powers, authorities, duties and functions conferred upon it by this Part of this Act, be capable of purchasing, holding, granting, demising, disposing of and alienating real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3) The common seal of the Institute shall be kept in the custody of the chairman of the council, or of such councillor as the council may determine, and shall not be affixed to any instrument or writing except under a resolution of the council, and in the presence of two of the members thereof who shall attest by their signatures the fact and date of the seal being so affixed.

(4) All courts and persons having by law or consent of parties authority to hear, receive and examine evidence—

- (a) shall take judicial notice of the common seal of the Institute affixed to any instrument or writing; and
- (b) shall, until the contrary be proved, presume that such seal was properly affixed thereto.

66.

Technical Education.

Constitution
of council.

66. (1) The council of the Institute shall, subject to subsection two of this section, consist of thirty-three councillors who shall be appointed by the Governor.

The councillors so to be appointed shall be—

- (a) the persons for the time being holding the offices of Vice Chancellor of the University of Sydney, the Director of Education, the Superintendent of Technical Education, Principal of the Sydney Technical College, and Principal of the Newcastle Technical College;
- (b) four persons who shall be nominated by the Senate of the University of Sydney;
- (c) two persons who shall be nominated by the Sydney Technical Education District Council;
- (d) two persons who shall be nominated by the Newcastle Technical Education District Council;
- (e) one person who shall be elected by the Members of the Legislative Council;
- (f) one person who shall be elected by the Members of the Legislative Assembly;
- (g) six persons who shall be nominated respectively by the Royal Society of New South Wales, the Royal Australian Institute of Architects (New South Wales Chapter), the Board of Optometrical Registration, the Australian Chemical Institute (New South Wales Branch), the Committees of the Sydney Division and Newcastle Division of the Institution of Engineers, Australia, acting jointly, and the Institute of Physics (New South Wales Division);
- (h) one person who shall be nominated by the Minister to represent societies of artists;
- (i) five persons who shall respectively be elected in accordance with the regulations by the teaching staffs of each of the following departments of technical colleges, namely:—architecture, art, chemistry, electrical engineering and mechanical engineering;
- (j) three persons who shall be elected in accordance with the regulations by the members of the Institute;

(k)

Technical Education.

(k) three persons who shall be nominated by the Minister.

(2) (a) Where the Governor is satisfied, upon the recommendation of the council, that an additional councillor should be appointed to the council to represent one or more bodies of persons he may, from time to time by proclamation in the Gazette, name or otherwise describe such body or bodies.

(b) The Governor may appoint a person nominated in accordance with the regulations by a body or bodies so named or described, to be an additional councillor.

(c) Not more than two additional councillors shall hold office as members of the council at one and the same time.

(d) The Governor may, from time to time by proclamation published in the Gazette, amend any proclamation published under paragraph (a) of this subsection by omitting the name or description of a body appearing therein or by adding the name or description of any other body.

(3) (a) The councillor to be elected by Members of the Legislative Council shall be so elected as soon as practicable after the commencement of the term of service of the fifteen Members of the Legislative Council elected at each triennial election of Members of the said Council:

Provided that the councillor to be elected by Members of the Legislative Council for the first constitution of the council of the Institute shall be so elected on a day to be appointed by the Governor.

(b) A councillor elected by Members of the Legislative Council shall hold office until his successor has been elected under this subsection.

(4) (a) The councillor to be elected by Members of the Legislative Assembly shall be so elected as soon as practicable after every general election of Members of the Legislative Assembly:

Provided that the councillor to be elected by Members of the Legislative Assembly for the first constitution of the council of the Institute shall be so elected on a day to be appointed by the Governor.

(b)

Technical Education.

(b) A councillor elected by Members of the Legislative Assembly shall hold office until his successor has been elected under this subsection.

(5) (a) The first election of the three persons referred to in paragraph (j) of subsection one of this section shall be held upon a date to be fixed by the Governor by notification published in the Gazette.

(b) The date fixed shall be within twelve months after the date appointed under subsection one of section sixty-five of this Act for the constitution of the council of the Institute.

(c) For the purposes of the first constitution of the council of the Institute the seats of the three councillors mentioned in paragraph (j) of subsection one of this section may be filled by three persons appointed by the Governor upon the nomination of the Minister.

The term of office of the persons so appointed shall expire upon the date upon which the first election referred to in paragraph (a) of this subsection is held.

(6) A person shall not be qualified to be appointed as a councillor under paragraph (i), paragraph (j) or paragraph (k) of subsection one of this section unless he is an Associate or Fellow of the Sydney Technical College, or is the holder of a State diploma, or is a member of the Institute:

Provided that, for the purposes of the first constitution of the council, a person who does not possess any of the qualifications referred to in this subsection may be nominated or elected for appointment as a councillor, and may be so appointed if the Governor thinks fit.

(7) A councillor appointed under paragraph (a) of subsection one of this section shall hold office as a councillor whilst he continues to hold the office by virtue of which he is so appointed.

(8) Except where otherwise provided in this section the tenure of office of a councillor shall be two years.

(9) A person who retires from the office of councillor by reason of the expiration of his term shall be eligible for re-appointment if otherwise qualified.

(10) No act or proceeding of the council shall be invalidated or prejudiced by reason only of the fact that

at

Technical Education.

at the time when such act or proceeding was done, taken or commenced any vacancies existed in the offices of councillors.

(11) The councillors shall elect one of their number to be chairman and another to be vice-chairman:

Provided that the first chairman shall be appointed by the Governor and shall, unless he resigns his office as chairman by writing addressed to the Governor, hold such office while he continues to be a member of the council.

The chairman, or in his absence the vice-chairman, shall preside at all meetings of the council.

In the absence of the chairman and the vice-chairman the councillors present at a meeting shall elect one of their number to preside at that meeting.

(12) The number of councillors who shall form a quorum for the purposes of any meeting of the council shall be as prescribed by the regulations.

The procedure for the calling of meetings of the council and for the conduct of business at such meetings shall be as determined by the council.

Any duly convened meeting of the council at which a quorum is present shall be competent to transact any business of the council, and shall have all the powers and authority conferred upon the council by this Part of this Act.

(13) Until the council otherwise determines the Registrar of the Sydney Technical College shall be the Secretary to the Institute.

67. (1) The objects of the council shall be—

- (a) to advise the Technical Education Board on all matters concerning the determination, maintenance and preservation of standards for all State diplomas;
- (b) to encourage, by all means which the council may deem appropriate, scientific and technological research and the application of science to industry;
- (c) to promote the increase and diffusion of knowledge concerning technological processes;
- (d) to prescribe the terms and conditions under which persons may be admitted to membership of

Powers and
functions of
Institute.

Technical Education.

of the Institute, including the qualifications necessary to render a person eligible for such membership;

- (e) to provide for the establishment of fellowships and associateships of the Institute;
- (f) to provide for the admission to a fellowship or associateship of the Institute of any member thereof who has, to the satisfaction of the council, pursued an advanced course of study approved by the council, or who has made a distinguished contribution to art, architecture, science or technology;
- (g) to provide for the admission of any person whether a member of the Institute or not to a fellowship or associateship of the Institute, *honoris causa* or *ad eundem gradum*.

(2) Every person who, immediately before the date appointed under subsection one of section sixty-five of this Act, is an Associate or a Fellow of the Sydney Technical College, and every person to whom the Technical Education Board has, before such date, granted an associateship or a fellowship of the Sydney Technical College, shall, by virtue of this subsection, be an associate or a fellow, as the case may be, of the Institute.

(3) The council shall have power to charge fees for such purposes connected with the carrying out of its objects as may be prescribed by the regulations.

PART IX.

FINANCE.

DIVISION 1.—*General.*

Establish-
ment of
funds.

68. (1) On the day appointed pursuant to subsection one of section forty-one, in respect of the Sydney Technical Education District and the Newcastle Technical Education District, there shall be opened, within the Colonial Treasurer's accounts, three separate accounts, as follows:—

- (a) An account for the Sydney Technical Education District Council, which shall be called the Sydney Technical

Technical Education.

Technical Education District Fund, and which may be operated upon by the said council for the purposes of this Act in the manner prescribed by regulations.

- (b) An account for the Newcastle Technical Education District Council, which shall be called the Newcastle Technical Education District Fund, and which may be operated upon by the said council for the purposes of this Act in the manner prescribed by regulations.
- (c) An account for the Technical Education Board, which shall be called the Technical Education Board Fund, and which may be operated upon by the said Board for the purposes of this Act in the manner prescribed by regulations.

(2) On the day appointed pursuant to subsection one of section forty-one of this Act in respect of any new district established after the commencement of this Act there shall be opened, within the Colonial Treasurer's accounts, an account for the district council of that district, which shall be the fund of that district council, and may be operated on by that district council for the purposes of this Act in the prescribed manner.

(3) Subject to subsection five of this section there shall be paid to the credit of the respective funds of the district councils and the Technical Education Board—

- (a) all moneys provided by Parliament to meet the requirements of the district council or Technical Education Board, as the case may be, in carrying out the provisions of this Act;
- (b) all other money received by the district council or Technical Education Board, as the case may be, from any other source, except to the extent necessary to carry out the provisions of section seventy-eight of this Act.

(4) There shall be paid out of the fund of each district council and of the Technical Education Board—

- (a) all sums required to meet the costs and expenses of the district council or the Technical Education Board, as the case may be, in carrying out the provisions of this Act, including the salaries,

wages,

Technical Education.

wages, allowances or other remuneration of officers and employees engaged in the carrying out by the district council or the Technical Education Board, as the case may be, of the provisions of this Act;

(b) any sums required or permitted by this or any other Act to be paid out of the fund.

(5) The proceeds of the sale by a district council of any property transferred to it under section forty-five of this Act shall be credited to the vote or votes from which such property was originally acquired.

Accounts.

69. Each district council and the Technical Education Board respectively shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the district council or the said Board as the case may be.

Audit.

70. The accounts of a district council and of the Technical Education Board shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the district council and the Technical Education Board, the members of the district council and of the said Board, and the officers and employees engaged in the carrying out by the district council or the said Board as the case may be of the provisions of this Act in the same manner as it applies to accounting officers of public departments.

Fees.

71. Each district council and the Technical Education Board respectively may, subject to any regulations made in that behalf, charge such fees for instruction as may be fixed by the by-laws.

All fees received by the district council or the Technical Education Board, shall be paid into the fund of the district council or of the Technical Education Board as the case may be.

Technical Education.

72. (1) Each district council and the Technical Education Board respectively shall, in the month of May in each year or at such other time or times as may be required by the Minister, prepare and supply to the Minister, in a form prescribed by regulations made under the provisions of the Audit Act, 1902, estimates of the income from all sources and of the expenditure proposed for the financial year commencing on the first day of July following, or for any other period specified by the Minister. Estimates.

(2) The district council shall on request furnish the Minister with all the information at its disposal relating to any item of the estimated income or expenditure.

DIVISION 2.—*Loans.*

73. (1) A district council may, from time to time, with the approval of the Governor, borrow money for— Borrowing.

- (a) the provision of facilities for technical education;
- (b) the acquisition of land;
- (c) the renewal of loans;
- (d) the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank.

The approval of the Governor under this subsection shall not be given except upon the recommendation of the Colonial Treasurer.

(2) Money shall not be borrowed under this section for maintenance or repair works.

(3) For securing repayment of the principal and interest on any moneys borrowed under this section the district council shall issue debentures or inscribed stock as prescribed by the regulations.

(4) The due repayment of the debentures and inscribed stock, and the interest thereon shall be a charge upon the revenue of the district council from fees received by it under section seventy-one of this Act, and is hereby guaranteed by the Government. Any liability arising from such guarantee shall be payable out of moneys provided by Parliament.

(5)

Technical Education.

(5) If a district council borrows any money by the issue of debentures or inscribed stock, without having first obtained the approval of the Governor, every member holding office who has knowingly and wilfully, or for any personal benefit or advantage, consented to the borrowing shall be liable to a penalty not exceeding five hundred pounds.

The action to recover the penalty shall not be taken without the written consent of the Attorney-General.

(6) A district council shall not borrow money otherwise than in accordance with this Part.

Debentures
and
inscribed
stock.

74. (1) The provisions of this section shall apply to and in respect of debentures and inscribed stock issued by a district council.

(2) Debentures and inscribed stock shall be issued in accordance with the regulations.

(3) Every debenture and every coupon originally annexed to the debenture and whether separated therefrom or not shall be transferable by simple delivery.

(4) Inscribed stock shall be transferable in the books of the district council in accordance with the regulations.

(5) Debentures or inscribed stock issued under this Act shall be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920-1939, contained in the Second Schedule to that Act.

(6) The holder of a coupon originally annexed to a debenture and whether separated therefrom or not, shall be entitled to receive payment from the district council of the interest mentioned in the coupon upon the presentation of the same on or after the date when and at the place where the interest is payable.

(7) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the district council, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925-1938, or any Act replacing the said Act.

(8)

Technical Education.

(8) Any debenture issued or stock inscribed by the district council shall be a lawful investment for any moneys which any company, council, or body corporate incorporated by any Act of Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(9) No notice of any trust expressed, implied, or constructive shall be received by the district council or by any officer or employee of the district council in relation to any debenture or coupon issued or stock inscribed by the district council.

(10) (a) If any debenture issued by the district council is lost or destroyed or defaced before the same has been paid, the district council may, subject to the provisions of this subsection, issue a new debenture in lieu thereof.

(b) The new debenture with interest coupon annexed shall bear the same date, number, principal sum and rate of interest as the lost, destroyed or defaced debenture.

(c) When the debenture is lost or destroyed the new debenture shall not be issued unless and until—

- (i) a judge of the Supreme Court has been satisfied by affidavit of the person entitled to the lost or destroyed debenture, or of some person approved by the judge, that the same has been lost or destroyed before it has been paid off;
- (ii) such advertisement as the judge may direct has been published;
- (iii) six months have elapsed since the publication of the last of the advertisements;
- (iv) sufficient security has been given to the district council to indemnify it against any double payment if the missing debenture be at any time thereafter presented for payment; and
- (v) the cost of advertising and all other costs incurred in replacing such missing or lost debenture shall have been repaid to the district council incurring such costs.

(d)

Technical Education.

(d) When the debenture is defaced the new debenture shall not be issued unless and until the defaced debenture is lodged with the district council for cancellation.

(e) The provisions of this subsection shall, mutatis mutandis, extend to the case of a lost, destroyed or defaced coupon.

(11) All debentures or inscribed stock shall rank pari passu without any preference one above another by reason of priority of date or otherwise.

Advances by
Treasurer.

75. The Colonial Treasurer may advance such moneys to a district council as the Governor may approve upon such terms and conditions (if any) as to repayment and interest as may be agreed upon.

Protection
of investors.

76. (1) A person advancing money to the district council shall not be bound to inquire into the application of the money advanced or to be in any way responsible for the non-application or misapplication thereof.

(2) A notification in the Gazette that the Governor has approved a borrowing by the district council shall, in favour of a lender and of any holder of a security given by the district council, be conclusive evidence that all conditions precedent to the borrowing have been complied with, that the approval of the Governor to the borrowing has been given upon the recommendation of the Colonial Treasurer, and that the prescribed limits of borrowing have not been exceeded.

Limit of
borrowing.

77. A district council shall not in any year borrow money in excess of an amount which will cause five per centum of the total amount of its loan indebtedness to exceed the estimated revenue of the district council from fees received by it under section seventy-one of this Act in respect of that year.

PART

Technical Education.

PART X.

GENERAL.

DIVISION 1.—*Gift, bequest and devise.*

78. (1) A district council shall have power to acquire by gift, bequest or devise any property for any of the purposes of this Act, and to agree to and carry out the condition of any such gift, bequest or devise.

Power to accept gifts, etc.

(2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the district council has agreed.

Rule against perpetuities not to apply to certain conditions. cf. 17 and 18 Geo. V, c. 41, s. 8.

DIVISION 2.—*Removal of members of a district council.*

79. (1) The Governor may, on the recommendation of the Minister following upon report by the Technical Education Board, by order published in the Gazette—

Removal of members of district council.

- (a) remove all or any of the members of a technical education district council;
- (b) direct that the management and administration of a district be carried out and controlled by the Technical Education Board, or by such person as may be, on the recommendation of the Technical Education Board, nominated in the order for such time as may be therein stated.

(2) The order may vest in the Technical Education Board or in the person so nominated all or any of the powers of the technical education district council concerned.

DIVISION 3.—*Special power of Minister.*

80. (1) Where the district council establishes any new course of instruction or class of study and the Technical Education Board reports to the Minister that adequate provision for such instruction or study is already made otherwise than by the district council, the Minister may by writing request the district council to discontinue such course or class.

Power of Minister.

(2)

Technical Education.

(2) Where the Technical Education Board reports to the Minister that any change in curriculum made by a district council is likely to be prejudicial to educational standards, or to affect in any way the work of other technical education institutions in the State, the Minister may if he thinks fit by writing request the district council to revert to the original curriculum, or to make such changes in the curriculum as he may specify in the request.

(3) A district council shall comply with any request made by the Minister under this section.

Disputes
may be sub-
mitted to
the Minister.
cf. Act No.
41, 1919, s.
654.

(4) (a) If any difference, whether arising out of the construction of this Act or not, arise between two or more district councils or between a district council and the Technical Education Board, with respect to the carrying out of the provisions of this Act or with respect to the fulfilment or exercise of the powers, authorities, duties or functions of any district council or the Technical Education Board under any Act, a district council or the Technical Education Board may submit such difference to the Minister, who may refer the matter for inquiry to some person appointed by him in that behalf, or may himself make such inquiry.

(b) The Minister may thereupon make such order or give such directions as in the public interest and in the circumstances of the case may seem to him just and equitable, and any such order or direction shall be carried into effect.

DIVISION 4.—*Vocational and pre-vocational instruction.*

Certificates
of quali-
fication.

81. (1) (a) After the expiration of twelve months from the commencement of this Act no person shall give or offer to give for fee, remuneration or reward (whether such fee, remuneration or reward is paid or given to such person by or on behalf of any student or by the employer of such person or otherwise howsoever) instruction in any subject matter which the Governor by proclamation in the Gazette may declare to be vocational or pre-vocational in character, unless such person is the holder of a certificate issued by the Technical Education Board under and in accordance with the regulations authorising him so to do.

(b)

Technical Education.

(b) Paragraph (a) of this subsection shall not extend to or in respect of any person who gives or offers to give any instruction in his capacity as an officer or employee of the Crown or of a district council or of the Technical Education Board, or in his capacity as principal of or an employee in any school registered under this section, or in his capacity as teacher in any school certified under the Public Instruction Act, 1916, or registered under the Bursary Endowment Act, 1912.

(c) A certificate under this section may be issued subject to such terms and conditions as may be specified therein or as may be prescribed by the regulations.

(d) No such certificate shall be issued unless the applicant satisfies the Technical Education Board that he possesses sufficient qualifications and capacity to enable him to give such instruction in an adequate and satisfactory manner.

(e) Any certificate issued under this subsection may be withdrawn by the Technical Education Board if the said Board is satisfied that—

- (i) the holder of the certificate no longer possesses the capacity to give such instruction in an adequate and satisfactory manner; or
- (ii) the holder has contravened or failed to comply with any of the terms and conditions of the certificate.

(f) Any person who contravenes the provisions of this subsection shall be liable to a penalty not exceeding fifty pounds.

(2) (a) The Minister may, upon the recommendation of the Technical Education Board, register under this section any school which is in existence immediately before the commencement of this Act.

The Technical Education Board shall not make such recommendation unless it is satisfied that the school is providing efficient instruction.

(b) The Minister may, upon the recommendation of the Technical Education Board, cancel the registration of any such school.

The

Technical Education.

The Technical Education Board shall not make any such recommendation unless it is satisfied that the school is no longer providing efficient instruction.

(c) An appeal may be made as prescribed by the regulations against the refusal of any registration or the cancellation of any registration under this section.

The appeal shall be heard by the apprenticeship council constituted under the Industrial Arbitration (Amendment) Act, 1932, as amended by subsequent Acts, for such industry as the apprenticeship commissioner may determine. The appeal shall be in the nature of a rehearing and the decision of the apprenticeship council upon such appeal shall be final and shall be deemed to be the decision of the Technical Education Board.

(3) The Superintendent of Technical Education, or any officer of the Education Department authorised by the Minister in writing in that behalf, may enter any premises at or upon which any instruction to which this section applies is being given or is suspected of being given for fee, remuneration or reward as referred to in subsection one of this section and may carry out such inspections, examinations and investigations as may be reasonably necessary to enable him to ascertain whether or not such instruction is being given in an adequate and efficient manner, and shall report in writing to the Technical Education Board the results of such inspections, examinations and investigations.

Any person who hinders or obstructs the Superintendent of Technical Education or an officer so authorised in exercising the powers conferred by this subsection shall be liable to a penalty not exceeding ten pounds.

(4) A person whose application for a certificate under this section has been refused, or whose certificate has been withdrawn may in the manner and within the time prescribed by the regulations appeal against such refusal or withdrawal. The appeal shall be heard by the apprenticeship council constituted under the Industrial Arbitration (Amendment) Act, 1932, as amended by subsequent Acts for such industry as the apprenticeship commissioner may determine. The appeal shall be in the
nature

Technical Education.

nature of a rehearing, and the decision of the apprenticeship council upon such appeal shall be final, and shall be deemed to be the decision of the Technical Education Board and be carried into effect accordingly.

PART XI.

REGULATIONS AND BY-LAWS.

82. The Governor may make regulations not inconsistent with this Act prescribing all matters which— **Regulations.**

- (a) are required or permitted by this Act to be prescribed by regulations;
- (b) are necessary or convenient to be prescribed for carrying into effect Parts II and III, Parts V, VII, VIII, IX and X of this Act.

83. Each district council and the Technical Education Board may, with the approval of the Governor, make by-laws not inconsistent with this Act or with any regulation made thereunder— **By-laws.**

- (a) providing for the management and discipline of institutions and schools which are under the control and supervision of the district council or the Technical Education Board, as the case may be, and of classes conducted at such institutions and schools;
- (b) providing for the conduct of examinations and the granting of scholarships, exhibitions, diplomas and certificates;
- (c) providing for the establishment and regulation of classes and courses of instruction;
- (d) prescribing all matters which—
 - (i) are required or permitted by this Act to be prescribed by by-laws;
 - (ii) are necessary or convenient to be prescribed for carrying into effect the provisions of this Act other than of Parts II and III, Parts V, VII, VIII, IX and X or to enable the district council or the Technical

Technical Education.

Technical Education Board, as the case may be, to exercise and discharge the powers authorities duties and functions conferred and imposed upon the district council or the said board by this Act.

Regulation
or by-law—
penalty.

84. Any regulation or by-law made under this Act may impose a penalty not exceeding twenty pounds for any breach thereof.

Such penalty may be recovered in a summary manner before a police or stipendiary magistrate or any two justices.

Publication
of regula-
tions and
by-laws.

85. Any regulations or by-laws made under this Act shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in such regulations or by-laws;
- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given within fifteen sitting days after such regulations or by-laws have been laid before such House disallowing any regulation or by-law or part thereof, such regulation, by-law or part shall thereupon cease to have effect.

PART XII.

AMENDMENT OF LOCAL GOVERNMENT ACT, 1919.

Amendment
of Act No.
41, 1919, s.4.
(Definition
of
"Statutory
body.")

86. The Local Government Act, 1919, as amended by subsequent Acts is amended by inserting after the words "Metropolitan Meat Industry Board" in the definition of "Statutory body" in section four the words "any district council constituted under the Technical Education Act, 1940."

In the name and on behalf of His Majesty I assent to this Act.

F. R. JORDAN,

*By Deputation from His Excellency the Governor.
Government House,
Sydney, 7th June, 1940.*