

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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 4 September, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. , 1975.

An Act to make further provisions relating to the grant of higher school certificates; for this and other purposes to amend the Education Act, 1961; and for purposes connected therewith.

BE

Education (Amendment).

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

1. This Act may be cited as the "Education (Amendment) Short
Act, 1975". title.

2. (1) Except as provided in subsection (2), this Act Commence-
shall commence on the date of assent to this Act. ment.

10 (2) Section 5 shall commence on 1st January, 1976.

3. The Education Act, 1961, is, in this Act, referred to Principal
as the Principal Act. Act.

4. The Principal Act is amended by inserting after section Amend-
10 the following section :— ment of
Act No. 47,
1961.
Sec. 10A.

15 10A. (1) In this section—

Illness or
mis-
adventure.

"Board" means the Board of Senior School Studies;

"examination" means an examination in the Higher
School Certificate Examination held in 1975
or in any subsequent year.

(2)

Education (Amendment).

5 (2) Where the Board is satisfied that a candidate for the higher school certificate was unable, by reason of illness or misadventure, to attempt an examination, the Board may direct that he shall be treated, for the purposes of this Act, as having—

- (a) made an attempt at that examination; and
- (b) attained at that attempt a standard determined by the Board and specified in the direction.

10 (3) Where the Board is satisfied that the attempt made by a candidate for the higher school certificate at an examination was seriously affected by illness or misadventure, the Board may direct that he shall be treated, for the purposes of this Act, as having
15 attained at that attempt a standard determined by the Board and specified in the direction.

(4) In determining a standard for the purposes of a direction under this section, the Board shall have regard to such evidence relating to the candidate's participation in the course of study to which the
20 examination related as is available to the Board.

(5) The Board shall not give a direction under this section except on application that is made to it within such period as—

- 25 (a) in the case of an examination held in 1975—the Minister approves; or
- (b) in the case of an examination held in any subsequent year—is prescribed by rules made under section 10B,

30 and that is supported by evidence acceptable to the Board.

(6) A direction under this section has effect according to its tenor

Education (Amendment).

5. The Principal Act, as amended by section 4, is amended—

Further
amend-
ment of
Act No.
47, 1961.

(a) (i) by omitting section 5 (3) and by inserting instead the following subsections :—

Sec. 5.
(School
and
higher
school
certificates.)

5 (3) Higher school certificates shall be granted on the recommendation of the Board of Senior School Studies to—

(a) pupils who—

10 (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;

15 (ii) have attended for a period of at least two years, or, where the Board in special circumstances so approves, for a period of at least one year, a secondary or composite school, or a school registered as prescribed under this Act, subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);

25 (iii) have participated at that school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

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(iv)

Education (Amendment).

- 5 (iv) have been accepted by the Board as having been assessed, in accordance with rules made under section 10B, as having satisfactorily completed those courses of studies ; or
- (b) pupils who—
- 10 (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory ;
- 15 (ii) have not attended for the required period a school referred to in paragraph (a), but have attended some other school subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i) ;
- 20 (iii) have participated at that or any other school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and
- 25 (iv) have been accepted by the Board as having satisfactorily completed those courses of studies,
- 30 and

Education (Amendment).

and who—

5 (c) have attempted the Higher School Certificate Examination in the examinations relating to such courses of studies as satisfy the requirements of rules made in pursuance of section 10B (a); and

(d) have complied with—

10 (i) such requirements as may be prescribed by the regulations;

(ii) such requirements as may be imposed by the Minister; and

15 (iii) such other requirements as may be imposed by the Board by rules made under section 10B.

20 (3A) An attempt made by a candidate in an examination shall be treated, for the purposes of this Act, as not having been made if—

25 (a) the attempt is of a kind prescribed, for the purposes of this paragraph, by the rules made under section 10B; or

30 (b) the Board of Senior School Studies (being satisfied that the attempt, although not of a kind referred to in paragraph (a), was so inadequate as to warrant the giving of a direction under this paragraph) directs that the attempt be so treated.

(ii)

Education (Amendment).

- (ii) by omitting from section 5 (4) the matter "paragraph (b) of subsection (3)" and by inserting instead the matter "subsection (3) (a) or (b)";
- 5 (iii) by omitting from section 5 (5) (b) the words "sat for" and by inserting instead the word "attempted";
- (b) by inserting in section 10 (1) (c) after the word "determine" the words "or approve"; Sec. 10.
(Functions and duties of Board of Senior School Studies.)
- 10 (c) by inserting after section 10A the following section :— Sec. 10B.
 - 15 10B. The Board of Senior School Studies may make rules, not inconsistent with this Act or the regulations, or any by-laws made by it under section 20, for or with respect to any matter that by this Act is required or permitted to be prescribed by rules made under this section and, in particular, for or with respect to— Rules relating to grant of higher school certificates.
 - 20 (a) the number and combination of courses of studies that are to be undertaken by candidates for higher school certificates;
 - (b) the manner of assessing whether courses of studies have been satisfactorily completed by pupils referred to in section 5 (3) (a);
 - 25 (c) the manner of assessing the standards at which those courses were completed and at which examinations relating to those courses were attempted; and
 - 30 (d) any other requirements to be complied with by candidates for higher school certificates.

Education (Amendment).

6. The Principal Act shall, after the commencement of section 5, apply to and in respect of the grant of higher school certificates consequent on the holding of the Higher School Certificate Examination for the year 1975, or any previous year, as if section 5 had not been enacted.

Transitional provision.

7. Each provision of the Principal Act specified in Column 1 of the Schedule is amended in the manner specified opposite that provision in Column 2 of the Schedule.

Further amendment of Act No. 47, 1961.

SCHEDULE.

Sec. 7.

10 AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
15 Long title	Omit “, as amended by subsequent Acts”.
Section 1	Omit subsection (2).
Section 2	(a) Omit “, AS AMENDED BY SUBSEQUENT ACTS”;
	(b) Omit the matter relating to Division 1 of Part IV.
20 Section 3 (2)	Omit “, as amended by subsequent Acts”.
Heading to Part II	Omit “, AS AMENDED BY SUBSEQUENT ACTS”.
Section 4 (1)	Omit “, as amended by subsequent Acts”.
25 Section 5 (5) (a)	Omit “paragraph (a) or (b) of subsection (2)”, insert instead “subsection (2) (a) or (b)”.
Part IV	Omit Division 1.
Section 7 (2) (k)	Omit “, as amended by subsequent Acts”.
Section 7 (5)	Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.
30 Section 7 (5) (a)	Omit “constituted under section 16 of the Higher Education Act, 1969”.
Section 7 (5) (b)	Omit “so constituted”.
Section 8A (1) (a)	Omit “paragraph (a) of subsection (2) of section 5”, insert instead “section 5 (2) (a)”.
35 Section 9 (3)	(a) Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”;
	(b) Omit “paragraph (c) of subsection (2)”, insert instead “subsection (2) (c)”.

*Education (Amendment).*SCHEDULE—*continued.*

Column 1.	Column 2.
5 Provision of Principal Act.	Amendment.
Section 9 (5)	Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".
Section 9 (5) (a)	Omit "constituted under section 16 of the Higher Education Act, 1969".
10 Section 9 (5) (b)	Omit "so constituted".
Section 12	(a) Omit "subsection (2) of section 7", insert instead "section 7 (2)"; (b) Omit "subsection (2) of section 9", insert instead "section 9 (2)".
15 Section 19	(a) Omit "or any Act amending that Act,";
Section 20	(b) Omit "any such Act", insert instead "that Act".
20	Omit subsection (2), insert instead the following subsections:— (2) A by-law made under this section shall be submitted to the Governor for his approval. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section and approved by the Governor as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
25 Section 21 (1A)	Omit "subsection (5) of section 7 or subsection (5) of section 9", insert instead "section 7 (5) or section 9 (5)".
30 Section 21	Omit subsection (2), insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[16c]

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No. , 1975.

A BILL

To make further provisions relating to the grant of higher school certificates; for this and other purposes to amend the Education Act, 1961; and for purposes connected therewith.

[SIR ERIC WILLIS—21 *August*, 1975.]

BE

Education (Amendment).

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

1. This Act may be cited as the "Education (Amendment) Act, 1975". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

10 (2) Section 5 shall commence on 1st January, 1976.

3. The Education Act, 1961, is, in this Act, referred to as the Principal Act. Principal Act.

4. The Principal Act is amended by inserting after section 10 the following section:— Amendment of Act No. 47, 1961. Sec. 10A.

15 10A. (1) In this section— Illness or mis-adventure.

"Board" means the Board of Senior School Studies;

"examination" means an examination in the Higher School Certificate Examination held in 1975 or in any subsequent year.

Education (Amendment).

(2) Where the Board is satisfied that a candidate for the higher school certificate was unable, by reason of illness or misadventure, to attempt an examination, the Board may direct that he shall be treated, for the purposes of this Act, as having—

- (a) made an attempt at that examination; and
- (b) attained at that attempt a standard determined by the Board and specified in the direction.

(3) Where the Board is satisfied that the attempt made by a candidate for the higher school certificate at an examination was seriously affected by illness or misadventure, the Board may direct that he shall be treated, for the purposes of this Act, as having attained at that attempt a standard determined by the Board and specified in the direction.

(4) In determining a standard for the purposes of a direction under this section, the Board shall have regard to such evidence relating to the candidate's participation in the course of study to which the examination related as is available to the Board.

(5) The Board shall not give a direction under this section except on application that is made to it within such period as—

- (a) in the case of an examination held in 1975—the Minister approves; or
- (b) in the case of an examination held in any subsequent year—is prescribed by rules made under section 10B,

and that is supported by evidence acceptable to the Board.

(6) A direction under this section has effect according to its tenor.

Education (Amendment).

5. The Principal Act, as amended by section 4, is amended—

Further amendment of Act No. 47, 1961.

(a) (i) by omitting section 5 (3) and by inserting instead the following subsections :—

Sec. 5. (School and higher school certificates.)

5 (3) Higher school certificates shall be granted on the recommendation of the Board of Senior School Studies to—

(a) pupils who—

10 (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;

15 (ii) have attended for a period of at least two years, or, where the Board in special circumstances so approves, for a period of at least one year, a secondary or composite school, or a school registered as prescribed under this Act, subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);

25 (iii) have participated at that school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

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(iv)

Education (Amendment).

5 (iv) have been accepted by the Board as having been assessed, in accordance with rules made under section 10B, as having satisfactorily completed those courses of studies; or

(b) pupils who—

10 (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;

15 (ii) have not attended for the required period a school referred to in paragraph (a), but have attended some other school subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);

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25 (iii) have participated at that or any other school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

30 (iv) have been accepted by the Board as having satisfactorily completed those courses of studies,

and

Education (Amendment).

and who—

5 (c) have attempted the Higher School Certificate Examination in the examinations relating to such courses of studies as satisfy the requirements of rules made in pursuance of section 10B (a); and

(d) have complied with—

10 (i) such requirements as may be prescribed by the regulations;

(ii) such requirements as may be imposed by the Minister; and

15 (iii) such other requirements as may be imposed by the Board by rules made under section 10B.

20 (3A) An attempt made by a candidate in an examination shall be treated, for the purposes of this Act, as not having been made if—

(a) the attempt is of a kind prescribed, for the purposes of this paragraph, by the rules made under section 10B; or

25

(b) the Board of Senior School Studies (being satisfied that the attempt, although not of a kind referred to in paragraph (a), was so inadequate as to warrant the giving of a direction under this paragraph) directs that the attempt be so treated.

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(ii)

Education (Amendment).

- (ii) by omitting from section 5 (4) the matter "paragraph (b) of subsection (3)" and by inserting instead the matter "subsection (3) (a) or (b)";
- 5 (iii) by omitting from section 5 (5) (b) the words "sat for" and by inserting instead the word "attempted";

- (b) by inserting in section 10 (1) (c) after the word "determine" the words "or approve";
- Sec. 10.
(Functions and duties of Board of Senior School Studies.)

- 10 (c) by inserting after section 10A the following section :—

15 10B. The Board of Senior School Studies may make rules, not inconsistent with this Act or the regulations, or any by-laws made by it under section 20, for or with respect to any matter that by this Act is required or permitted to be prescribed by rules made under this section and, in particular, for or with respect to—

Rules relating to grant of higher school certificates.

- 20 (a) the number and combination of courses of studies that are to be undertaken by candidates for higher school certificates;
- (b) the manner of assessing whether courses of studies have been satisfactorily completed by pupils referred to in section 5 (3) (a);
- 25 (c) the manner of assessing the standards at which those courses were completed and at which examinations relating to those courses were attempted; and
- 30 (d) any other requirements to be complied with by candidates for higher school certificates.

Education (Amendment).

6. The Principal Act shall, after the commencement of section 5, apply to and in respect of the grant of higher school certificates consequent on the holding of the Higher School Certificate Examination for the year 1975, or any previous year, as if section 5 had not been enacted. Transitional provision.

7. Each provision of the Principal Act specified in Column 1 of the Schedule is amended in the manner specified opposite that provision in Column 2 of the Schedule. Further amendment of Act No. 47, 1961.

SCHEDULE.

Sec. 7.

10 AMENDMENT OF THE PRINCIPAL ACT.

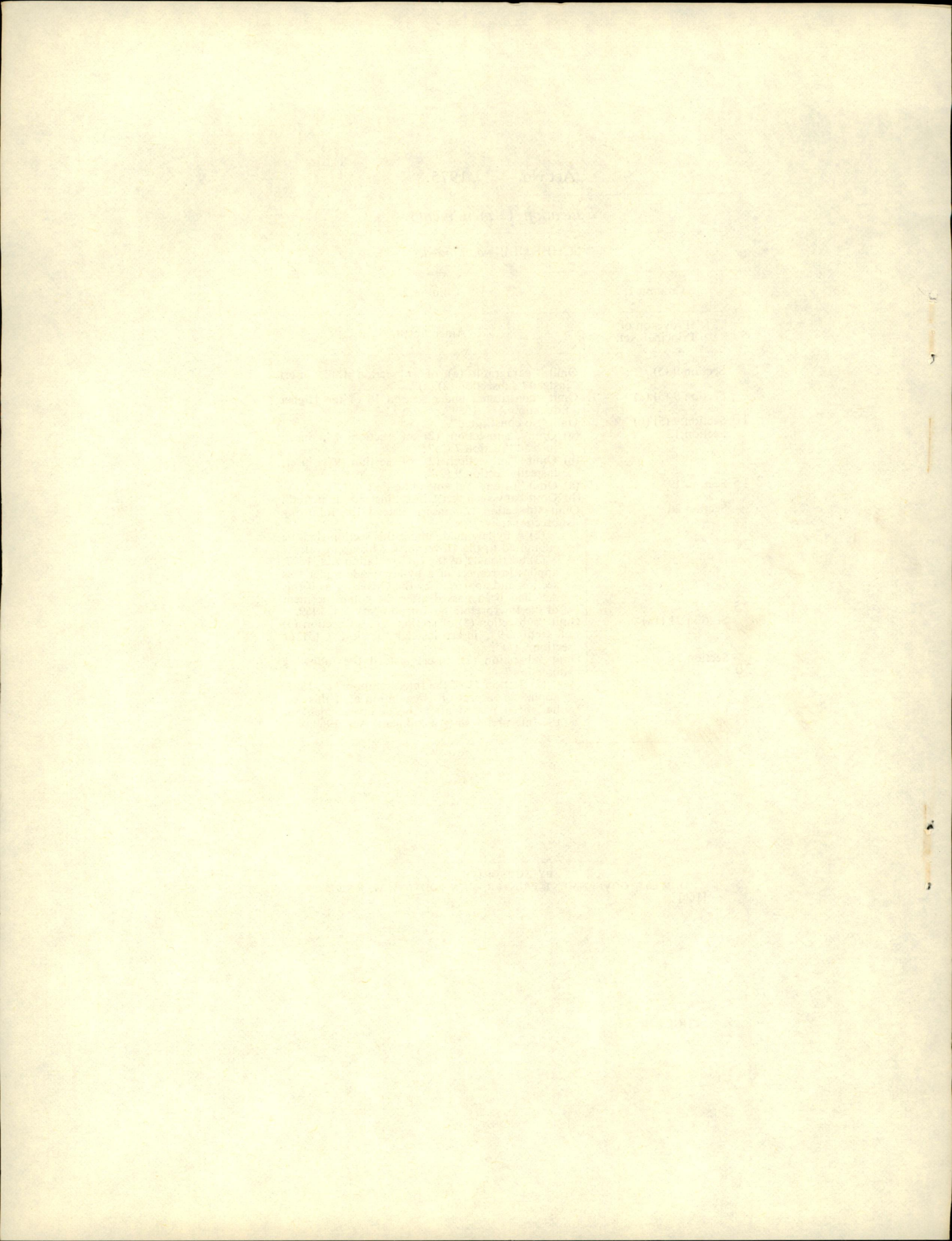
	Column 1.	Column 2.
	Provision of Principal Act.	Amendment.
15	Long title	Omit “, as amended by subsequent Acts”.
	Section 1	Omit subsection (2).
	Section 2	(a) Omit “, AS AMENDED BY SUBSEQUENT ACTS”;
		(b) Omit the matter relating to Division 1 of Part IV.
20	Section 3 (2)	Omit “, as amended by subsequent Acts”.
	Heading to Part II	Omit “, AS AMENDED BY SUBSEQUENT ACTS”.
	Section 4 (1)	Omit “, as amended by subsequent Acts”.
25	Section 5 (5) (a)	Omit “paragraph (a) or (b) of subsection (2)”, insert instead “subsection (2) (a) or (b)”.
	Part IV	Omit Division 1.
	Section 7 (2) (k)	Omit “, as amended by subsequent Acts”.
	Section 7 (5)	Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.
30	Section 7 (5) (a)	Omit “constituted under section 16 of the Higher Education Act, 1969”.
	Section 7 (5) (b)	Omit “so constituted”.
	Section 8A (1) (a)	Omit “paragraph (a) of subsection (2) of section 5”, insert instead “section 5 (2) (a)”.
35	Section 9 (3)	(a) Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”;
		(b) Omit “paragraph (c) of subsection (2)”, insert instead “subsection (2) (c)”.

*Education (Amendment).*SCHEDULE—*continued.*

Column 1.		Column 2.
5	Provision of Principal Act.	Amendment.
	Section 9 (5)	Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".
	Section 9 (5) (a)	Omit "constituted under section 16 of the Higher Education Act, 1969".
10	Section 9 (5) (b)	Omit "so constituted".
	Section 12	(a) Omit "subsection (2) of section 7", insert instead "section 7 (2)"; (b) Omit "subsection (2) of section 9", insert instead "section 9 (2)".
15	Section 19	(a) Omit "or any Act amending that Act,";
	Section 20	(b) Omit "any such Act", insert instead "that Act".
20		Omit subsection (2), insert instead the following subsections:— (2) A by-law made under this section shall be submitted to the Governor for his approval. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section and approved by the Governor as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
25	Section 21 (1A)	Omit "subsection (5) of section 7 or subsection (5) of section 9", insert instead "section 7 (5) or section 9 (5)".
30	Section 21	Omit subsection (2), insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975
[16c]



EDUCATION (AMENDMENT) BILL, 1975

EXPLANATORY NOTE

1. Clause 1 specifies the short title of the Bill.
 2. Clause 2 provides for the commencement of the proposed Act.
 3. Clause 3 refers to the Education Act, 1961, as the "Principal Act".
 4. Clause 4 amends the Principal Act by inserting a new section 10A, which allows the Board of Senior School Studies to take into account illness or misadventure that causes a candidate to miss any examination in the Higher School Certificate Examination or that seriously affects his performance at such an examination.
 5. Clause 5 amends the Principal Act as follows:—
 - (a) section 5 is amended to re-express the requirements for the grant of higher school certificates, and in particular—
 - (i) to remove references to the requirement to pass the Higher School Certificate Examination and to insert a requirement to attempt that Examination; and
 - (ii) to provide that certain attempts at the Examination may, for the purpose of determining eligibility for the grant of higher school certificates, be disregarded;
 - (b) a new section 10B is inserted, which empowers the Board of Senior School Studies to make rules relating to candidature for higher school certificates, including rules as to the number and combinations of courses to be undertaken, and the assessment of the standards at which those courses are completed.
 6. Clause 6 is a transitional provision, and provides that the amendments made by clause 5 do not affect the award of higher school certificates consequent on the Higher School Certificate Examination held in or before 1975.
 7. Clause 7 and the Schedule make amendments to the Principal Act of a formal or statute law revision nature.
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EDUCATION (MEMBERS) BILL 1973

MEMBERSHIP

1. (1) The members of the Board shall be appointed by the Secretary of State after consulting the relevant authorities.

(2) The Secretary of State may appoint such persons as he thinks fit to be members of the Board, and may terminate the appointment of any member of the Board at any time.

(3) The Secretary of State may appoint such persons as he thinks fit to be members of the Board, and may terminate the appointment of any member of the Board at any time.

(4) The Secretary of State may appoint such persons as he thinks fit to be members of the Board, and may terminate the appointment of any member of the Board at any time.

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(6) The Secretary of State may appoint such persons as he thinks fit to be members of the Board, and may terminate the appointment of any member of the Board at any time.

(7) The Secretary of State may appoint such persons as he thinks fit to be members of the Board, and may terminate the appointment of any member of the Board at any time.

(8) The Secretary of State may appoint such persons as he thinks fit to be members of the Board, and may terminate the appointment of any member of the Board at any time.

(9) The Secretary of State may appoint such persons as he thinks fit to be members of the Board, and may terminate the appointment of any member of the Board at any time.

(10) The Secretary of State may appoint such persons as he thinks fit to be members of the Board, and may terminate the appointment of any member of the Board at any time.

Education (Amendment)

Bill enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows—

1. This Act may be cited as the Education (Amendment) Act 1975.

No. 384, 1975.

A BILL

To make further provisions relating to the grant of higher school certificates; for this and other purposes to amend the Education Act, 1961; and for purposes connected therewith.

[SIR ERIC WILLIS—21 August, 1975.]

BE

Education (Amendment).

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

1. This Act may be cited as the "Education (Amendment) Act, 1975". Short title.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act. Commencement.

10 (2) Section 5 shall commence on 1st January, 1976.

3. The Education Act, 1961, is, in this Act, referred to as the Principal Act. Principal Act.

4. The Principal Act is amended by inserting after section 10 the following section :— Amendment of Act No. 47, 1961. Sec. 10A.

15 10A. (1) In this section— Illness or misadventure.

"Board" means the Board of Senior School Studies;

"examination" means an examination in the Higher School Certificate Examination held in 1975 or in any subsequent year.

(2)

Education (Amendment).

5 (2) Where the Board is satisfied that a candidate for the higher school certificate was unable, by reason of illness or misadventure, to attempt an examination, the Board may direct that he shall be treated, for the purposes of this Act, as having—

- (a) made an attempt at that examination; and
- (b) attained at that attempt a standard determined by the Board and specified in the direction.

10 (3) Where the Board is satisfied that the attempt made by a candidate for the higher school certificate at an examination was seriously affected by illness or misadventure, the Board may direct that he shall be treated, for the purposes of this Act, as having
15 attained at that attempt a standard determined by the Board and specified in the direction.

(4) In determining a standard for the purposes of a direction under this section, the Board shall have regard to such evidence relating to the candidate's participation in the course of study to which the examination related as is available to the Board.
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(5) The Board shall not give a direction under this section except on application that is made to it within such period as—

- 25 (a) in the case of an examination held in 1975—the Minister approves; or
- (b) in the case of an examination held in any subsequent year—is prescribed by rules made under section 10B,

30 and that is supported by evidence acceptable to the Board.

(6) A direction under this section has effect according to its tenor.

Education (Amendment).

5. The Principal Act, as amended by section 4, is amended— Further amendment of Act No. 47, 1961.

(a) (i) by omitting section 5 (3) and by inserting instead the following subsections :— Sec. 5. (School and higher school certificates.)

5 (3) Higher school certificates shall be granted on the recommendation of the Board of Senior School Studies to—

(a) pupils who—

10 (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;

15 (ii) have attended for a period of at least two years, or, where the Board in special circumstances so approves, for a period of at least one year, a secondary or composite school, or a school registered as prescribed under this Act, subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);

25 (iii) have participated at that school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

(iv)

Education (Amendment).

5 (iv) have been accepted by the Board as having been assessed, in accordance with rules made under section 10B, as having satisfactorily completed those courses of studies; or

(b) pupils who—

10 (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;

15 (ii) have not attended for the required period a school referred to in paragraph (a), but have attended some other school subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);

25 (iii) have participated at that or any other school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

30 (iv) have been accepted by the Board as having satisfactorily completed those courses of studies,

and

Education (Amendment).

and who—

5 (c) have attempted the Higher School Certificate Examination in the examinations relating to such courses of studies as satisfy the requirements of rules made in pursuance of section 10B (a); and

(d) have complied with—

10 (i) such requirements as may be prescribed by the regulations;

(ii) such requirements as may be imposed by the Minister; and

15 (iii) such other requirements as may be imposed by the Board by rules made under section 10B.

20 (3A) An attempt made by a candidate in an examination shall be treated, for the purposes of this Act, as not having been made if—

(a) the attempt is of a kind prescribed, for the purposes of this paragraph, by the rules made under section 10B; or

25 (b) the Board of Senior School Studies (being satisfied that the attempt, although not of a kind referred to in paragraph (a), was so inadequate as to warrant the giving of a direction under this paragraph) directs that the attempt be so treated.

30 (ii)

Education (Amendment).

- (ii) by omitting from section 5 (4) the matter “paragraph (b) of subsection (3)” and by inserting instead the matter “subsection (3) (a) or (b)”;
- 5 (iii) by omitting from section 5 (5) (b) the words “sat for” and by inserting instead the word “attempted”;
- (b) by inserting in section 10 (1) (c) after the word “determine” the words “or approve”;
- 10 (c) by inserting after section 10A the following section :—
- 10B. The Board of Senior School Studies may make rules, not inconsistent with this Act or the regulations, or any by-laws made by it under section 20, for or with respect to any matter that by this Act is required or permitted to be prescribed by rules made under this section and, in particular, for or with respect to—
- 15 (a) the number and combination of courses of studies that are to be undertaken by candidates for higher school certificates;
- 20 (b) the manner of assessing whether courses of studies have been satisfactorily completed by pupils referred to in section 5 (3) (a);
- 25 (c) the manner of assessing the standards at which those courses were completed and at which examinations relating to those courses were attempted; and
- 30 (d) any other requirements to be complied with by candidates for higher school certificates.

Sec. 10.
(Functions and duties of Board of Senior School Studies.)

Sec. 10B.

Rules relating to grant of higher school certificates.

Education (Amendment).

6. The Principal Act shall, after the commencement of section 5, apply to and in respect of the grant of higher school certificates consequent on the holding of the Higher School Certificate Examination for the year 1975, or any previous year, as if section 5 had not been enacted.

Transitional provision.

7. Each provision of the Principal Act specified in Column 1 of the Schedule is amended in the manner specified opposite that provision in Column 2 of the Schedule.

Further amendment of Act No. 47, 1961.

SCHEDULE.

Sec. 7.

10 AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
15 Long title	Omit "as amended by subsequent Acts".
Section 1	Omit subsection (2).
Section 2	(a) Omit "AS AMENDED BY SUBSEQUENT ACTS";
	(b) Omit the matter relating to Division 1 of Part IV.
20 Section 3 (2)	Omit "as amended by subsequent Acts".
Heading to Part II	Omit "AS AMENDED BY SUBSEQUENT ACTS".
Section 4 (1)	Omit "as amended by subsequent Acts".
25 Section 5 (5) (a)	Omit "paragraph (a) or (b) of subsection (2)", insert instead "subsection (2) (a) or (b)".
Part IV	Omit Division 1.
Section 7 (2) (k)	Omit "as amended by subsequent Acts".
Section 7 (5)	Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".
30 Section 7 (5) (a)	Omit "constituted under section 16 of the Higher Education Act, 1969".
Section 7 (5) (b)	Omit "so constituted".
Section 8A (1) (a)	Omit "paragraph (a) of subsection (2) of section 5", insert instead "section 5 (2) (a)".
35 Section 9 (3)	(a) Omit "paragraph (b) of subsection (2)", insert instead "subsection (2) (b)";
	(b) Omit "paragraph (c) of subsection (2)", insert instead "subsection (2) (c)".

*Education (Amendment).*SCHEDULE—*continued.*

Column 1.	Column 2.
5 Provision of Principal Act.	Amendment.
Section 9 (5)	Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".
Section 9 (5) (a)	Omit "constituted under section 16 of the Higher Education Act, 1969".
10 Section 9 (5) (b)	Omit "so constituted".
Section 12	(a) Omit "subsection (2) of section 7", insert instead "section 7 (2)"; (b) Omit "subsection (2) of section 9", insert instead "section 9 (2)".
15 Section 19	(a) Omit "or any Act amending that Act,"; (b) Omit "any such Act", insert instead "that Act".
Section 20	Omit subsection (2), insert instead the following subsections:— (2) A by-law made under this section shall be submitted to the Governor for his approval. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section and approved by the Governor as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
20	
25 Section 21 (1A)	Omit "subsection (5) of section 7 or subsection (5) of section 9", insert instead "section 7 (5) or section 9 (5)".
Section 21	Omit subsection (2), insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
30	

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

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New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 55, 1975.

An Act to make further provisions relating to the grant of higher school certificates; for this and other purposes to amend the Education Act, 1961; and for purposes connected therewith. [Assented to, 9th October, 1975.]

BE

Education (Amendment).

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

Short
title.

1. This Act may be cited as the "Education (Amendment) Act, 1975".

Commence-
ment.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall commence on 1st January, 1976.

Principal
Act.

3. The Education Act, 1961, is, in this Act, referred to as the Principal Act.

Amend-
ment of
Act No. 47,
1961.
Sec. 10A.

4. The Principal Act is amended by inserting after section 10 the following section:—

Illness or
mis-
adventure.

10A. (1) In this section—

"Board" means the Board of Senior School Studies;

"examination" means an examination in the Higher School Certificate Examination held in 1975 or in any subsequent year.

Education (Amendment).

(2) Where the Board is satisfied that a candidate for the higher school certificate was unable, by reason of illness or misadventure, to attempt an examination, the Board may direct that he shall be treated, for the purposes of this Act, as having—

- (a) made an attempt at that examination; and
- (b) attained at that attempt a standard determined by the Board and specified in the direction.

(3) Where the Board is satisfied that the attempt made by a candidate for the higher school certificate at an examination was seriously affected by illness or misadventure, the Board may direct that he shall be treated, for the purposes of this Act, as having attained at that attempt a standard determined by the Board and specified in the direction.

(4) In determining a standard for the purposes of a direction under this section, the Board shall have regard to such evidence relating to the candidate's participation in the course of study to which the examination related as is available to the Board.

(5) The Board shall not give a direction under this section except on application that is made to it within such period as—

- (a) in the case of an examination held in 1975—the Minister approves; or
- (b) in the case of an examination held in any subsequent year—is prescribed by rules made under section 10B,

and that is supported by evidence acceptable to the Board.

(6) A direction under this section has effect according to its tenor.

Education (Amendment).

Further
amend-
ment of
Act No.
47, 1961.

5. The Principal Act, as amended by section 4, is amended—

Sec. 5.
(School
and
higher
school
certificates.)

(a) (i) by omitting section 5 (3) and by inserting instead the following subsections :—

(3) Higher school certificates shall be granted on the recommendation of the Board of Senior School Studies to—

(a) pupils who—

- (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;
- (ii) have attended for a period of at least two years, or, where the Board in special circumstances so approves, for a period of at least one year, a secondary or composite school, or a school registered as prescribed under this Act, subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);
- (iii) have participated at that school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

(iv)

Education (Amendment).

(iv) have been accepted by the Board as having been assessed, in accordance with rules made under section 10B, as having satisfactorily completed those courses of studies; or

(b) pupils who—

(i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;

(ii) have not attended for the required period a school referred to in paragraph (a), but have attended some other school subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);

(iii) have participated at that or any other school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

(iv) have been accepted by the Board as having satisfactorily completed those courses of studies,

and

Education (Amendment).

and who—

(c) have attempted the Higher School Certificate Examination in the examinations relating to such courses of studies as satisfy the requirements of rules made in pursuance of section 10B (a); and

(d) have complied with—

(i) such requirements as may be prescribed by the regulations;

(ii) such requirements as may be imposed by the Minister; and

(iii) such other requirements as may be imposed by the Board by rules made under section 10B.

(3A) An attempt made by a candidate in an examination shall be treated, for the purposes of this Act, as not having been made if—

(a) the attempt is of a kind prescribed, for the purposes of this paragraph, by the rules made under section 10B; or

(b) the Board of Senior School Studies (being satisfied that the attempt, although not of a kind referred to in paragraph (a), was so inadequate as to warrant the giving of a direction under this paragraph) directs that the attempt be so treated.

(ii)

Education (Amendment).

- (ii) by omitting from section 5 (4) the matter “paragraph (b) of subsection (3)” and by inserting instead the matter “subsection (3) (a) or (b)”;
- (iii) by omitting from section 5 (5) (b) the words “sat for” and by inserting instead the word “attempted”;
- (b) by inserting in section 10 (1) (c) after the word “determine” the words “or approve”;
- Sec. 10.
(Functions and duties of Board of Senior School Studies.)
- (c) by inserting after section 10A the following section :—
- Sec. 10B.
- 10B. The Board of Senior School Studies may make rules, not inconsistent with this Act or the regulations, or any by-laws made by it under section 20, for or with respect to any matter that by this Act is required or permitted to be prescribed by rules made under this section and, in particular, for or with respect to—
- Rules relating to grant of higher school certificates.
- (a) the number and combination of courses of studies that are to be undertaken by candidates for higher school certificates;
- (b) the manner of assessing whether courses of studies have been satisfactorily completed by pupils referred to in section 5 (3) (a);
- (c) the manner of assessing the standards at which those courses were completed and at which examinations relating to those courses were attempted; and
- (d) any other requirements to be complied with by candidates for higher school certificates.

Education (Amendment).

Transitional provision.

6. The Principal Act shall, after the commencement of section 5, apply to and in respect of the grant of higher school certificates consequent on the holding of the Higher School Certificate Examination for the year 1975, or any previous year, as if section 5 had not been enacted.

Further amendment of Act No. 47, 1961.

7. Each provision of the Principal Act specified in Column 1 of the Schedule is amended in the manner specified opposite that provision in Column 2 of the Schedule.

Sec. 7.

SCHEDULE.

AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
Long title	Omit “, as amended by subsequent Acts”.
Section 1	Omit subsection (2).
Section 2	(a) Omit “, AS AMENDED BY SUBSEQUENT ACTS”; (b) Omit the matter relating to Division 1 of Part IV.
Section 3 (2)	Omit “, as amended by subsequent Acts”.
Heading to Part II	Omit “, AS AMENDED BY SUBSEQUENT ACTS”.
Section 4 (1)	Omit “, as amended by subsequent Acts”.
Section 5 (5) (a)	Omit “paragraph (a) or (b) of subsection (2)”, insert instead “subsection (2) (a) or (b)”.
Part IV	Omit Division 1.
Section 7 (2) (k)	Omit “, as amended by subsequent Acts”.
Section 7 (5)	Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.
Section 7 (5) (a)	Omit “constituted under section 16 of the Higher Education Act, 1969”.
Section 7 (5) (b)	Omit “so constituted”.
Section 8A (1) (a)	Omit “paragraph (a) of subsection (2) of section 5”, insert instead “section 5 (2) (a)”.
Section 9 (3)	(a) Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”; (b) Omit “paragraph (c) of subsection (2)”, insert instead “subsection (2) (c)”.

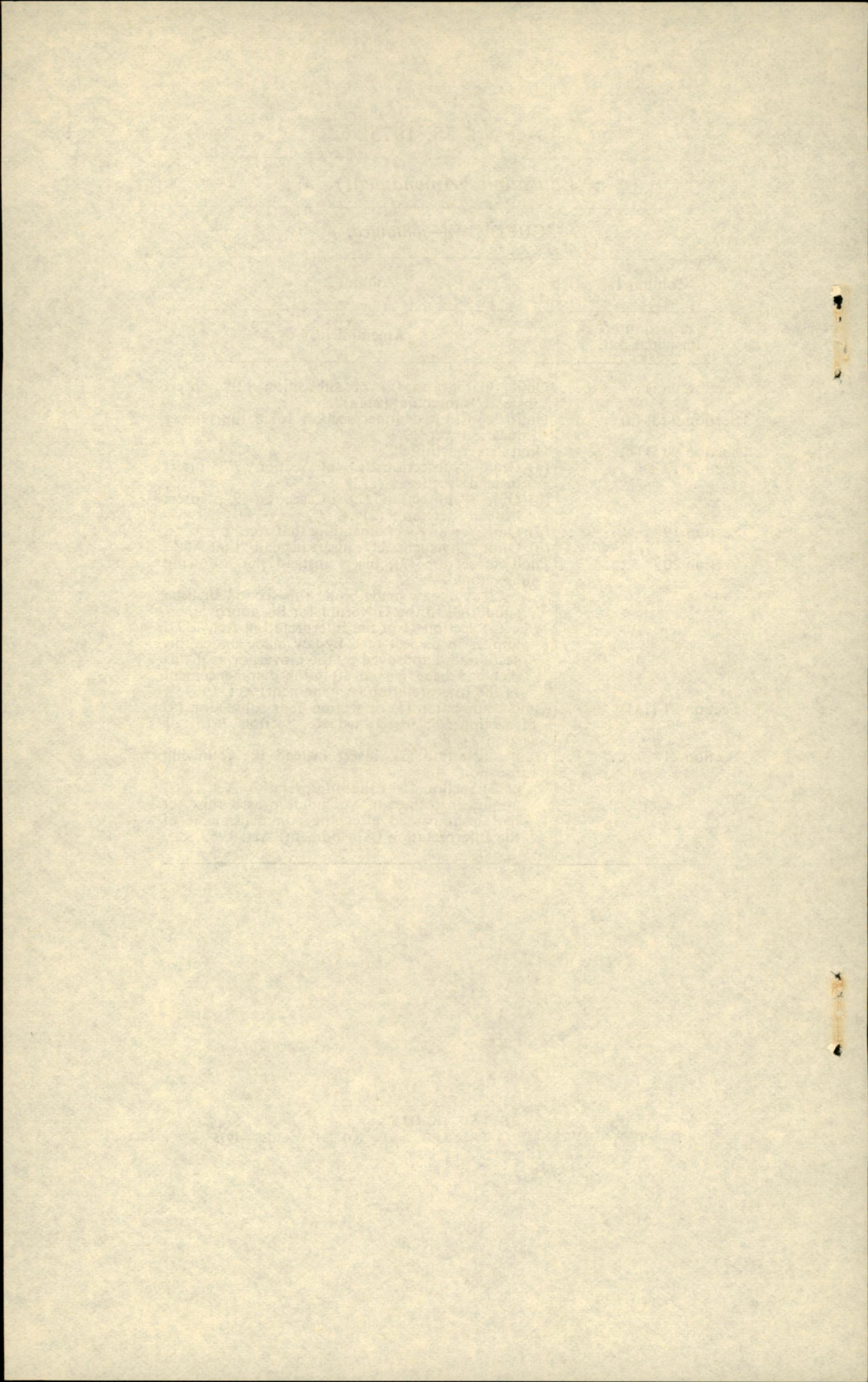
SCHEDULE

*Education (Amendment).*SCHEDULE—*continued.*

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
Section 9 (5)	Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".
Section 9 (5) (a)	Omit "constituted under section 16 of the Higher Education Act, 1969".
Section 9 (5) (b)	Omit "so constituted".
Section 12	(a) Omit "subsection (2) of section 7", insert instead "section 7 (2)"; (b) Omit "subsection (2) of section 9", insert instead "section 9 (2)".
Section 19	(a) Omit "or any Act amending that Act."; ; (b) Omit "any such Act", insert instead "that Act".
Section 20	Omit subsection (2), insert instead the following subsections:— (2) A by-law made under this section shall be submitted to the Governor for his approval. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section and approved by the Governor as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
Section 21 (1A)	Omit "subsection (5) of section 7 or subsection (5) of section 9", insert instead "section 7 (5) or section 9 (5)".
Section 21	Omit subsection (2), insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975



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.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 16 September, 1975.*

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 55, 1975.

An Act to make further provisions relating to the grant of higher school certificates; for this and other purposes to amend the Education Act, 1961; and for purposes connected therewith. [Assented to, 9th October, 1975.]

BE

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

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Education (Amendment).

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

Short
title.

1. This Act may be cited as the "Education (Amendment) Act, 1975".

Commence-
ment.

2. (1) Except as provided in subsection (2), this Act shall commence on the date of assent to this Act.

(2) Section 5 shall commence on 1st January, 1976.

Principal
Act.

3. The Education Act, 1961, is, in this Act, referred to as the Principal Act.

Amend-
ment of
Act No. 47,
1961.
Sec. 10A.

4. The Principal Act is amended by inserting after section 10 the following section:—

Illness or
mis-
adventure.

10A. (1) In this section—

"Board" means the Board of Senior School Studies;

"examination" means an examination in the Higher School Certificate Examination held in 1975 or in any subsequent year.

(2)

Education (Amendment).

(2) Where the Board is satisfied that a candidate for the higher school certificate was unable, by reason of illness or misadventure, to attempt an examination, the Board may direct that he shall be treated, for the purposes of this Act, as having—

- (a) made an attempt at that examination; and
- (b) attained at that attempt a standard determined by the Board and specified in the direction.

(3) Where the Board is satisfied that the attempt made by a candidate for the higher school certificate at an examination was seriously affected by illness or misadventure, the Board may direct that he shall be treated, for the purposes of this Act, as having attained at that attempt a standard determined by the Board and specified in the direction.

(4) In determining a standard for the purposes of a direction under this section, the Board shall have regard to such evidence relating to the candidate's participation in the course of study to which the examination related as is available to the Board.

(5) The Board shall not give a direction under this section except on application that is made to it within such period as—

- (a) in the case of an examination held in 1975—the Minister approves; or
- (b) in the case of an examination held in any subsequent year—is prescribed by rules made under section 10B,

and that is supported by evidence acceptable to the Board.

(6) A direction under this section has effect according to its tenor.

Education (Amendment).

Further
amend-
ment of
Act No.
47, 1961.

5. The Principal Act, as amended by section 4, is amended—

Sec. 5.
(School
and
higher
school
certificates.)

(a) (i) by omitting section 5 (3) and by inserting instead the following subsections :—

(3) Higher school certificates shall be granted on the recommendation of the Board of Senior School Studies to—

(a) pupils who—

- (i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;
- (ii) have attended for a period of at least two years, or, where the Board in special circumstances so approves, for a period of at least one year, a secondary or composite school, or a school registered as prescribed under this Act, subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);
- (iii) have participated at that school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

(iv)

Education (Amendment).

(iv) have been accepted by the Board as having been assessed, in accordance with rules made under section 10B, as having satisfactorily completed those courses of studies; or

(b) pupils who—

(i) have been granted school certificates or have attained such qualifications as the Board considers are satisfactory;

(ii) have not attended for the required period a school referred to in paragraph (a), but have attended some other school subsequent to the grant of their school certificates or attainment of the qualifications referred to in subparagraph (i);

(iii) have participated at that or any other school in courses of studies deemed by the Board to be appropriate in relation to the grant of higher school certificates; and

(iv) have been accepted by the Board as having satisfactorily completed those courses of studies,

and

Education (Amendment).

and who—

(c) have attempted the Higher School Certificate Examination in the examinations relating to such courses of studies as satisfy the requirements of rules made in pursuance of section 10B (a); and

(d) have complied with—

(i) such requirements as may be prescribed by the regulations;

(ii) such requirements as may be imposed by the Minister; and

(iii) such other requirements as may be imposed by the Board by rules made under section 10B.

(3A) An attempt made by a candidate in an examination shall be treated, for the purposes of this Act, as not having been made if—

(a) the attempt is of a kind prescribed, for the purposes of this paragraph, by the rules made under section 10B; or

(b) the Board of Senior School Studies (being satisfied that the attempt, although not of a kind referred to in paragraph (a), was so inadequate as to warrant the giving of a direction under this paragraph) directs that the attempt be so treated.

(ii)

Education (Amendment).

- (ii) by omitting from section 5 (4) the matter "paragraph (b) of subsection (3)" and by inserting instead the matter "subsection (3) (a) or (b)";
- (iii) by omitting from section 5 (5) (b) the words "sat for" and by inserting instead the word "attempted";
- (b) by inserting in section 10 (1) (c) after the word "determine" the words "or approve";
- (c) by inserting after section 10A the following section :—

Sec. 10.
(Functions and duties of Board of Senior School Studies.)

Sec. 10B.

10B. The Board of Senior School Studies may make rules, not inconsistent with this Act or the regulations, or any by-laws made by it under section 20, for or with respect to any matter that by this Act is required or permitted to be prescribed by rules made under this section and, in particular, for or with respect to—

Rules relating to grant of higher school certificates.

- (a) the number and combination of courses of studies that are to be undertaken by candidates for higher school certificates;
- (b) the manner of assessing whether courses of studies have been satisfactorily completed by pupils referred to in section 5 (3) (a);
- (c) the manner of assessing the standards at which those courses were completed and at which examinations relating to those courses were attempted; and
- (d) any other requirements to be complied with by candidates for higher school certificates.

Education (Amendment).

Tran-
sitional
provision.

6. The Principal Act shall, after the commencement of section 5, apply to and in respect of the grant of higher school certificates consequent on the holding of the Higher School Certificate Examination for the year 1975, or any previous year, as if section 5 had not been enacted.

Further
amendment
of Act No.
47, 1961.

7. Each provision of the Principal Act specified in Column 1 of the Schedule is amended in the manner specified opposite that provision in Column 2 of the Schedule.

Sec. 7.

SCHEDULE.

AMENDMENT OF THE PRINCIPAL ACT.

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
Long title	Omit “, as amended by subsequent Acts”.
Section 1	Omit subsection (2).
Section 2	(a) Omit “, AS AMENDED BY SUBSEQUENT ACTS”; (b) Omit the matter relating to Division 1 of Part IV.
Section 3 (2)	Omit “, as amended by subsequent Acts”.
Heading to Part II	Omit “, AS AMENDED BY SUBSEQUENT ACTS”.
Section 4 (1)	Omit “, as amended by subsequent Acts”.
Section 5 (5) (a)	Omit “paragraph (a) or (b) of subsection (2)”, insert instead “subsection (2) (a) or (b)”.
Part IV	Omit Division 1.
Section 7 (2) (k)	Omit “, as amended by subsequent Acts”.
Section 7 (5)	Omit “paragraph (a) of subsection (2)”, insert instead “subsection (2) (a)”.
Section 7 (5) (a)	Omit “constituted under section 16 of the Higher Education Act, 1969”.
Section 7 (5) (b)	Omit “so constituted”.
Section 8A (1) (a)	Omit “paragraph (a) of subsection (2) of section 5”, insert instead “section 5 (2) (a)”.
Section 9 (3)	(a) Omit “paragraph (b) of subsection (2)”, insert instead “subsection (2) (b)”; (b) Omit “paragraph (c) of subsection (2)”, insert instead “subsection (2) (c)”.

SCHEDULE

*Education (Amendment).*SCHEDULE—*continued.*

Column 1.	Column 2.
Provision of Principal Act.	Amendment.
Section 9 (5)	Omit "paragraph (a) of subsection (2)", insert instead "subsection (2) (a)".
Section 9 (5) (a) ..	Omit "constituted under section 16 of the Higher Education Act, 1969".
Section 9 (5) (b) ..	Omit "so constituted".
Section 12	(a) Omit "subsection (2) of section 7", insert instead "section 7 (2)"; (b) Omit "subsection (2) of section 9", insert instead "section 9 (2)".
Section 19	(a) Omit "or any Act amending that Act,"; (b) Omit "any such Act", insert instead "that Act".
Section 20	Omit subsection (2), insert instead the following subsections:— (2) A by-law made under this section shall be submitted to the Governor for his approval. (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section and approved by the Governor as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
Section 21 (1A) ..	Omit "subsection (5) of section 7 or subsection (5) of section 9", insert instead "section 7 (5) or section 9 (5)".
Section 21	Omit subsection (2), insert instead the following subsection:— (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 9th October, 1975.*

