

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, 26 September, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to make provision for technical and further education in New South Wales; to repeal the Technical Education Act, 1949, and certain other Acts; to amend certain Acts; and for purposes connected therewith.

BE

Technical and Further Education.

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Technical and Further Short title.
Education Act, 1974".

10 2. (1) This section and section 1 shall commence on Commence-
the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act
shall commence on such day as may be appointed by the
Governor in respect thereof and as may be notified by
15 proclamation published in the Gazette.

3. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–5.

PART II.—DEPARTMENT OF TECHNICAL AND
FURTHER EDUCATION—ss. 6–11.

20 PART III.—COUNCIL OF TECHNICAL AND FURTHER
EDUCATION—ss. 12–17.

PART IV.—VOCATIONAL INSTRUCTION—ss. 18–25.

PART V.—COLLEGE OR DISTRICT COUNCILS OR
COMMITTEES—ss. 26, 27.

25 PART VI.—ACQUISITION OF LAND—ss. 28, 29.

PART VII.—GENERAL—ss. 30–34.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

5 4. In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

“college” means an educational institution provided and maintained within the Department by the Minister;

10 “commencement date” means the day appointed and notified under section 2 (2);

“Department” means the Department of Technical and Further Education;

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

15 “regulations” means regulations made under this Act.

5. Nothing in this Act shall affect any of the provisions Higher Education Act, 1969, of the Higher Education Act, 1969. not affected.

PART II.

DEPARTMENT OF TECHNICAL AND FURTHER EDUCATION.

20 6. The persons appointed from time to time under the Department of Public Service Act, 1902, for or with respect to the administration of this Act shall constitute a department known as Technical and Further Education. the Department of Technical and Further Education.

Technical and Further Education.

7. (1) The Minister shall provide, maintain, control and manage such facilities for and in respect of the provision of technical and further education as he may consider suitable to the requirements of the State and shall co-ordinate technical and further education throughout the State.

(2) The powers, authorities, duties and functions which immediately before the commencement date were exercised and discharged by the Minister through the Department of Technical Education shall, on and from the commencement date, be exercised and discharged by him through the Department.

8. The Minister may, in accordance with the regulations, provide for—

- (a) the conferring of academic awards; and
- (b) the granting and issuing of instruments by the Director or other persons evidencing the conferring of academic awards,

in respect of persons eligible in accordance with such requirements and conditions as may be prescribed to receive those awards.

9. (1) The objects of the Minister, in exercising or performing any of the powers, authorities, duties or functions conferred or imposed on him by or under this Act, shall be—

- (a) to promote the establishment and maintenance of colleges;
- (b) to encourage the provision of courses and other educational and training activities which—
 - (i) shall be designed primarily for adults and young people who have completed a secondary school course or its equivalent or who have left secondary school; and
 - (ii)

Technical and Further Education.

- (ii) shall take account of the educational needs of individuals and provide for the pursuit of interests and the development of talents and skills;
- 5 (c) to assist and encourage the organisation of colleges to achieve and maintain an adequate work force throughout the State by ensuring, as far as practicable, the preparation of appropriate numbers for the full range of occupations which demand the education and training of adults and young people
- 10 who have completed a secondary school course or its equivalent or who have left secondary school;
- (d) to encourage the provision of further education including vocational education and training; and
- 15 (e) to promote and encourage collaboration and consultation between the Department and other authorities to ensure the greatest effectiveness and economy in expenditure and the most beneficial relationship between colleges and other educational
- 20 institutions throughout the State.

(2) Nothing in subsection (1) affects the interpretation of a provision of this Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power,

25 authority, duty or function conferred or imposed on the Minister by or under this Act shall not be called into question in any court by reason of the provisions of subsection (1).

10. (1) The Governor may, under and subject to the Appoint-
Public Service Act, 1902, appoint a Director who shall be ment of
30 engaged in the administration of this Act. Director.

(2)

Technical and Further Education.

(2) The Governor may, under and subject to the Public Service Act, 1902, appoint such officers and employees as may be necessary for the administration of this Act.

11. On and from the commencement date, a reference ^{Reference in other Acts, etc.} in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—

- 10 (a) to the Department of Technical Education shall be read and construed as a reference to the Department; or
- (b) to the Director of Technical Education shall be read and construed as a reference to the Director.

PART III.

COUNCIL OF TECHNICAL AND FURTHER EDUCATION.

15 12. In this Part—

“Council” means the Council of Technical and Further Education constituted under section 13;

“member” means member of the Council.

13. (1) There shall be a Council of Technical and Further Education which shall consist of such number of persons as may be prescribed. ^{Council of Technical and Further Education.}

(2) Subject to subsection (3), the members shall be appointed by the Governor and shall be representative of industry, commerce, the professions, the trade union movement, educational authorities and the community.

(3)

Technical and Further Education.

(3) The Director and one other officer of the Department nominated by the Minister shall be ex officio members.

5 (4) The chairman and deputy chairman of the Council shall be appointed from among the members by the Governor upon the recommendation of the Minister.

(5) The members appointed by the Governor shall, subject to this Part, hold office for such period as may be prescribed and shall, if otherwise qualified, be eligible for
10 reappointment.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member by the Governor and a member so appointed shall not, in his capacity as a member, be subject to the provisions of that
15 Act during his term of office.

(7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

14. (1) A member appointed by the Governor ceases
20 to hold office as a member and there is a casual vacancy in his office—
his office—

Vacation of
office of
appointed
member.

- (a) if he dies;
- (b) if he becomes a temporary patient, a continued
25 treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) if he resigns his office in writing under his hand
30 addressed to the Governor and his resignation is accepted;

(d)

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- (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 5 (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South
- 10 Wales, would be a felony or a misdemeanour so punishable;
- (f) if he is absent from three consecutive meetings of the Council of which reasonable notice has been given to him personally or in the ordinary course of post and has not, prior to or at the last of those
- 15 meetings, been granted leave of absence;
- (g) if he is removed from office by the Governor; or
- (h) upon his attaining the age of seventy years.

(2) The Governor may, for any cause which
20 appears to him sufficient, remove any member appointed by him from office.

(3) A person appointed to fill a casual vacancy in the office of a member shall hold office for the balance of his predecessor's term of office and is, if otherwise qualified,
25 eligible for reappointment.

15. (1) The Council may make such recommendations as it thinks fit to the Minister with respect to—

Functions
and duties
of the
Council.

- (a) the provision and conduct of technical and further education in the State having regard to the needs
- 30 of the community, industry and commerce; and

(b)

Technical and Further Education.

(b) the co-ordination of the functions of the Department with other bodies concerned with education and training.

(2) The Council shall investigate and report to the
5 Minister on any matter referred to it by the Minister for investigation and report.

(3) In addition to the powers, authorities, duties and functions conferred or imposed upon it under the other provisions of this Part, the Council shall have and may exercise or
10 perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

16. (1) Except as may be prescribed, the procedure for
the calling of meetings of the Council and for the conduct of
business at those meetings shall be as determined by the
15 Council.

(2) The number of members who shall constitute a quorum at any meeting of the Council shall be as prescribed and any duly convened meeting of the Council at which a quorum is present shall be competent to transact any business
20 of the Council and shall have and may exercise the functions of the Council.

(3) A decision of a majority of the members present at a meeting of the Council at which a quorum is present shall be the decision of the Council.

25 17. A member shall be entitled to such expenses in
relation to his acting as a member as may be fixed from time
to time by the Minister.

PART

Technical and Further Education.

PART IV.

VOCATIONAL INSTRUCTION.

18. In this Part—

Interpre-
tation.

- 5 “Advisory Committee” means the Vocational Instruction
Advisory Committee constituted under section 19;
- “Court” means the Supreme Court of New South Wales;
- “member” means member of the Advisory Committee;
- “permit” means permit granted by the Minister under
section 23;
- 10 “vocational subject matter” means a subject matter
declared to be vocational in character by the
Governor under section 21.

19. (1) There shall be a Vocational Instruction
Advisory Committee which shall consist of three members.

Vocational
Instruction
Advisory
Committee.

15 (2) The members shall be—

- (a) the Director, who shall be chairman of the
Advisory Committee;
- (b) the Under Secretary of the Department of Labour
and Industry; and
- 20 (c) a person appointed by the Minister who shall hold
office for such period as the Minister may
determine.

20. The Advisory Committee shall investigate and report
on any matter referred to it by the Minister in relation to
25 the grant or withdrawal of a permit or the registration or
cancellation of the registration of an institution or school
under section 24.

Functions
and duties
of the
Advisory
Committee.

21.

Technical and Further Education.

21. Where the Governor is satisfied that it is desirable Vocational
in the public interest that a standard of instruction should subject
be maintained by law in any subject matter, he may from time matter.
to time, by proclamation published in the Gazette, declare
5 that subject matter to be vocational in character.

22. A person shall not give or offer to give instruction Offence.
for fee or reward in a vocational subject matter unless—

- (a) he is the holder of a permit authorising him to give instruction in that vocational subject matter; or
- 10 (b) he gives or offers to give instruction in his capacity as—
 - (i) an officer or employee of the Crown;
 - (ii) a principal of or a teacher in a school certified under the Public Instruction (Amendment) Act, 1916; or
 - 15 (iii) a principal of or a teacher in an institution or school registered under section 24, the registration of which has not been cancelled under that section.

20 Penalty : \$100.

23. (1) The Minister may, on the recommendation of Permits.
the Advisory Committee, grant a permit to a person if the
Minister is satisfied that the person possesses sufficient quali-
fications and capacity to enable him to give instruction in a
25 vocational subject matter in an adequate and satisfactory
manner.

(2) A permit may be granted subject to such terms
and conditions as may be specified therein or as may be
prescribed.

(3)

Technical and Further Education.

(3) The Minister may, on the recommendation of the Advisory Committee, withdraw a permit if he is satisfied that—

- 5 (a) the holder of the permit no longer possesses the capacity to give instruction in an adequate and satisfactory manner in the vocational subject matter in respect of which the permit was granted; or
- 10 (b) the holder of the permit has contravened or failed to comply with any of the terms and conditions subject to which the permit was granted.

24. (1) The Minister may, on the recommendation of the Advisory Committee, register an institution or school under this section if he is satisfied that the institution or school is providing efficient instruction.

(2) The Minister may, on the recommendation of the Advisory Committee, cancel the registration of an institution or school registered under subsection (1) if he is satisfied that the institution or school is no longer providing efficient instruction.

25. (1) A person—

Appeals.

- (a) whose application for a permit has been refused;
- (b) whose permit has been withdrawn;
- 25 (c) who is aggrieved by the refusal to register an institution or school under section 24; or
- (d) who is aggrieved by the cancellation of the registration of an institution or school under section 24,

may appeal to the Court against the refusal, withdrawal or cancellation, as the case may be.

(2)

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(2) An appeal under subsection (1) shall be in the nature of a rehearing.

(3) The decision of the Court on an appeal under subsection (1) shall be deemed to be the final decision of the Minister and shall be given effect to accordingly.

PART V.

COLLEGE OR DISTRICT COUNCILS OR COMMITTEES.

26. (1) In this section—

“area” has the meaning ascribed thereto in the Local Government Act, 1919;

Establish-
ment of
councils or
committees.

“district” means—

- (a) an area;
- (b) a region; or
- (c) any combination of areas or regions, or areas and regions;

“region” means a region established under the Regional Organisation Act, 1972.

(2) The Minister may, in accordance with the regulations, establish in respect of—

- (a) a prescribed college; or
- (b) a prescribed district,

a council or committee, consisting of such number of persons as the Minister may determine.

(3)

Technical and Further Education.

(3) A council or committee established under subsection (2), in respect of the college or district for which it is established—

- 5 (a) shall promote and encourage the advancement of technical and further education within that college or district; and
- (b) shall have and may exercise or perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

10 27. The accounts of each council or committee estab- Audit.
lished by the Minister under section 26 shall, if directed by the Minister at any time, 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 in
15 force relating to the audit of public accounts and the Audit Act, 1902, shall apply to the members of the council or committee in the same manner as it applies to accounting officers of public departments.

PART VI.

20 **ACQUISITION OF LAND.**

28. (1) For the purposes of this Act, the Governor may, Acquisition
under the Public Works Act, 1912, and in accordance with of land.
the provisions of this section, resume or appropriate any land
and the Minister may purchase, lease or exchange any land.

25 (2) A resumption or appropriation effected in
accordance with subsection (1) shall be deemed to be for
an authorised work within the meaning of the Public Works
Act, 1912, and the Minister shall, in relation to that author-
ised work, be deemed to be the Constructing Authority
30 within the meaning of that Act.

(3)

Technical and Further Education.

(3) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that Act applies to any such expenditure.

- 5 **29.** (1) The Governor may, by notification in the Gazette, rescind wholly or in part a notification of resumption made under section 28. Power to
rescind
resump-
tions.

(2) Upon the publication of a notification of rescission under subsection (1) the land described in that
10 notification—

- (a) shall revest in the person who was entitled thereto immediately before the resumption for his estate, interest or right immediately before the resumption, subject to any interest in or equity binding on that
15 land created by the Constructing Authority since the resumption;
- (b) shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and
20 discharged by the resumption; and
- (c) shall be subject to any interests in or equities binding on the compensation money created since the resumption.

(3) On the lodgment with the Registrar-General
25 of a copy of a notification in the Gazette rescinding a notification of resumption of land under the provisions of the Real Property Act, 1900, the Registrar-General shall cancel any recording in the Register made by him pursuant to section 31A of the Real Property Act, 1900, in so far as it relates
30 to the land the notification of the resumption of which has been rescinded, and for the purpose of any dealing with that land the recording made pursuant to section 31A of the Real Property Act, 1900, shall be deemed never to have been made.

(4)

Technical and Further Education.

(4) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land wholly or in part and in respect of which a certificate of title has issued to the Constructing Authority pursuant to section 31A of the Real Property Act, 1900, the Registrar-General shall cancel that certificate of title in so far as it relates to the land the notification of the resumption of which has been rescinded and of which the Constructing Authority is the registered proprietor.

10 (5) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption and its rescission other than compensation in respect of the value of
15 the land.

(6) Section 9 of the Land and Valuation Court Act, 1921, applies to and in respect of a claim for compensation under this Act in the same way as it applies to and in respect of a claim for compensation by reason of the acquisition of
20 land for public purposes under the Public Works Act, 1912.

PART VII.

GENERAL.

30. (1) The Minister may by instrument in writing Delegation. delegate to—

- 25 (a) any specified officer of the Department;
(b) the Council of Technical and Further Education constituted under section 13; or
(c) a council or committee established under section 26 (2),

30 the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act as may be prescribed and may in like manner revoke wholly or in part any such delegation.

(2)

Technical and Further Education.

(2) The Director may by instrument in writing delegate to any specified officer of the Department the exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise
5 or performance of a power, authority, duty or function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

10 (3) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

15 (4) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

20 (5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(6) Any act or thing done or suffered by a delegate
25 while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may
30 be.

31. (1) The Governor may make regulations, not ^{Regula-} inconsistent with this Act, for or with respect to any matter ^{tions.} that by this Act is required or permitted to be prescribed or

Technical and Further Education.

that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- 5 (a) the qualifications to be possessed by persons as a condition of appointment to the Council of Technical and Further Education constituted under section 13;
- (b) the establishment of councils or committees under section 26 (2);
- 10 (c) the nomination for appointment and appointment of members of councils or committees established under section 26 (2);
- (d) the procedure for the calling and conduct of meetings of councils or committees established under section 26 (2);
- 15 (e) the person who shall preside, the voting powers of the person presiding, and the quorum, at meetings of councils or committees established under section 26 (2); and
- 20 (f) the constitution and functions of advisory committees and boards of studies.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

- 25 **32.** Each Act specified in Column 1 of Schedule 1 is, **Repeals.**
to the extent specified opposite that Act in Column 2 of Schedule 1, repealed.

- 33.** Each Act specified in Column 1 of Schedule 2 is **Amend-**
amended in the manner set forth opposite that Act in Column **ments.**
30 2 of Schedule 2.

- 34.** Schedule 3 has effect.

Savings,
transi-
tional
and other
provisions.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.

Sec. 32.

REPEALS.

	Column 1.	Column 2.	
5	Year and number of Act.	Short title of Act.	
		Extent of repeal.	
10	1949, No. 11 1955, No. 8	Technical Education Act, 1949 .. Technical Education and New South Wales University of Technology (Amendment) Act, 1955.	The unrepealed portion. The unrepealed portion.
15	1968, No. 37	University of New South Wales Act, 1968.	Section 34.

SCHEDULE 2.

Sec. 33.

AMENDMENT OF ACTS.

Column 1.		Column 2.
20	Year and number of Act.	Short title of Act.
		Amendment.
25	1902, No. 31..	Public Service Act, 1902.
		Section 25— Omit “Department of Technical Education”, insert instead “Department of Technical and Further Education”.
30	1945, No. 18..	Public Accountants Registration Act, 1945.
		Section 19 (1)— Omit “any Technical College under the control of the Department of Technical Education”, insert instead “a college provided and maintained within the Department of Technical and Further Education”.
35		

SCHEDULE

Technical and Further Education.

SCHEDULE 2—continued.

AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10		Amendment.
10	1961, No. 47..	Education Act, 1961.
15		Section 7 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
20		Section 7 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Depart- ment of Technical and Further Education".
25		Section 9 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
30		Section 9 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Depart- ment of Technical and Further Education".
35	1967, No. 95..	Technical Education Trust Funds Act, 1967.
40		Section 2— Omit paragraph (a) of the definition of "educational establishment", insert instead the following paragraph:— (a) a college conducted by the Department of Technical and Further Education.
45		Section 3 (2)— Omit "Department of Technical Education", insert instead "Depart- ment of Technical and Further Education".
		Section 5 (4) (b)— Omit "the Permanent Head of the Department of Technical Education", insert instead "the Director of Technical and Further Education".

SCHEDULE

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	1969, No. 29..	Higher Education Act, 1969.
		Section 4 (3)— Omit "Technical Education Act, 1949, as subsequently amended", insert instead "Technical and Further Education Act, 1974".
15		Section 32— Omit the section, insert instead the following section:— Application 32. (1) A reference in of certain section 7 (1) of the Technical provisions and Further Education of Technical Act, 1974, to the provision and Further within the Department of Education Technical and Further Act, 1974. Education, of facilities for and in respect of technical and further education includes a reference to the provision of facilities for and in respect of colleges of advanced education whether or not those facilities are provided within that Department.
20		(2) The provision of facilities for and in respect of colleges of advanced education shall for the purposes of section 28 of the Technical and Further Education Act, 1974, be deemed to be a purpose of that Act.
25		
30		
35		
40	1969, No. 37..	Apprentices Act, 1969.
		Section 9 (2) (b)— Omit "Director of the Department of Technical Education", insert instead "Director of Technical and Further Education".
45		Section 18 (8) (a)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1969, No. 37— <i>continued.</i>	Section 18 (8) (b)— Omit "technical colleges conducted by the Department of Technical Education", insert instead "colleges conducted by the Department of Technical and Further Education".
15		Section 18 (9) (d)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".
20		Section 18 (10)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
25		Section 22 (c)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "technical colleges conducted by the Department of Technical Education", insert instead "colleges conducted by the Department of Technical and Further Education".
30		Section 23 (4) (m)— (a) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education"; (b) Omit "technical colleges", insert instead "colleges".
35		Section 41 (d)— Omit the paragraph, insert instead the following paragraph:— (d) the Director of Technical and Further Education.
40		Section 62 (2) (c)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
45		

Technical and Further Education.

SCHEDULE 3.

Sec. 34.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) A person who, immediately before the commencement of the Technical Education Act, 1949, specified in Column 1 of the Table to this subclause shall be deemed to have been appointed in accordance with the provisions of this Act to the office or position set forth opposite thereto in Column 2 of the Table.

TABLE.

10	Column 1.	Column 2.
	Director of Technical Education Member of the Technical Education Advisory Council.	Director. Member of the Council of Technical and Further Education.

- 15 (2) Subject to this Act, a person deemed to have been appointed to an office or position under subclause (1) shall hold that office or position on the same terms and conditions and for the same period as he would have held that office or position under the Technical Education Act, 1949.
- 20 (3) Section 14 (1) (h) shall not apply in respect of a person who was an original member of the Technical Education Advisory Council constituted under the Technical Education Act, 1949, and who was a member of that Council immediately before the commencement date.

- 25 2. (1) In this clause—
 “district” has the meaning ascribed thereto in section 26 (1);
 “technical education district of Newcastle” has the meaning ascribed thereto in section 11 (4) of the Technical Education Act, 1949;
- 30 “the trustees” means the trustees referred to in section 11 (1A) of the Technical Education Act, 1949;
 “the trust money” means any money, including any interest accrued due thereon, which, immediately before the commencement date, was vested in the trustees.

Applica-
tion of
certain
money.

SCHEDULE

Technical and Further Education.

SCHEDULE 3—*continued.*

(2) Subject to any regulations made under subclause (3), the trust money shall continue to be vested in the trustees on the same trusts and subject to the same directions as it was vested immediately
5 before the commencement date.

- (3) The Governor may make regulations for or with respect to—
- (a) the removal from office of all or any of the trustees;
 - (b) the discharging of the trustees, upon their removal from office, from any duties, liabilities or obligations in respect of
10 or in relation to the trust money;
 - (c) the appointment of new trustees from the members of a council or committee established under section 26 (2);
 - (d) the powers, authorities, duties and functions of new trustees;
 - (e) the alteration, variation, revocation or annulment of any
15 trusts, conditions or encumbrances affecting the trust money so as to enable the trust money to be applied for the promotion and advancement of technical and further education within a district including all or a substantial part of the technical education district of Newcastle.

20 3. Land acquired under section 49 of the Technical Education Act, 1949, shall, for the purposes only of section 29 of this Act, be deemed to have been acquired under this Act. **Acquisition of land.**

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[20c]

No. , 1974.

A BILL

To make provision for technical and further education in New South Wales; to repeal the Technical Education Act, 1949, and certain other Acts; to amend certain Acts; and for purposes connected therewith.

[MR WILLIS—11 September, 1974.]

BE

Technical and Further Education.

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Technical and Further Short title.
Education Act, 1974".

10 2. (1) This section and section 1 shall commence on Commence-
the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act
shall commence on such day as may be appointed by the
Governor in respect thereof and as may be notified by
15 proclamation published in the Gazette.

3. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–5.

PART II.—DEPARTMENT OF TECHNICAL AND
FURTHER EDUCATION—ss. 6–11.

20 PART III.—COUNCIL OF TECHNICAL AND FURTHER
EDUCATION—ss. 12–17.

PART IV.—VOCATIONAL INSTRUCTION—ss. 18–25.

PART V.—COLLEGE OR DISTRICT COUNCILS OR
COMMITTEES—ss. 26, 27.

25 PART VI.—ACQUISITION OF LAND—ss. 28, 29.

PART VII.—GENERAL—ss. 30–34.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

- 5 4. In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

“college” means an educational institution provided and maintained within the Department by the Minister;

- 10 “commencement date” means the day appointed and notified under section 2 (2);

“Department” means the Department of Technical and Further Education;

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

- 15 “regulations” means regulations made under this Act.

5. Nothing in this Act shall affect any of the provisions of the Higher Education Act, 1969, not affected.

PART II.

DEPARTMENT OF TECHNICAL AND FURTHER EDUCATION.

- 20 6. The persons appointed from time to time under the Department Public Service Act, 1902, for or with respect to the adminis- of Technical and Further Education.
tration of this Act shall constitute a department known as
the Department of Technical and Further Education.

7.

Technical and Further Education.

7. (1) The Minister shall provide, maintain, control and Powers, etc.,
manage such facilities for and in respect of the provision of of Minister.
technical and further education as he may consider suitable
to the requirements of the State and shall co-ordinate
5 technical and further education throughout the State.

(2) The powers, authorities, duties and functions
which immediately before the commencement date were
exercised and discharged by the Minister through the Depart-
ment of Technical Education shall, on and from the
10 commencement date, be exercised and discharged by him
through the Department.

8. The Minister may, in accordance with the regulations, Academic
provide for— awards.

- (a) the conferring of academic awards; and
- 15 (b) the granting and issuing of instruments by the
Director or other persons evidencing the conferring
of academic awards,

in respect of persons eligible in accordance with such require-
ments and conditions as may be prescribed to receive those
20 awards.

9. (1) The objects of the Minister, in exercising or per- Objects.
forming any of the powers, authorities, duties or functions
conferred or imposed on him by or under this Act, shall be—

- 25 (a) to promote the establishment and maintenance of
colleges;
- (b) to encourage the provision of courses and other
educational and training activities which—
- (i) shall be designed primarily for adults and
young people who have completed a
30 secondary school course or its equivalent
or who have left secondary school; and

(ii)

Technical and Further Education.

- (ii) shall take account of the educational needs of individuals and provide for the pursuit of interests and the development of talents and skills;
- 5 (c) to assist and encourage the organisation of colleges to achieve and maintain an adequate work force throughout the State by ensuring, as far as practicable, the preparation of appropriate numbers for the full range of occupations which demand the education and training of adults and young people who have completed a secondary school course or its equivalent or who have left secondary school;
- 10 (d) to encourage the provision of further education including vocational education and training; and
- 15 (e) to promote and encourage collaboration and consultation between the Department and other authorities to ensure the greatest effectiveness and economy in expenditure and the most beneficial relationship between colleges and other educational institutions throughout the State.
- 20

(2) Nothing in subsection (1) affects the interpretation of a provision of this Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, authority, duty or function conferred or imposed on the Minister by or under this Act shall not be called into question in any court by reason of the provisions of subsection (1).

10. (1) The Governor may, under and subject to the Appoint-
Public Service Act, 1902, appoint a Director who shall be ment of
30 engaged in the administration of this Act. Director.

(2)

Technical and Further Education.

(2) The Governor may, under and subject to the Public Service Act, 1902, appoint such officers and employees as may be necessary for the administration of this Act.

11. On and from the commencement date, a reference ^{Reference in other Acts, etc.} in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—

- (a) to the Department of Technical Education shall be read and construed as a reference to the Department; or
- (b) to the Director of Technical Education shall be read and construed as a reference to the Director.

PART III.

COUNCIL OF TECHNICAL AND FURTHER EDUCATION.

12. In this Part—

“Council” means the Council of Technical and Further Education constituted under section 13;

“member” means member of the Council.

13. (1) There shall be a Council of Technical and Further Education which shall consist of such number of persons as may be prescribed.

(2) Subject to subsection (3), the members shall be appointed by the Governor and shall be representative of industry, commerce, the professions, the trade union movement, educational authorities and the community.

(3)

Technical and Further Education.

(3) The Director and one other officer of the Department nominated by the Minister shall be ex officio members.

5 (4) The chairman and deputy chairman of the Council shall be appointed from among the members by the Governor upon the recommendation of the Minister.

(5) The members appointed by the Governor shall, subject to this Part, hold office for such period as may be prescribed and shall, if otherwise qualified, be eligible for
10 reappointment.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member by the Governor and a member so appointed shall not, in his capacity as a member, be subject to the provisions of that
15 Act during his term of office.

(7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

14. (1) A member appointed by the Governor ceases
20 to hold office as a member and there is a casual vacancy in his office—
Vacation of office of appointed member.

(a) if he dies;

(b) if he becomes a temporary patient, a continued treatment patient, a protected person or an
25 incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(c) if he resigns his office in writing under his hand addressed to the Governor and his resignation is
30 accepted;

(d)

Technical and Further Education.

- (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 5 (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or a misdemeanour so punishable;
- 10 (f) if he is absent from three consecutive meetings of the Council of which reasonable notice has been given to him personally or in the ordinary course of post and has not, prior to or at the last of those meetings, been granted leave of absence;
- 15 (g) if he is removed from office by the Governor; or
- (h) upon his attaining the age of seventy years.

(2) The Governor may, for any cause which appears to him sufficient, remove any member appointed by him from office.

(3) A person appointed to fill a casual vacancy in the office of a member shall hold office for the balance of his predecessor's term of office and is, if otherwise qualified, eligible for reappointment.

15. (1) The Council may make such recommendations as it thinks fit to the Minister with respect to—

Functions and duties of the Council.

- (a) the provision and conduct of technical and further education in the State having regard to the needs of the community, industry and commerce; and

(b)

Technical and Further Education.

(b) the co-ordination of the functions of the Department with other bodies concerned with education and training.

5 (2) The Council shall investigate and report to the Minister on any matter referred to it by the Minister for investigation and report.

(3) In addition to the powers, authorities, duties and functions conferred or imposed upon it under the other provisions of this Part, the Council shall have and may exercise or
10 perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

16. (1) Except as may be prescribed, the procedure for Meetings of the Council.
the calling of meetings of the Council and for the conduct of business at those meetings shall be as determined by the
15 Council.

(2) The number of members who shall constitute a quorum at any meeting of the Council shall be as prescribed and any duly convened meeting of the Council at which a quorum is present shall be competent to transact any business
20 of the Council and shall have and may exercise the functions of the Council.

(3) A decision of a majority of the members present at a meeting of the Council at which a quorum is present shall be the decision of the Council.

25 17. A member shall be entitled to such expenses in Expenses of relation to his acting as a member as may be fixed from time a member.
to time by the Minister.

PART

Technical and Further Education.

PART IV.

VOCATIONAL INSTRUCTION.

18. In this Part—

Interpre-
tation.

- 5 “Advisory Committee” means the Vocational Instruction
Advisory Committee constituted under section 19;
“Court” means the Supreme Court of New South Wales;
“member” means member of the Advisory Committee;
“permit” means permit granted by the Minister under
section 23;
10 “vocational subject matter” means a subject matter
declared to be vocational in character by the
Governor under section 21.

19. (1) There shall be a Vocational Instruction
Advisory Committee which shall consist of three members. Vocational
Instruction
Advisory
Committee.

15 (2) The members shall be—

- (a) the Director, who shall be chairman of the
Advisory Committee;
(b) the Under Secretary of the Department of Labour
and Industry; and
20 (c) a person appointed by the Minister who shall hold
office for such period as the Minister may
determine.

20 20. The Advisory Committee shall investigate and report
on any matter referred to it by the Minister in relation to
the grant or withdrawal of a permit or the registration or
cancellation of the registration of an institution or school
under section 24. Functions
and duties
of the
Advisory
Committee.

Technical and Further Education.

21. Where the Governor is satisfied that it is desirable ^{Vocational} in the public interest that a standard of instruction should ^{subject} be maintained by law in any subject matter, he may from time to time, by proclamation published in the Gazette, declare
5 that subject matter to be vocational in character.

22. A person shall not give or offer to give instruction ^{Offence.} for fee or reward in a vocational subject matter unless—

- (a) he is the holder of a permit authorising him to give instruction in that vocational subject matter; or
- 10 (b) he gives or offers to give instruction in his capacity as—
 - (i) an officer or employee of the Crown;
 - (ii) a principal of or a teacher in a school certified under the Public Instruction (Amendment) Act, 1916; or
 - 15 (iii) a principal of or a teacher in an institution or school registered under section 24, the registration of which has not been cancelled under that section.

20 Penalty : \$100.

23. (1) The Minister may, on the recommendation of ^{Permits.} the Advisory Committee, grant a permit to a person if the Minister is satisfied that the person possesses sufficient qualifications and capacity to enable him to give instruction in a
25 vocational subject matter in an adequate and satisfactory manner.

(2) A permit may be granted subject to such terms and conditions as may be specified therein or as may be prescribed.

(3)

Technical and Further Education.

(3) The Minister may, on the recommendation of the Advisory Committee, withdraw a permit if he is satisfied that—

- 5 (a) the holder of the permit no longer possesses the capacity to give instruction in an adequate and satisfactory manner in the vocational subject matter in respect of which the permit was granted; or
- 10 (b) the holder of the permit has contravened or failed to comply with any of the terms and conditions subject to which the permit was granted.

24. (1) The Minister may, on the recommendation of the Advisory Committee, register an institution or school under this section if he is satisfied that the institution or school is providing efficient instruction.

(2) The Minister may, on the recommendation of the Advisory Committee, cancel the registration of an institution or school registered under subsection (1) if he is satisfied that the institution or school is no longer providing efficient instruction.

25. (1) A person—

Appeals.

- (a) whose application for a permit has been refused;
- (b) whose permit has been withdrawn;
- 25 (c) who is aggrieved by the refusal to register an institution or school under section 24; or
- (d) who is aggrieved by the cancellation of the registration of an institution or school under section 24,

may appeal to the Court against the refusal, withdrawal or cancellation, as the case may be.

(2)

Technical and Further Education.

(2) An appeal under subsection (1) shall be in the nature of a rehearing.

(3) The decision of the Court on an appeal under subsection (1) shall be deemed to be the final decision of the Minister and shall be given effect to accordingly.

PART V.

COLLEGE OR DISTRICT COUNCILS OR COMMITTEES.

26. (1) In this section—

“area” has the meaning ascribed thereto in the Local Government Act, 1919;

Establishment of councils or committees.

“district” means—

- (a) an area;
- (b) a region; or
- (c) any combination of areas or regions, or areas and regions;

“region” means a region established under the Regional Organisation Act, 1972.

(2) The Minister may, in accordance with the regulations, establish in respect of—

- (a) a prescribed college; or
 - (b) a prescribed district,
- a council or committee, consisting of such number of persons as the Minister may determine.

(3)

Technical and Further Education.

(3) A council or committee established under subsection (2), in respect of the college or district for which it is established—

- 5 (a) shall promote and encourage the advancement of technical and further education within that college or district; and
- (b) shall have and may exercise or perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

10 **27.** The accounts of each council or committee established by the Minister under section 26 shall, if directed by the Minister at any time, 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 in
 15 force relating to the audit of public accounts and the Audit Act, 1902, shall apply to the members of the council or committee in the same manner as it applies to accounting officers of public departments.

PART VI.

20 **ACQUISITION OF LAND.**

28. (1) For the purposes of this Act, the Governor may, Acquisition under the Public Works Act, 1912, and in accordance with of land. the provisions of this section, resume or appropriate any land and the Minister may purchase, lease or exchange any land.

25 (2) A resumption or appropriation effected in accordance with subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority
 30 within the meaning of that Act.

(3)

Technical and Further Education.

(3) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that Act applies to any such expenditure.

5 **29.** (1) The Governor may, by notification in the Gazette, rescind wholly or in part a notification of resumption made under section 28. Power to
rescind
resump-
tions.

(2) Upon the publication of a notification of rescission under subsection (1) the land described in that
10 notification—

- 15 (a) shall revert in the person who was entitled thereto immediately before the resumption for his estate, interest or right immediately before the resumption, subject to any interest in or equity binding on that land created by the Constructing Authority since the resumption;
- 20 (b) shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption; and
- (c) shall be subject to any interests in or equities binding on the compensation money created since the resumption.

(3) On the lodgment with the Registrar-General
25 of a copy of a notification in the Gazette rescinding a notification of resumption of land under the provisions of the Real Property Act, 1900, the Registrar-General shall cancel any recording in the Register made by him pursuant to section 31A of the Real Property Act, 1900, in so far as it relates
30 to the land the notification of the resumption of which has been rescinded, and for the purpose of any dealing with that land the recording made pursuant to section 31A of the Real Property Act, 1900, shall be deemed never to have been made.

(4)

Technical and Further Education.

(4) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land wholly or in part and in respect of which a certificate of title has issued to the Constructing Authority pursuant to section 31A of the Real Property Act, 1900, the Registrar-General shall cancel that certificate of title in so far as it relates to the land the notification of the resumption of which has been rescinded and of which the Constructing Authority is the registered proprietor.

(5) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption and its rescission other than compensation in respect of the value of the land.

(6) Section 9 of the Land and Valuation Court Act, 1921, applies to and in respect of a claim for compensation under this Act in the same way as it applies to and in respect of a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912.

PART VII.

GENERAL.

30. (1) The Minister may by instrument in writing Delegation. delegate to—

- (a) any specified officer of the Department;
- (b) the Council of Technical and Further Education constituted under section 13; or
- (c) a council or committee established under section 26 (2),

the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act as may be prescribed and may in like manner revoke wholly or in part any such delegation.

(2)

Technical and Further Education.

(2) The Director may by instrument in writing delegate to any specified officer of the Department the exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise
5 or performance of a power, authority, duty or function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

10 (3) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

15 (4) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

20 (5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(6) Any act or thing done or suffered by a delegate
25 while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may
30 be.

31. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or

Technical and Further Education.

that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- 5 (a) the qualifications to be possessed by persons as a condition of appointment to the Council of Technical and Further Education constituted under section 13;
- (b) the establishment of councils or committees under section 26 (2);
- 10 (c) the nomination for appointment and appointment of members of councils or committees established under section 26 (2);
- (d) the procedure for the calling and conduct of meetings of councils or committees established under
- 15 section 26 (2);
- (e) the person who shall preside, the voting powers of the person presiding, and the quorum, at meetings of councils or committees established under section 26 (2); and
- 20 (f) the constitution and functions of advisory committees and boards of studies.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

- 25 **32.** Each Act specified in Column 1 of Schedule 1 is, **Repeals.** to the extent specified opposite that Act in Column 2 of Schedule 1, repealed.

- 33.** Each Act specified in Column 1 of Schedule 2 is **Amend-** amended in the manner set forth opposite that Act in Column **ments.**
- 30 2 of Schedule 2.

- 34.** Schedule 3 has effect.

Savings,
transi-
tional
and other
provisions.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.

Sec. 32.

REPEALS.

Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	Extent of repeal.
10	1949, No. 11 1955, No. 8	Technical Education Act, 1949 .. Technical Education and New South Wales University of Technology (Amendment) Act, 1955.	The unrepealed portion. The unrepealed portion.
15	1968, No. 37	University of New South Wales Act, 1968.	Section 34.

SCHEDULE 2.

Sec. 33.

AMENDMENT OF ACTS.

Column 1.		Column 2.
20	Year and number of Act.	Short title of Act.
		Amendment.
25	1902, No. 31 ..	Public Service Act, 1902.
		Section 25— Omit “Department of Technical Education”, insert instead “Department of Technical and Further Education”.
30	1945, No. 18..	Public Accountants Registration Act, 1945.
		Section 19 (1)— Omit “any Technical College under the control of the Department of Technical Education”, insert instead “a college provided and maintained within the Department of Technical and Further Education”.
35		

SCHEDULE

Technical and Further Education.

SCHEDULE 2—continued.

AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	Amendment.	
10	1961, No. 47..	Education Act, 1961.
15		Section 7 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
20		Section 7 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Depart- ment of Technical and Further Education".
25		Section 9 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
30		Section 9 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Depart- ment of Technical and Further Education".
35	1967, No. 95..	Technical Education Trust Funds Act, 1967.
40		Section 2— Omit paragraph (a) of the definition of "educational establishment", insert instead the following paragraph:— (a) a college conducted by the Department of Technical and Further Education.
45		Section 3 (2)— Omit "Department of Technical Education", insert instead "Depart- ment of Technical and Further Education".
		Section 5 (4) (b)— Omit "the Permanent Head of the Department of Technical Education", insert instead "the Director of Technical and Further Education".

SCHEDULE

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1969, No. 29.. Higher Education Act, 1969.	Section 4 (3)— Omit "Technical Education Act, 1949, as subsequently amended", insert instead "Technical and Further Education Act, 1974".
15		Section 32— Omit the section, insert instead the following section:—
20		Application 32. (1) A reference in of certain section 7 (1) of the Technical provisions and Further Education of Technical Act, 1974, to the provision and Further within the Department of Education Technical and Further Act, 1974, Education, of facilities for and in respect of technical and further education includes a reference to the provision of facilities for and in respect of colleges of advanced education whether or not those facilities are provided within that Department.
25		(2) The provision of facilities for and in respect of colleges of advanced education shall for the purposes of section 28 of the Technical and Further Education Act, 1974, be deemed to be a purpose of that Act.
30		
35		
40	1969, No. 37.. Apprentices Act, 1969.	Section 9 (2) (b)— Omit "Director of the Department of Technical Education", insert instead "Director of Technical and Further Education".
45		Section 18 (8) (a)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1969, No. 37— <i>continued.</i>	<p>Apprentices Act, 1969—<i>continued.</i></p> <p>Section 18 (8) (b)— Omit “technical colleges conducted by the Department of Technical Education”, insert instead “colleges conducted by the Department of Technical and Further Education”.</p> <p>Section 18 (9) (d)— Omit “Department of Technical Education”, insert instead “Department of Technical and Further Education”.</p> <p>Section 18 (10)— Omit “Director of Technical Education”, insert instead “Director of Technical and Further Education”.</p> <p>Section 22 (c)— (a) Omit “Director of Technical Education”, insert instead “Director of Technical and Further Education”; (b) Omit “technical colleges conducted by the Department of Technical Education”, insert instead “colleges conducted by the Department of Technical and Further Education”.</p> <p>Section 23 (4) (m)— (a) Omit “Department of Technical Education”, insert instead “Department of Technical and Further Education”; (b) Omit “technical colleges”, insert instead “colleges”.</p> <p>Section 41 (d)— Omit the paragraph, insert instead the following paragraph:— (d) the Director of Technical and Further Education.</p> <p>Section 62 (2) (c)— Omit “Director of Technical Education”, insert instead “Director of Technical and Further Education”.</p>

Technical and Further Education.

SCHEDULE 3.

Sec. 34.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

- 5 1. (1) A person who, immediately before the commencement of this Act, held an office or position under the Technical Education Act, 1949, specified in Column 1 of the Table to this subclause shall be deemed to have been appointed in accordance with the provisions of this Act to the office or position set forth opposite thereto in Column 2 of the Table.

TABLE.

10	Column 1.	Column 2.
	Director of Technical Education Member of the Technical Education Advisory Council.	Director. Member of the Council of Technical and Further Educa- tion.

- 15 (2) Subject to this Act, a person deemed to have been appointed to an office or position under subclause (1) shall hold that office or position on the same terms and conditions and for the same period as he would have held that office or position under the Technical Education Act, 1949.
- 20 (3) Section 14 (1) (h) shall not apply in respect of a person who was an original member of the Technical Education Advisory Council constituted under the Technical Education Act, 1949, and who was a member of that Council immediately before the commencement date.

- 25 2. (1) In this clause—
 “district” has the meaning ascribed thereto in section 26 (1);
 “technical education district of Newcastle” has the meaning ascribed thereto in section 11 (4) of the Technical Education Act, 1949;
- 30 “the trustees” means the trustees referred to in section 11 (1A) of the Technical Education Act, 1949;
 “the trust money” means any money, including any interest accrued due thereon, which, immediately before the commencement date, was vested in the trustees.

Applica-
tion of
certain
money.

SCHEDULE

Technical and Further Education.

SCHEDULE 3—*continued.*

(2) Subject to any regulations made under subclause (3), the trust money shall continue to be vested in the trustees on the same trusts and subject to the same directions as it was vested immediately
5 before the commencement date.

- (3) The Governor may make regulations for or with respect to—
- (a) the removal from office of all or any of the trustees;
 - (b) the discharging of the trustees, upon their removal from office, from any duties, liabilities or obligations in respect of
10 or in relation to the trust money;
 - (c) the appointment of new trustees from the members of a council or committee established under section 26 (2);
 - (d) the powers, authorities, duties and functions of new trustees;
 - (e) the alteration, variation, revocation or annulment of any
15 trusts, conditions or encumbrances affecting the trust money so as to enable the trust money to be applied for the promotion and advancement of technical and further education within a district including all or a substantial part of the technical education district of Newcastle.

20 3. Land acquired under section 49 of the Technical Education Act, Acquisi-
1949, shall, for the purposes only of section 29 of this Act, be tion
deemed to have been acquired under this Act. of land.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[20c]

TECHNICAL AND FURTHER EDUCATION BILL, 1974

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to constitute the Department of Technical and Further Education and to provide for its staffing;
- (b) to state the powers, authorities, duties and functions of the Minister in relation to technical and further education and to provide that those powers, authorities, duties and functions shall be exercised through the Department;
- (c) to establish a Council of Technical and Further Education and to provide for its functions and duties;
- (d) to establish a Vocational Instruction Advisory Committee and to provide for its functions and duties;
- (e) to regulate the giving of instruction in vocational subject matters where it is in the public interest that a standard be maintained;
- (f) to provide for the establishment of college or district councils or committees and for their functions and duties;
- (g) to provide for the acquisition of land by resumption or appropriation;
- (h) to enable the Minister and the Director to delegate their powers, authorities, duties and functions;
- (i) to repeal the Technical Education Act, 1949, and certain other Acts;
- (j) to amend certain Acts; and
- (k) to make other provisions of a consequential or ancillary character.

TECHNICAL AND FURTHER EDUCATION BILL, 1974

EXPLANATORY NOTES

The object of this Bill is—

- (a) to extend the Department of Technical and Further Education and provide for its reorganisation;
- (b) to amend the powers, functions, duties and liabilities of the Director-General of Technical and Further Education and to provide that the Director-General shall be a member of the Council of Ministers;
- (c) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (d) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (e) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (f) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (g) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (h) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (i) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (j) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (k) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;
- (l) to amend the Council of Ministers and to provide that the Director-General shall be a member of the Council of Ministers;

PROOF

No. , 1974.

A BILL

To make provision for technical and further education in New South Wales; to repeal the Technical Education Act, 1949, and certain other Acts; to amend certain Acts; and for purposes connected therewith.

[MR WILLIS—11 September, 1974.]

BE

Technical and Further Education.

5 **B**E 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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the "Technical and Further Short title. Education Act, 1974".

10 2. (1) This section and section 1 shall commence on Commence-
the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by
15 proclamation published in the Gazette.

3. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–5.

PART II.—DEPARTMENT OF TECHNICAL AND
FURTHER EDUCATION—ss. 6–11.

20 PART III.—COUNCIL OF TECHNICAL AND FURTHER
EDUCATION—ss. 12–17.

PART IV.—VOCATIONAL INSTRUCTION—ss. 18–25.

PART V.—COLLEGE OR DISTRICT COUNCILS OR
COMMITTEES—ss. 26, 27.

25 PART VI.—ACQUISITION OF LAND—ss. 28, 29.

PART VII.—GENERAL—ss. 30–34.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

5 4. In this Act, except in so far as the context or Interpretation.
subject-matter otherwise indicates or requires—

“college” means an educational institution provided and maintained within the Department by the Minister;

10 “commencement date” means the day appointed and notified under section 2 (2);

“Department” means the Department of Technical and Further Education;

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

15 “regulations” means regulations made under this Act.

5. Nothing in this Act shall affect any of the provisions of the Higher Education Act, 1969.
Higher Education Act, 1969, not affected.

PART II.

DEPARTMENT OF TECHNICAL AND FURTHER EDUCATION.

20 6. The persons appointed from time to time under the Department Public Service Act, 1902, for or with respect to the adminis- of Technical and Further Education.
tration of this Act shall constitute a department known as the Department of Technical and Further Education.

7.

Technical and Further Education.

7. (1) The Minister shall provide, maintain, control and manage such facilities for and in respect of the provision of technical and further education as he may consider suitable to the requirements of the State and shall co-ordinate technical and further education throughout the State.

(2) The powers, authorities, duties and functions which immediately before the commencement date were exercised and discharged by the Minister through the Department of Technical Education shall, on and from the commencement date, be exercised and discharged by him through the Department.

8. The Minister may, in accordance with the regulations, provide for—

- (a) the conferring of academic awards; and
- (b) the granting and issuing of instruments by the Director or other persons evidencing the conferring of academic awards,

in respect of persons eligible in accordance with such requirements and conditions as may be prescribed to receive those awards.

9. (1) The objects of the Minister, in exercising or performing any of the powers, authorities, duties or functions conferred or imposed on him by or under this Act, shall be—

- (a) to promote the establishment and maintenance of colleges;
- (b) to encourage the provision of courses and other educational and training activities which—
 - (i) shall be designed primarily for adults and young people who have completed a secondary school course or its equivalent or who have left secondary school; and
 - (ii)

Technical and Further Education.

- (ii) shall take account of the educational needs of individuals and provide for the pursuit of interests and the development of talents and skills;
- 5 (c) to assist and encourage the organisation of colleges to achieve and maintain an adequate work force throughout the State by ensuring, as far as practicable, the preparation of appropriate numbers for the full range of occupations which demand the education and training of adults and young people who have completed a secondary school course or its equivalent or who have left secondary school;
- 10 (d) to encourage the provision of further education including vocational education and training; and
- 15 (e) to promote and encourage collaboration and consultation between the Department and other authorities to ensure the greatest effectiveness and economy in expenditure and the most beneficial relationship between colleges and other educational institutions throughout the State.
- 20

(2) Nothing in subsection (1) affects the interpretation of a provision of this Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, authority, duty or function conferred or imposed on the Minister by or under this Act shall not be called into question in any court by reason of the provisions of subsection (1).

10. (1) The Governor may, under and subject to the Appoint-
Public Service Act, 1902, appoint a Director who shall be ment of
30 engaged in the administration of this Act. Director.

(2)

Technical and Further Education.

(2) The Governor may, under and subject to the Public Service Act, 1902, appoint such officers and employees as may be necessary for the administration of this Act.

11. On and from the commencement date, a reference ^{Reference} in any other Act or in any regulation, by-law or other statu- ^{in other} tory instrument or in any other document, whether of the ^{Acts, etc.} same or of a different kind—

- (a) to the Department of Technical Education shall be read and construed as a reference to the Department; or
- (b) to the Director of Technical Education shall be read and construed as a reference to the Director.

PART III.

COUNCIL OF TECHNICAL AND FURTHER EDUCATION.

12. In this Part—

“Council” means the Council of Technical and Further Education constituted under section 13;

“member” means member of the Council.

13. (1) There shall be a Council of Technical and Further Education which shall consist of such number of persons as may be prescribed.

**Interpre-
tation.**

**Council of
Technical
and
Further
Education.**

(2) Subject to subsection (3), the members shall be appointed by the Governor and shall be representative of industry, commerce, the professions, the trade union movement, educational authorities and the community.

(3)

Technical and Further Education.

(3) The Director and one other officer of the Department nominated by the Minister shall be ex officio members.

5 (4) The chairman and deputy chairman of the Council shall be appointed from among the members by the Governor upon the recommendation of the Minister.

(5) The members appointed by the Governor shall, subject to this Part, hold office for such period as may be prescribed and shall, if otherwise qualified, be eligible for
10 reappointment.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member by the Governor and a member so appointed shall not, in his capacity as a member, be subject to the provisions of that
15 Act during his term of office.

(7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

14. (1) A member appointed by the Governor ceases
20 to hold office as a member and there is a casual vacancy in his office—
Vacation of office of appointed member.

- (a) if he dies;
- (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an
25 incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) if he resigns his office in writing under his hand addressed to the Governor and his resignation is
30 accepted;

(d)

Technical and Further Education.

- (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- 5 (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South
- 10 Wales, would be a felony or a misdemeanour so punishable;
- (f) if he is absent from three consecutive meetings of the Council of which reasonable notice has been given to him personally or in the ordinary course of post and has not, prior to or at the last of those
- 15 meetings, been granted leave of absence;
- (g) if he is removed from office by the Governor; or
- (h) upon his attaining the age of seventy years.

(2) The Governor may, for any cause which
20 appears to him sufficient, remove any member appointed by him from office.

(3) A person appointed to fill a casual vacancy in the office of a member shall hold office for the balance of his predecessor's term of office and is, if otherwise qualified.
25 eligible for reappointment.

15. (1) The Council may make such recommendations as it thinks fit to the Minister with respect to—

Functions
and duties
of the
Council.

- (a) the provision and conduct of technical and further education in the State having regard to the needs of the community, industry and commerce; and
- 30

(b)

Technical and Further Education.

(b) the co-ordination of the functions of the Department with other bodies concerned with education and training.

5 (2) The Council shall investigate and report to the Minister on any matter referred to it by the Minister for investigation and report.

(3) In addition to the powers, authorities, duties and functions conferred or imposed upon it under the other provisions of this Part, the Council shall have and may exercise or
10 perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

16. (1) Except as may be prescribed, the procedure for Meetings
the calling of meetings of the Council and for the conduct of of the
business at those meetings shall be as determined by the Council.
15 Council.

(2) The number of members who shall constitute a quorum at any meeting of the Council shall be as prescribed and any duly convened meeting of the Council at which a quorum is present shall be competent to transact any business
20 of the Council and shall have and may exercise the functions of the Council.

(3) A decision of a majority of the members present at a meeting of the Council at which a quorum is present shall be the decision of the Council.

25 17. A member shall be entitled to such expenses in Expenses of
relation to his acting as a member as may be fixed from time a member.
to time by the Minister.

PART

Technical and Further Education.

PART IV.

VOCATIONAL INSTRUCTION.

18. In this Part—

Interpre-
tation.

5 “Advisory Committee” means the Vocational Instruction
Advisory Committee constituted under section 19;

“Court” means the Supreme Court of New South Wales;

“member” means member of the Advisory Committee;

“permit” means permit granted by the Minister under
section 23;

10 “vocational subject matter” means a subject matter
declared to be vocational in character by the
Governor under section 21.

19. (1) There shall be a Vocational Instruction
Advisory Committee which shall consist of three members. Vocational
Instruction
Advisory
Committee.

15 (2) The members shall be—

(a) the Director, who shall be chairman of the
Advisory Committee;

(b) the Under Secretary of the Department of Labour
and Industry; and

20 (c) a person appointed by the Minister who shall hold
office for such period as the Minister may
determine.

20. The Advisory Committee shall investigate and report
on any matter referred to it by the Minister in relation to
the grant or withdrawal of a permit or the registration or
cancellation of the registration of an institution or school
under section 24. Functions
and duties
of the
Advisory
Committee.

21.

Technical and Further Education.

21. Where the Governor is satisfied that it is desirable ^{Vocational} in the public interest that a standard of instruction should ^{subject} be maintained by law in any subject matter, he may from time to time, by proclamation published in the Gazette, declare
5 that subject matter to be vocational in character.

22. A person shall not give or offer to give instruction ^{Offence.} for fee or reward in a vocational subject matter unless—

- (a) he is the holder of a permit authorising him to give instruction in that vocational subject matter; or
- 10 (b) he gives or offers to give instruction in his capacity as—
 - (i) an officer or employee of the Crown;
 - (ii) a principal of or a teacher in a school certified under the Public Instruction
15 (Amendment) Act, 1916; or
 - (iii) a principal of or a teacher in an institution or school registered under section 24, the registration of which has not been cancelled under that section.

20 Penalty : \$100.

23. (1) The Minister may, on the recommendation of ^{Permits.} the Advisory Committee, grant a permit to a person if the Minister is satisfied that the person possesses sufficient qualifications and capacity to enable him to give instruction in a
25 vocational subject matter in an adequate and satisfactory manner.

(2) A permit may be granted subject to such terms and conditions as may be specified therein or as may be prescribed.

(3)

Technical and Further Education.

(3) The Minister may, on the recommendation of the Advisory Committee, withdraw a permit if he is satisfied that—

- 5 (a) the holder of the permit no longer possesses the capacity to give instruction in an adequate and satisfactory manner in the vocational subject matter in respect of which the permit was granted; or
- 10 (b) the holder of the permit has contravened or failed to comply with any of the terms and conditions subject to which the permit was granted.

24. (1) The Minister may, on the recommendation of the Advisory Committee, register an institution or school under this section if he is satisfied that the institution or school is providing efficient instruction.

(2) The Minister may, on the recommendation of the Advisory Committee, cancel the registration of an institution or school registered under subsection (1) if he is satisfied that the institution or school is no longer providing efficient instruction.

25. (1) A person—

Appeals.

- (a) whose application for a permit has been refused;
- (b) whose permit has been withdrawn;
- 25 (c) who is aggrieved by the refusal to register an institution or school under section 24; or
- (d) who is aggrieved by the cancellation of the registration of an institution or school under section 24,

may appeal to the Court against the refusal, withdrawal or cancellation, as the case may be.

(2)

Technical and Further Education.

(2) An appeal under subsection (1) shall be in the nature of a rehearing.

(3) The decision of the Court on an appeal under subsection (1) shall be deemed to be the final decision of the Minister and shall be given effect to accordingly.

PART V.

COLLEGE OR DISTRICT COUNCILS OR COMMITTEES.

26. (1) In this section—

“area” has the meaning ascribed thereto in the Local Government Act, 1919;

Establish-
ment of
councils or
committees.

“district” means—

- (a) an area;
- (b) a region; or
- (c) any combination of areas or regions, or areas and regions;

“region” means a region established under the Regional Organisation Act, 1972.

(2) The Minister may, in accordance with the regulations, establish in respect of—

- (a) a prescribed college; or
- (b) a prescribed district,

a council or committee, consisting of such number of persons as the Minister may determine.

(3)

Technical and Further Education.

(3) A council or committee established under subsection (2), in respect of the college or district for which it is established—

- 5 (a) shall promote and encourage the advancement of technical and further education within that college or district; and
- (b) shall have and may exercise or perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

10 **27.** The accounts of each council or committee estab- **Audit.**
 lished by the Minister under section 26 shall, if directed by
 the Minister at any time, 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 in
 15 force relating to the audit of public accounts and the Audit
 Act, 1902, shall apply to the members of the council or
 committee in the same manner as it applies to accounting
 officers of public departments.

PART VI.

20 **ACQUISITION OF LAND.**

28. (1) For the purposes of this Act, the Governor may, **Acquisition**
 under the Public Works Act, 1912, and in accordance with **of land.**
 the provisions of this section, resume or appropriate any land
 and the Minister may purchase, lease or exchange any land.

25 (2) A resumption or appropriation effected in
 accordance with subsection (1) shall be deemed to be for
 an authorised work within the meaning of the Public Works
 Act, 1912, and the Minister shall, in relation to that author-
 ised work, be deemed to be the Constructing Authority
 30 within the meaning of that Act.

(3)

Technical and Further Education.

(3) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that Act applies to any such expenditure.

5 **29.** (1) The Governor may, by notification in the Gazette, rescind wholly or in part a notification of resumption made under section 28. Power to
rescind
resump-
tions.

(2) Upon the publication of a notification of rescission under subsection (1) the land described in that
10 notification—

- (a) shall revest in the person who was entitled thereto immediately before the resumption for his estate, interest or right immediately before the resumption, subject to any interest in or equity binding on that
15 land created by the Constructing Authority since the resumption;
- (b) shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and
20 discharged by the resumption; and
- (c) shall be subject to any interests in or equities binding on the compensation money created since the resumption.

(3) On the lodgment with the Registrar-General
25 of a copy of a notification in the Gazette rescinding a notification of resumption of land under the provisions of the Real Property Act, 1900, the Registrar-General shall cancel any recording in the Register made by him pursuant to section 31A of the Real Property Act, 1900, in so far as it relates
30 to the land the notification of the resumption of which has been rescinded, and for the purpose of any dealing with that land the recording made pursuant to section 31A of the Real Property Act, 1900, shall be deemed never to have been made.

(4)

Technical and Further Education.

(4) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land wholly or in part and in respect of which a certificate of title has issued to the Constructing Authority pursuant to section 31A of the Real Property Act, 1900, the Registrar-General shall cancel that certificate of title in so far as it relates to the land the notification of the resumption of which has been rescinded and of which the Constructing Authority is the registered proprietor.

(5) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption and its rescission other than compensation in respect of the value of the land.

(6) Section 9 of the Land and Valuation Court Act, 1921, applies to and in respect of a claim for compensation under this Act in the same way as it applies to and in respect of a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912.

PART VII.

GENERAL.

30. (1) The Minister may by instrument in writing Delegation. delegate to—

- (a) any specified officer of the Department;
- (b) the Council of Technical and Further Education constituted under section 13; or
- (c) a council or committee established under section 26 (2),

the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act as may be prescribed and may in like manner revoke wholly or in part any such delegation.

(2)

Technical and Further Education.

(2) The Director may by instrument in writing delegate to any specified officer of the Department the exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise
5 or performance of a power, authority, duty or function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

10 (3) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

15 (4) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

20 (5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(6) Any act or thing done or suffered by a delegate
25 while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may
30 be.

31. (1) The Governor may make regulations, not ^{Regula-} inconsistent with this Act, for or with respect to any matter ^{tions.} that by this Act is required or permitted to be prescribed or

Technical and Further Education.

that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- 5 (a) the qualifications to be possessed by persons as a condition of appointment to the Council of Technical and Further Education constituted under section 13;
- (b) the establishment of councils or committees under section 26 (2);
- 10 (c) the nomination for appointment and appointment of members of councils or committees established under section 26 (2);
- (d) the procedure for the calling and conduct of meetings of councils or committees established under section 26 (2);
- 15 (e) the person who shall preside, the voting powers of the person presiding, and the quorum, at meetings of councils or committees established under section 26 (2); and
- 20 (f) the constitution and functions of advisory committees and boards of studies.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

- 25 **32.** Each Act specified in Column 1 of Schedule 1 is, **Repeals.**
to the extent specified opposite that Act in Column 2 of
Schedule 1, repealed.

- 33.** Each Act specified in Column 1 of Schedule 2 is **Amend-**
amended in the manner set forth opposite that Act in Column **ments.**
30 2 of Schedule 2.

- 34.** Schedule 3 has effect.

Savings,
transi-
tional
and other
provisions.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.

Sec. 32.

REPEALS.

Column 1.		Column 2.	
5	Year and number of Act.	Short title of Act.	
		Extent of repeal.	
10	1949, No. 11 1955, No. 8	Technical Education Act, 1949 .. Technical Education and New South Wales University of Technology (Amendment) Act, 1955.	The unrepealed portion. The unrepealed portion.
15	1968, No. 37	University of New South Wales Act, 1968.	Section 34.

SCHEDULE 2.

Sec. 33.

AMENDMENT OF ACTS.

Column 1.		Column 2.
20	Year and number of Act.	Short title of Act.
		Amendment.
25	1902, No. 31..	Public Service Act, 1902.
		Section 25— Omit “Department of Technical Education”, insert instead “Department of Technical and Further Education”.
30	1945, No. 18..	Public Accountants Registration Act, 1945.
		Section 19 (1)— Omit “any Technical College under the control of the Department of Technical Education”, insert instead “a college provided and maintained within the Department of Technical and Further Education”.
35		

SCHEDULE

Technical and Further Education.

SCHEDULE 2—continued.

AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1961, No. 47..	Education Act, 1961.
15		Section 7 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
20		Section 7 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".
25		Section 9 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
30		Section 9 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".
35	1967, No. 95..	Technical Education Trust Funds Act, 1967.
40		Section 2— Omit paragraph (a) of the definition of "educational establishment", insert instead the following paragraph:— (a) a college conducted by the Department of Technical and Further Education.
45		Section 3 (2)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".
		Section 5 (4) (b)— Omit "the Permanent Head of the Department of Technical Education", insert instead "the Director of Technical and Further Education".

SCHEDULE

Technical and Further Education.

SCHEDULE 2—continued.

AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
5	Year and number of Act.	Short title of Act.
10	15	20
25	30	35
40	45	
1969, No. 29..	Higher Education Act, 1969.	<p>Section 4 (3)— Omit "Technical Education Act, 1949, as subsequently amended", insert instead "Technical and Further Education Act, 1974".</p> <p>Section 32— Omit the section, insert instead the following section:— Application 32. (1) A reference in of certain section 7 (1) of the Technical provisions and Further Education of Technical Act, 1974, to the provision and Further within the Department of Education Technical and Further Act, 1974, Education, of facilities for and in respect of technical and further education includes a reference to the provision of facilities for and in respect of colleges of advanced education whether or not those facilities are provided within that Department.</p> <p>(2) The provision of facilities for and in respect of colleges of advanced education shall for the purposes of section 28 of the Technical and Further Education Act, 1974, be deemed to be a purpose of that Act.</p>
1969, No. 37..	Apprentices Act, 1969.	<p>Section 9 (2) (b)— Omit "Director of the Department of Technical Education", insert instead "Director of Technical and Further Education".</p> <p>Section 18 (8) (a)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p>

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
5	Year and number of Act.	Amendment.
10	1969, No. 37— <i>continued.</i>	Apprentices Act, 1969— <i>continued.</i>
		Section 18 (8) (b)— Omit "technical colleges conducted by the Department of Technical Education", insert instead "colleges conducted by the Department of Technical and Further Education".
15		Section 18 (9) (d)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".
20		Section 18 (10)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
25		Section 22 (c)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "technical colleges conducted by the Department of Technical Education", insert instead "colleges conducted by the Department of Technical and Further Education".
30		Section 23 (4) (m)— (a) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education"; (b) Omit "technical colleges", insert instead "colleges".
35		Section 41 (d)— Omit the paragraph, insert instead the following paragraph:— (d) the Director of Technical and Further Education.
40		Section 62 (2) (c)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".
45		

Technical and Further Education.

SCHEDULE 3.

Sec. 34.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) A person who, immediately before the commencement of this Act, held an office or position under the Technical Education Act, 1949, specified in Column 1 of the Table to this subclause shall be deemed to have been appointed in accordance with the provisions of this Act to the office or position set forth opposite thereto in Column 2 of the Table.

TABLE.

Column 1.	Column 2.
Director of Technical Education Member of the Technical Education Advisory Council.	Director. Member of the Council of Technical and Further Education.

- (2) Subject to this Act, a person deemed to have been appointed to an office or position under subclause (1) shall hold that office or position on the same terms and conditions and for the same period as he would have held that office or position under the Technical Education Act, 1949.

- (3) Section 14 (1) (h) shall not apply in respect of a person who was an original member of the Technical Education Advisory Council constituted under the Technical Education Act, 1949, and who was a member of that Council immediately before the commencement date.

2. (1) In this clause—

“district” has the meaning ascribed thereto in section 26 (1);

“technical education district of Newcastle” has the meaning ascribed thereto in section 11 (4) of the Technical Education Act, 1949;

- “the trustees” means the trustees referred to in section 11 (1A) of the Technical Education Act, 1949;

“the trust money” means any money, including any interest accrued due thereon, which, immediately before the commencement date, was vested in the trustees.

Applica-
tion of
certain
money.

SCHEDULE

Technical and Further Education.

SCHEDULE 3—continued.

- 5 (2) Subject to any regulations made under subclause (3), the trust money shall continue to be vested in the trustees on the same trusts and subject to the same directions as it was vested immediately before the commencement date.
- 10 (3) The Governor may make regulations for or with respect to—
- (a) the removal from office of all or any of the trustees;
 - (b) the discharging of the trustees, upon their removal from office, from any duties, liabilities or obligations in respect of or in relation to the trust money;
 - (c) the appointment of new trustees from the members of a council or committee established under section 26 (2);
 - (d) the powers, authorities, duties and functions of new trustees;
 - 15 (e) the alteration, variation, revocation or annulment of any trusts, conditions or encumbrances affecting the trust money so as to enable the trust money to be applied for the promotion and advancement of technical and further education within a district including all or a substantial part of the technical education district of Newcastle.
- 20 3. Land acquired under section 49 of the Technical Education Act, Acquisi-
1949, shall, for the purposes only of section 29 of this Act, be tion
deemed to have been acquired under this Act. of land.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 72, 1974.

An Act to make provision for technical and further education in New South Wales; to repeal the Technical Education Act, 1949, and certain other Acts; to amend certain Acts; and for purposes connected therewith.
[Assented to, 12th November, 1974.]

BE

Technical and Further Education.

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:—

PART I.

PRELIMINARY.

Short title. 1. This Act may be cited as the "Technical and Further Education Act, 1974".

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

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the *Gazette*.

Division
of Act.

3. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–5.

PART II.—DEPARTMENT OF TECHNICAL AND FURTHER EDUCATION—ss. 6–11.

PART III.—COUNCIL OF TECHNICAL AND FURTHER EDUCATION—ss. 12–17.

PART IV.—VOCATIONAL INSTRUCTION—ss. 18–25.

PART V.—COLLEGE OR DISTRICT COUNCILS OR COMMITTEES—ss. 26, 27.

PART VI.—ACQUISITION OF LAND—ss. 28, 29.

PART VII.—GENERAL—ss. 30–34.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

4. In this Act, except in so far as the context or Interpretation subject-matter otherwise indicates or requires—

“college” means an educational institution provided and maintained within the Department by the Minister;

“commencement date” means the day appointed and notified under section 2 (2);

“Department” means the Department of Technical and Further Education;

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

“regulations” means regulations made under this Act.

5. Nothing in this Act shall affect any of the provisions of the Higher Education Act, 1969, not affected.

PART II.

DEPARTMENT OF TECHNICAL AND FURTHER EDUCATION.

6. The persons appointed from time to time under the Public Service Act, 1902, for or with respect to the administration of this Act shall constitute a department known as the Department of Technical and Further Education.

Technical and Further Education.

Powers, etc.,
of Minister.

7. (1) The Minister shall provide, maintain, control and manage such facilities for and in respect of the provision of technical and further education as he may consider suitable to the requirements of the State and shall co-ordinate technical and further education throughout the State.

(2) The powers, authorities, duties and functions which immediately before the commencement date were exercised and discharged by the Minister through the Department of Technical Education shall, on and from the commencement date, be exercised and discharged by him through the Department.

Academic
awards.

8. The Minister may, in accordance with the regulations, provide for—

- (a) the conferring of academic awards; and
- (b) the granting and issuing of instruments by the Director or other persons evidencing the conferring of academic awards,

in respect of persons eligible in accordance with such requirements and conditions as may be prescribed to receive those awards.

Objects.

9. (1) The objects of the Minister, in exercising or performing any of the powers, authorities, duties or functions conferred or imposed on him by or under this Act, shall be—

- (a) to promote the establishment and maintenance of colleges;
- (b) to encourage the provision of courses and other educational and training activities which—
 - (i) shall be designed primarily for adults and young people who have completed a secondary school course or its equivalent or who have left secondary school; and

(ii)

Technical and Further Education.

- (ii) shall take account of the educational needs of individuals and provide for the pursuit of interests and the development of talents and skills;
- (c) to assist and encourage the organisation of colleges to achieve and maintain an adequate work force throughout the State by ensuring, as far as practicable, the preparation of appropriate numbers for the full range of occupations which demand the education and training of adults and young people who have completed a secondary school course or its equivalent or who have left secondary school;
- (d) to encourage the provision of further education including vocational education and training; and
- (e) to promote and encourage collaboration and consultation between the Department and other authorities to ensure the greatest effectiveness and economy in expenditure and the most beneficial relationship between colleges and other educational institutions throughout the State.

(2) Nothing in subsection (1) affects the interpretation of a provision of this Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, authority, duty or function conferred or imposed on the Minister by or under this Act shall not be called into question in any court by reason of the provisions of subsection (1).

10. (1) The Governor may, under and subject to the **Appoint-**
Public Service Act, 1902, appoint a Director who shall be ^{ment of}
engaged in the administration of this Act. **Director.**

(2)

Technical and Further Education.

(2) The Governor may, under and subject to the Public Service Act, 1902, appoint such officers and employees as may be necessary for the administration of this Act.

Reference
in other
Acts, etc.

11. On and from the commencement date, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—

(a) to the Department of Technical Education shall be read and construed as a reference to the Department; or

(b) to the Director of Technical Education shall be read and construed as a reference to the Director.

PART III.

COUNCIL OF TECHNICAL AND FURTHER EDUCATION.

Interpre-
tation.

12. In this Part—

“Council” means the Council of Technical and Further Education constituted under section 13;

“member” means member of the Council.

Council of
Technical
and
Further
Education.

13. (1) There shall be a Council of Technical and Further Education which shall consist of such number of persons as may be prescribed.

(2) Subject to subsection (3), the members shall be appointed by the Governor and shall be representative of industry, commerce, the professions, the trade union movement, educational authorities and the community.

(3)

Technical and Further Education.

(3) The Director and one other officer of the Department nominated by the Minister shall be ex officio members.

(4) The chairman and deputy chairman of the Council shall be appointed from among the members by the Governor upon the recommendation of the Minister.

(5) The members appointed by the Governor shall, subject to this Part, hold office for such period as may be prescribed and shall, if otherwise qualified, be eligible for reappointment.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member by the Governor and a member so appointed shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

(7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

14. (1) A member appointed by the Governor ceases to hold office as a member and there is a casual vacancy in his office—

Vacation of
office of
appointed
member.

- (a) if he dies;
- (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;

(d)

Technical and Further Education.

- (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or a misdemeanour so punishable;
- (f) if he is absent from three consecutive meetings of the Council of which reasonable notice has been given to him personally or in the ordinary course of post and has not, prior to or at the last of those meetings, been granted leave of absence;
- (g) if he is removed from office by the Governor; or
- (h) upon his attaining the age of seventy years.

(2) The Governor may, for any cause which appears to him sufficient, remove any member appointed by him from office.

(3) A person appointed to fill a casual vacancy in the office of a member shall hold office for the balance of his predecessor's term of office and is, if otherwise qualified, eligible for reappointment.

Functions
and duties
of the
Council.

15. (1) The Council may make such recommendations as it thinks fit to the Minister with respect to—

- (a) the provision and conduct of technical and further education in the State having regard to the needs of the community, industry and commerce; and

(b)

Technical and Further Education.

- (b) the co-ordination of the functions of the Department with other bodies concerned with education and training.

(2) The Council shall investigate and report to the Minister on any matter referred to it by the Minister for investigation and report.

(3) In addition to the powers, authorities, duties and functions conferred or imposed upon it under the other provisions of this Part, the Council shall have and may exercise or perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

16. (1) Except as may be prescribed, the procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall be as determined by the Council. **Meetings of the Council.**

(2) The number of members who shall constitute a quorum at any meeting of the Council shall be as prescribed and 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 and may exercise the functions of the Council.

(3) A decision of a majority of the members present at a meeting of the Council at which a quorum is present shall be the decision of the Council.

17. A member shall be entitled to such expenses in relation to his acting as a member as may be fixed from time to time by the Minister. **Expenses of a member.**

Technical and Further Education.

PART IV.**VOCATIONAL INSTRUCTION.**

Interpre-
tation.

18. In this Part—

- “Advisory Committee” means the Vocational Instruction Advisory Committee constituted under section 19;
- “Court” means the Supreme Court of New South Wales;
- “member” means member of the Advisory Committee;
- “permit” means permit granted by the Minister under section 23;
- “vocational subject matter” means a subject matter declared to be vocational in character by the Governor under section 21.

Vocational
Instruction
Advisory
Committee.

19. (1) There shall be a Vocational Instruction Advisory Committee which shall consist of three members.**(2) The members shall be—**

- (a) the Director, who shall be chairman of the Advisory Committee;
- (b) the Under Secretary of the Department of Labour and Industry; and
- (c) a person appointed by the Minister who shall hold office for such period as the Minister may determine.

Functions
and duties
of the
Advisory
Committee.

20. The Advisory Committee shall investigate and report on any matter referred to it by the Minister in relation to the grant or withdrawal of a permit or the registration or cancellation of the registration of an institution or school under section 24.

Technical and Further Education.

21. Where the Governor is satisfied that it is desirable in the public interest that a standard of instruction should be maintained by law in any subject matter, he may from time to time, by proclamation published in the Gazette, declare that subject matter to be vocational in character. Vocational
subject
matter.

22. A person shall not give or offer to give instruction for fee or reward in a vocational subject matter unless— Offence.

- (a) he is the holder of a permit authorising him to give instruction in that vocational subject matter; or
- (b) he gives or offers to give instruction in his capacity as—
 - (i) an officer or employee of the Crown;
 - (ii) a principal of or a teacher in a school certified under the Public Instruction (Amendment) Act, 1916; or
 - (iii) a principal of or a teacher in an institution or school registered under section 24, the registration of which has not been cancelled under that section.

Penalty : \$100.

23. (1) The Minister may, on the recommendation of the Advisory Committee, grant a permit to a person if the Minister is satisfied that the person possesses sufficient qualifications and capacity to enable him to give instruction in a vocational subject matter in an adequate and satisfactory manner. Permits.

(2) A permit may be granted subject to such terms and conditions as may be specified therein or as may be prescribed.

Technical and Further Education.

(3) The Minister may, on the recommendation of the Advisory Committee, withdraw a permit if he is satisfied that—

- (a) the holder of the permit no longer possesses the capacity to give instruction in an adequate and satisfactory manner in the vocational subject matter in respect of which the permit was granted; or
- (b) the holder of the permit has contravened or failed to comply with any of the terms and conditions subject to which the permit was granted.

Registra-
tion of
institutions
or schools.

24. (1) The Minister may, on the recommendation of the Advisory Committee, register an institution or school under this section if he is satisfied that the institution or school is providing efficient instruction.

(2) The Minister may, on the recommendation of the Advisory Committee, cancel the registration of an institution or school registered under subsection (1) if he is satisfied that the institution or school is no longer providing efficient instruction.

Appeals.

25. (1) A person—

- (a) whose application for a permit has been refused;
- (b) whose permit has been withdrawn;
- (c) who is aggrieved by the refusal to register an institution or school under section 24; or
- (d) who is aggrieved by the cancellation of the registration of an institution or school under section 24,

may appeal to the Court against the refusal, withdrawal or cancellation, as the case may be.

Technical and Further Education.

(2) An appeal under subsection (1) shall be in the nature of a rehearing.

(3) The decision of the Court on an appeal under subsection (1) shall be deemed to be the final decision of the Minister and shall be given effect to accordingly.

PART V.

COLLEGE OR DISTRICT COUNCILS OR COMMITTEES.

26. (1) In this section—

“area” has the meaning ascribed thereto in the Local Government Act, 1919;

Establish-
ment of
councils or
committees.

“district” means—

- (a) an area;
- (b) a region; or
- (c) any combination of areas or regions, or areas and regions;

“region” means a region established under the Regional Organisation Act, 1972.

(2) The Minister may, in accordance with the regulations, establish in respect of—

- (a) a prescribed college; or
- (b) a prescribed district,

a council or committee, consisting of such number of persons as the Minister may determine.

(3)

Technical and Further Education.

(3) A council or committee established under subsection (2), in respect of the college or district for which it is established—

- (a) shall promote and encourage the advancement of technical and further education within that college or district; and
- (b) shall have and may exercise or perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

Audit.

27. The accounts of each council or committee established by the Minister under section 26 shall, if directed by the Minister at any time, 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 in force relating to the audit of public accounts and the Audit Act, 1902, shall apply to the members of the council or committee in the same manner as it applies to accounting officers of public departments.

PART VI.**ACQUISITION OF LAND.****Acquisition of land.**

28. (1) For the purposes of this Act, the Governor may, under the Public Works Act, 1912, and in accordance with the provisions of this section, resume or appropriate any land and the Minister may purchase, lease or exchange any land.

(2) A resumption or appropriation effected in accordance with subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

Technical and Further Education.

(3) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that Act applies to any such expenditure.

29. (1) The Governor may, by notification in the Gazette, rescind wholly or in part a notification of resumption made under section 28. Power to rescind resumptions.

(2) Upon the publication of a notification of rescission under subsection (1) the land described in that notification—

- (a) shall revest in the person who was entitled thereto immediately before the resumption for his estate, interest or right immediately before the resumption, subject to any interest in or equity binding on that land created by the Constructing Authority since the resumption;
- (b) shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption; and
- (c) shall be subject to any interests in or equities binding on the compensation money created since the resumption.

(3) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land under the provisions of the Real Property Act, 1900, the Registrar-General shall cancel any recording in the Register made by him pursuant to section 31A of the Real Property Act, 1900, in so far as it relates to the land the notification of the resumption of which has been rescinded, and for the purpose of any dealing with that land the recording made pursuant to section 31A of the Real Property Act, 1900, shall be deemed never to have been made.

Technical and Further Education.

(4) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land wholly or in part and in respect of which a certificate of title has issued to the Constructing Authority pursuant to section 31A of the Real Property Act, 1900, the Registrar-General shall cancel that certificate of title in so far as it relates to the land the notification of the resumption of which has been rescinded and of which the Constructing Authority is the registered proprietor.

(5) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption and its rescission other than compensation in respect of the value of the land.

(6) Section 9 of the Land and Valuation Court Act, 1921, applies to and in respect of a claim for compensation under this Act in the same way as it applies to and in respect of a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912.

PART VII.**GENERAL.**

Delegation. 30. (1) The Minister may by instrument in writing delegate to—

- (a) any specified officer of the Department;
- (b) the Council of Technical and Further Education constituted under section 13; or
- (c) a council or committee established under section 26 (2),

the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act as may be prescribed and may in like manner revoke wholly or in part any such delegation.

Technical and Further Education.

(2) The Director may by instrument in writing delegate to any specified officer of the Department the exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise or performance of a power, authority, duty or function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(3) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

(5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(6) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be.

31. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or

Technical and Further Education.

that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the qualifications to be possessed by persons as a condition of appointment to the Council of Technical and Further Education constituted under section 13;
- (b) the establishment of councils or committees under section 26 (2);
- (c) the nomination for appointment and appointment of members of councils or committees established under section 26 (2);
- (d) the procedure for the calling and conduct of meetings of councils or committees established under section 26 (2);
- (e) the person who shall preside, the voting powers of the person presiding, and the quorum, at meetings of councils or committees established under section 26 (2); and
- (f) the constitution and functions of advisory committees and boards of studies.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

Repeals.

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

Amendments.

33. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Savings, transitional and other provisions.

34. Schedule 3 has effect.

Technical and Further Education.

SCHEDULE 1.

Sec. 32.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1949, No. 11 1955, No. 8	Technical Education Act, 1949 .. Technical Education and New South Wales University of Technology (Amendment) Act, 1955.	The unrepealed portion. The unrepealed portion.
1968, No. 37	University of New South Wales Act, 1968.	Section 34.

SCHEDULE 2.

Sec. 33.

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 31..	Public Service Act, 1902.	Section 25— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".
1945, No. 18..	Public Accountants Registration Act, 1945.	Section 19 (1)— Omit "any Technical College under the control of the Department of Technical Education", insert instead "a college provided and maintained within the Department of Technical and Further Education".

SCHEDULE

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1961, No. 47.	Education Act, 1961.	<p>Section 7 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".</p> <p>Section 7 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p> <p>Section 9 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".</p> <p>Section 9 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p>
1967, No. 95.	Technical Education Trust Funds Act, 1967.	<p>Section 2— Omit paragraph (a) of the definition of "educational establishment", insert instead the following paragraph:— (a) a college conducted by the Department of Technical and Further Education.</p> <p>Section 3 (2)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p> <p>Section 5 (4) (b)— Omit "the Permanent Head of the Department of Technical Education", insert instead "the Director of Technical and Further Education".</p>

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1969, No. 29..	Higher Education Act, 1969.	<p>Section 4 (3)— Omit “Technical Education Act, 1949, as subsequently amended”, insert instead “Technical and Further Education Act, 1974”.</p> <p>Section 32— Omit the section, insert instead the following section:— Application 32. (1) A reference in of certain section 7 (1) of the Technical provisions and Further Education of Technical Act, 1974, to the provision and Further within the Department of Education Technical and Further Act, 1974. Education, of facilities for and in respect of technical and further education includes a reference to the provision of facilities for and in respect of colleges of advanced education whether or not those facilities are provided within that Department.</p> <p>(2) The provision of facilities for and in respect of colleges of advanced education shall for the purposes of section 28 of the Technical and Further Education Act, 1974, be deemed to be a purpose of that Act.</p>
1969, No. 37..	Apprentices Act, 1969.	<p>Section 9 (2) (b)— Omit “Director of the Department of Technical Education”, insert instead “Director of Technical and Further Education”.</p> <p>Section 18 (8) (a)— Omit “Department of Technical Education”, insert instead “Department of Technical and Further Education”.</p>

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1969, No. 37— <i>continued.</i>	Apprentices Act, 1969— <i>continued.</i>	<p>Section 18 (8) (b)— Omit “technical colleges conducted by the Department of Technical Education”, insert instead “colleges conducted by the Department of Technical and Further Education”.</p> <p>Section 18 (9) (d)— Omit “Department of Technical Education”, insert instead “Department of Technical and Further Education”.</p> <p>Section 18 (10)— Omit “Director of Technical Education”, insert instead “Director of Technical and Further Education”.</p> <p>Section 22 (c)— (a) Omit “Director of Technical Education”, insert instead “Director of Technical and Further Education”; (b) Omit “technical colleges conducted by the Department of Technical Education”, insert instead “colleges conducted by the Department of Technical and Further Education”.</p> <p>Section 23 (4) (m)— (a) Omit “Department of Technical Education”, insert instead “Department of Technical and Further Education”; (b) Omit “technical colleges”, insert instead “colleges”.</p> <p>Section 41 (d)— Omit the paragraph, insert instead the following paragraph:— (d) the Director of Technical and Further Education.</p> <p>Section 62 (2) (c)— Omit “Director of Technical Education”, insert instead “Director of Technical and Further Education”.</p>

Technical and Further Education.

SCHEDULE 3.

Sec. 34.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) A person who, immediately before the commencement of this Act, held an office or position under the Technical Education Act, 1949, specified in Column 1 of the Table to this subclause shall be deemed to have been appointed in accordance with the provisions of this Act to the office or position set forth opposite thereto in Column 2 of the Table.

TABLE.

Column 1.	Column 2.
Director of Technical Education Member of the Technical Education Advisory Council.	Director. Member of the Council of Technical and Further Education.

(2) Subject to this Act, a person deemed to have been appointed to an office or position under subclause (1) shall hold that office or position on the same terms and conditions and for the same period as he would have held that office or position under the Technical Education Act, 1949.

(3) Section 14 (1) (h) shall not apply in respect of a person who was an original member of the Technical Education Advisory Council constituted under the Technical Education Act, 1949, and who was a member of that Council immediately before the commencement date.

2. (1) In this clause—

“district” has the meaning ascribed thereto in section 26 (1);

“technical education district of Newcastle” has the meaning ascribed thereto in section 11 (4) of the Technical Education Act, 1949;

“the trustees” means the trustees referred to in section 11 (1A) of the Technical Education Act, 1949;

“the trust money” means any money, including any interest accrued due thereon, which, immediately before the commencement date, was vested in the trustees.

Applica-
tion of
certain
money.

SCHEDULE

Technical and Further Education.

SCHEDULE 3—*continued.*

(2) Subject to any regulations made under subclause (3), the trust money shall continue to be vested in the trustees on the same trusts and subject to the same directions as it was vested immediately before the commencement date.

- (3) The Governor may make regulations for or with respect to—
- (a) the removal from office of all or any of the trustees;
 - (b) the discharging of the trustees, upon their removal from office, from any duties, liabilities or obligations in respect of or in relation to the trust money;
 - (c) the appointment of new trustees from the members of a council or committee established under section 26 (2);
 - (d) the powers, authorities, duties and functions of new trustees;
 - (e) the alteration, variation, revocation or annulment of any trusts, conditions or encumbrances affecting the trust money so as to enable the trust money to be applied for the promotion and advancement of technical and further education within a district including all or a substantial part of the technical education district of Newcastle.

Acquisition
of land.

3. Land acquired under section 49 of the Technical Education Act, 1949, shall, for the purposes only of section 29 of this Act, be deemed to have been acquired under this Act.

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, 29 October, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 72, 1974.

An Act to make provision for technical and further education in New South Wales; to repeal the Technical Education Act, 1949, and certain other Acts; to amend certain Acts; and for purposes connected therewith. [Assented to, 12th November, 1974.]

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.

Technical and Further Education.

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:—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Technical and Further Education Act, 1974".

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

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Division
of Act.** **3.** This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–5.

**PART II.—DEPARTMENT OF TECHNICAL AND
FURTHER EDUCATION—ss. 6–11.**

**PART III.—COUNCIL OF TECHNICAL AND FURTHER
EDUCATION—ss. 12–17.**

PART IV.—VOCATIONAL INSTRUCTION—ss. 18–25.

**PART V.—COLLEGE OR DISTRICT COUNCILS OR
COMMITTEES—ss. 26, 27.**

PART VI.—ACQUISITION OF LAND—ss. 28, 29.

PART VII.—GENERAL—ss. 30–34.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.—REPEALS.

SCHEDULE 2.—AMENDMENT OF ACTS.

SCHEDULE 3.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

4. In this Act, except in so far as the context or Interpretation. subject-matter otherwise indicates or requires—

“college” means an educational institution provided and maintained within the Department by the Minister;

“commencement date” means the day appointed and notified under section 2 (2);

“Department” means the Department of Technical and Further Education;

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

“regulations” means regulations made under this Act.

5. Nothing in this Act shall affect any of the provisions of the Higher Education Act, 1969, not affected.

PART II.

DEPARTMENT OF TECHNICAL AND FURTHER EDUCATION.

6. The persons appointed from time to time under the Department of Public Service Act, 1902, for or with respect to the administration of this Act shall constitute a department known as the Department of Technical and Further Education.

Technical and Further Education.

Powers, etc.,
of Minister.

7. (1) The Minister shall provide, maintain, control and manage such facilities for and in respect of the provision of technical and further education as he may consider suitable to the requirements of the State and shall co-ordinate technical and further education throughout the State.

(2) The powers, authorities, duties and functions which immediately before the commencement date were exercised and discharged by the Minister through the Department of Technical Education shall, on and from the commencement date, be exercised and discharged by him through the Department.

Academic
awards.

8. The Minister may, in accordance with the regulations, provide for—

- (a) the conferring of academic awards; and
- (b) the granting and issuing of instruments by the Director or other persons evidencing the conferring of academic awards,

in respect of persons eligible in accordance with such requirements and conditions as may be prescribed to receive those awards.

Objects.

9. (1) The objects of the Minister, in exercising or performing any of the powers, authorities, duties or functions conferred or imposed on him by or under this Act, shall be—

- (a) to promote the establishment and maintenance of colleges;
- (b) to encourage the provision of courses and other educational and training activities which—
 - (i) shall be designed primarily for adults and young people who have completed a secondary school course or its equivalent or who have left secondary school; and
 - (ii)

Technical and Further Education.

- (ii) shall take account of the educational needs of individuals and provide for the pursuit of interests and the development of talents and skills ;
- (c) to assist and encourage the organisation of colleges to achieve and maintain an adequate work force throughout the State by ensuring, as far as practicable, the preparation of appropriate numbers for the full range of occupations which demand the education and training of adults and young people who have completed a secondary school course or its equivalent or who have left secondary school ;
- (d) to encourage the provision of further education including vocational education and training ; and
- (e) to promote and encourage collaboration and consultation between the Department and other authorities to ensure the greatest effectiveness and economy in expenditure and the most beneficial relationship between colleges and other educational institutions throughout the State.

(2) Nothing in subsection (1) affects the interpretation of a provision of this Act by or under which any power, authority, duty or function is conferred or imposed on the Minister and the exercise or performance of any power, authority, duty or function conferred or imposed on the Minister by or under this Act shall not be called into question in any court by reason of the provisions of subsection (1).

10. (1) The Governor may, under and subject to the Appoint-
Public Service Act, 1902, appoint a Director who shall be ment of
engaged in the administration of this Act. Director.

(2)

Technical and Further Education.

(2) The Governor may, under and subject to the Public Service Act, 1902, appoint such officers and employees as may be necessary for the administration of this Act.

Reference
in other
Acts, etc.

11. On and from the commencement date, a reference in any other Act or in any regulation, by-law or other statutory instrument or in any other document, whether of the same or of a different kind—

- (a) to the Department of Technical Education shall be read and construed as a reference to the Department; or
- (b) to the Director of Technical Education shall be read and construed as a reference to the Director.

PART III.

COUNCIL OF TECHNICAL AND FURTHER EDUCATION.

Interpre-
tation.

12. In this Part—

“Council” means the Council of Technical and Further Education constituted under section 13;

“member” means member of the Council.

Council of
Technical
and
Further
Education.

13. (1) There shall be a Council of Technical and Further Education which shall consist of such number of persons as may be prescribed.

(2) Subject to subsection (3), the members shall be appointed by the Governor and shall be representative of industry, commerce, the professions, the trade union movement, educational authorities and the community.

(3)

Technical and Further Education.

(3) The Director and one other officer of the Department nominated by the Minister shall be ex officio members.

(4) The chairman and deputy chairman of the Council shall be appointed from among the members by the Governor upon the recommendation of the Minister.

(5) The members appointed by the Governor shall, subject to this Part, hold office for such period as may be prescribed and shall, if otherwise qualified, be eligible for reappointment.

(6) The provisions of the Public Service Act, 1902, shall not apply to the appointment of a member by the Governor and a member so appointed shall not, in his capacity as a member, be subject to the provisions of that Act during his term of office.

(7) The office of a member shall not for the purpose of any Act be deemed to be an office or place of profit under the Crown.

14. (1) A member appointed by the Governor ceases to hold office as a member and there is a casual vacancy in his office—

Vacation of
office of
appointed
member.

- (a) if he dies;
- (b) if he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (c) if he resigns his office in writing under his hand addressed to the Governor and his resignation is accepted;

(d)

Technical and Further Education.

- (d) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (e) if he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for a period of twelve months or more, or if he is convicted elsewhere than in New South Wales of an offence that, if it were committed in New South Wales, would be a felony or a misdemeanour so punishable;
- (f) if he is absent from three consecutive meetings of the Council of which reasonable notice has been given to him personally or in the ordinary course of post and has not, prior to or at the last of those meetings, been granted leave of absence;
- (g) if he is removed from office by the Governor; or
- (h) upon his attaining the age of seventy years.

(2) The Governor may, for any cause which appears to him sufficient, remove any member appointed by him from office.

(3) A person appointed to fill a casual vacancy in the office of a member shall hold office for the balance of his predecessor's term of office and is, if otherwise qualified, eligible for reappointment.

Functions
and duties
of the
Council.

15. (1) The Council may make such recommendations as it thinks fit to the Minister with respect to—

- (a) the provision and conduct of technical and further education in the State having regard to the needs of the community, industry and commerce; and

(b)

Technical and Further Education.

- (b) the co-ordination of the functions of the Department with other bodies concerned with education and training.

(2) The Council shall investigate and report to the Minister on any matter referred to it by the Minister for investigation and report.

(3) In addition to the powers, authorities, duties and functions conferred or imposed upon it under the other provisions of this Part, the Council shall have and may exercise or perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

16. (1) Except as may be prescribed, the procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall be as determined by the Council. **Meetings of the Council.**

(2) The number of members who shall constitute a quorum at any meeting of the Council shall be as prescribed and 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 and may exercise the functions of the Council.

(3) A decision of a majority of the members present at a meeting of the Council at which a quorum is present shall be the decision of the Council.

17. A member shall be entitled to such expenses in relation to his acting as a member as may be fixed from time to time by the Minister. **Expenses of a member.**

PART

Technical and Further Education.

PART IV.

VOCATIONAL INSTRUCTION.

**Interpre-
tation.****18. In this Part—**

- “Advisory Committee” means the Vocational Instruction Advisory Committee constituted under section 19;
- “Court” means the Supreme Court of New South Wales;
- “member” means member of the Advisory Committee;
- “permit” means permit granted by the Minister under section 23;
- “vocational subject matter” means a subject matter declared to be vocational in character by the Governor under section 21.

**Vocational
Instruction
Advisory
Committee.****19. (1) There shall be a Vocational Instruction Advisory Committee which shall consist of three members.****(2) The members shall be—**

- (a) the Director, who shall be chairman of the Advisory Committee;
- (b) the Under Secretary of the Department of Labour and Industry; and
- (c) a person appointed by the Minister who shall hold office for such period as the Minister may determine.

**Functions
and duties
of the
Advisory
Committee.****20. The Advisory Committee shall investigate and report on any matter referred to it by the Minister in relation to the grant or withdrawal of a permit or the registration or cancellation of the registration of an institution or school under section 24.**

Technical and Further Education.

21. Where the Governor is satisfied that it is desirable in the public interest that a standard of instruction should be maintained by law in any subject matter, he may from time to time, by proclamation published in the Gazette, declare that subject matter to be vocational in character.

22. A person shall not give or offer to give instruction for fee or reward in a vocational subject matter unless—

- (a) he is the holder of a permit authorising him to give instruction in that vocational subject matter; or
- (b) he gives or offers to give instruction in his capacity as—
 - (i) an officer or employee of the Crown;
 - (ii) a principal of or a teacher in a school certified under the Public Instruction (Amendment) Act, 1916; or
 - (iii) a principal of or a teacher in an institution or school registered under section 24, the registration of which has not been cancelled under that section.

Penalty : \$100.

23. (1) The Minister may, on the recommendation of the Advisory Committee, grant a permit to a person if the Minister is satisfied that the person possesses sufficient qualifications and capacity to enable him to give instruction in a vocational subject matter in an adequate and satisfactory manner.

(2) A permit may be granted subject to such terms and conditions as may be specified therein or as may be prescribed.

(3)

Technical and Further Education.

(3) The Minister may, on the recommendation of the Advisory Committee, withdraw a permit if he is satisfied that—

- (a) the holder of the permit no longer possesses the capacity to give instruction in an adequate and satisfactory manner in the vocational subject matter in respect of which the permit was granted; or
- (b) the holder of the permit has contravened or failed to comply with any of the terms and conditions subject to which the permit was granted.

Registra-
tion of
institutions
or schools.

24. (1) The Minister may, on the recommendation of the Advisory Committee, register an institution or school under this section if he is satisfied that the institution or school is providing efficient instruction.

(2) The Minister may, on the recommendation of the Advisory Committee, cancel the registration of an institution or school registered under subsection (1) if he is satisfied that the institution or school is no longer providing efficient instruction.

Appeals.

25. (1) A person—

- (a) whose application for a permit has been refused;
- (b) whose permit has been withdrawn;
- (c) who is aggrieved by the refusal to register an institution or school under section 24; or
- (d) who is aggrieved by the cancellation of the registration of an institution or school under section 24,

may appeal to the Court against the refusal, withdrawal or cancellation, as the case may be.

(2)

Technical and Further Education.

(2) An appeal under subsection (1) shall be in the nature of a rehearing.

(3) The decision of the Court on an appeal under subsection (1) shall be deemed to be the final decision of the Minister and shall be given effect to accordingly.

PART V.

COLLEGE OR DISTRICT COUNCILS OR COMMITTEES.

26. (1) In this section—

“area” has the meaning ascribed thereto in the Local Government Act, 1919;

Establish-
ment of
councils or
committees.

“district” means—

- (a) an area;
- (b) a region; or
- (c) any combination of areas or regions, or areas and regions;

“region” means a region established under the Regional Organisation Act, 1972.

(2) The Minister may, in accordance with the regulations, establish in respect of—

- (a) a prescribed college; or
- (b) a prescribed district,

a council or committee, consisting of such number of persons as the Minister may determine.

(3)

Technical and Further Education.

(3) A council or committee established under subsection (2), in respect of the college or district for which it is established—

- (a) shall promote and encourage the advancement of technical and further education within that college or district; and
- (b) shall have and may exercise or perform such powers, authorities, duties and functions as are delegated to it by the Minister under section 30 (1).

Audit.

27. The accounts of each council or committee established by the Minister under section 26 shall, if directed by the Minister at any time, 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 in force relating to the audit of public accounts and the Audit Act, 1902, shall apply to the members of the council or committee in the same manner as it applies to accounting officers of public departments.

PART VI.**ACQUISITION OF LAND.****Acquisition
of land.**

28. (1) For the purposes of this Act, the Governor may, under the Public Works Act, 1912, and in accordance with the provisions of this section, resume or appropriate any land and the Minister may purchase, lease or exchange any land.

(2) A resumption or appropriation effected in accordance with subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(3)

Technical and Further Education.

(3) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not apply to expenditure on any works constructed for the purposes of this Act, but section 38 of that Act applies to any such expenditure.

29. (1) The Governor may, by notification in the Gazette, rescind wholly or in part a notification of resumption made under section 28. Power to rescind resumptions.

(2) Upon the publication of a notification of rescission under subsection (1) the land described in that notification—

- (a) shall revert in the person who was entitled thereto immediately before the resumption for his estate, interest or right immediately before the resumption, subject to any interest in or equity binding on that land created by the Constructing Authority since the resumption;
- (b) shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by the resumption; and
- (c) shall be subject to any interests in or equities binding on the compensation money created since the resumption.

(3) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land under the provisions of the Real Property Act, 1900, the Registrar-General shall cancel any recording in the Register made by him pursuant to section 31A of the Real Property Act, 1900, in so far as it relates to the land the notification of the resumption of which has been rescinded, and for the purpose of any dealing with that land the recording made pursuant to section 31A of the Real Property Act, 1900, shall be deemed never to have been made.

(4)

Technical and Further Education.

(4) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land wholly or in part and in respect of which a certificate of title has issued to the Constructing Authority pursuant to section 31A of the Real Property Act, 1900, the Registrar-General shall cancel that certificate of title in so far as it relates to the land the notification of the resumption of which has been rescinded and of which the Constructing Authority is the registered proprietor.

(5) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption and its rescission other than compensation in respect of the value of the land.

(6) Section 9 of the Land and Valuation Court Act, 1921, applies to and in respect of a claim for compensation under this Act in the same way as it applies to and in respect of a claim for compensation by reason of the acquisition of land for public purposes under the Public Works Act, 1912.

PART VII.

GENERAL.

Delegation. **30.** (1) The Minister may by instrument in writing delegate to—

- (a) any specified officer of the Department;
- (b) the Council of Technical and Further Education constituted under section 13; or
- (c) a council or committee established under section 26 (2),

the exercise or performance of such of the powers (other than this power of delegation), authorities, duties or functions conferred or imposed on him by or under this Act as may be prescribed and may in like manner revoke wholly or in part any such delegation.

(2)

Technical and Further Education.

(2) The Director may by instrument in writing delegate to any specified officer of the Department the exercise or performance of such of the powers, authorities, duties or functions (other than this power of delegation or the exercise or performance of a power, authority, duty or function delegated to him under this section by the Minister) conferred or imposed on him by or under this Act as may be specified in the instrument of delegation and may in like manner revoke wholly or in part any such delegation.

(3) A power, authority, duty or function, the exercise or performance of which has been delegated under this section, may, while the delegation remains unrevoked, be exercised or performed from time to time in accordance with the terms of the delegation.

(4) A delegation under this section may be made subject to such conditions or such limitations as to the exercise or performance of any of the powers, authorities, duties or functions delegated, or as to time or circumstances, as may be specified in the instrument of delegation.

(5) Notwithstanding any delegation made under this section, the Minister or the Director, as the case may be, may continue to exercise or perform all or any of the powers, authorities, duties or functions delegated.

(6) Any act or thing done or suffered by a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing done had been done or suffered by the Minister or the Director, as the case may be, and shall be deemed to have been done or suffered by the Minister or the Director, as the case may be.

31. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or

that

Technical and Further Education.

that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the qualifications to be possessed by persons as a condition of appointment to the Council of Technical and Further Education constituted under section 13;
- (b) the establishment of councils or committees under section 26 (2);
- (c) the nomination for appointment and appointment of members of councils or committees established under section 26 (2);
- (d) the procedure for the calling and conduct of meetings of councils or committees established under section 26 (2);
- (e) the person who shall preside, the voting powers of the person presiding, and the quorum, at meetings of councils or committees established under section 26 (2); and
- (f) the constitution and functions of advisory committees and boards of studies.

(2) Regulations may be made so as to apply differently according to such factors as may be specified in the regulations.

Repeals.

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

Amendments.

33. Each Act specified in Column 1 of Schedule 2 is amended in the manner set forth opposite that Act in Column 2 of Schedule 2.

Savings, transitional and other provisions.

34. Schedule 3 has effect.

SCHEDULE

Technical and Further Education.

SCHEDULE 1.

Sec. 32.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1949, No. 11 1955, No. 8	Technical Education Act, 1949 . . . Technical Education and New South Wales University of Technology (Amendment) Act, 1955.	The unrepealed portion. The unrepealed portion.
1968, No. 37	University of New South Wales Act, 1968.	Section 34.

SCHEDULE 2.

Sec. 33.

AMENDMENT OF ACTS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1902, No. 31 . .	Public Service Act, 1902.	Section 25— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".
1945, No. 18 . .	Public Accountants Registration Act, 1945.	Section 19 (1)— Omit "any Technical College under the control of the Department of Technical Education", insert instead "a college provided and maintained within the Department of Technical and Further Education".

SCHEDULE

Technical and Further Education.

SCHEDULE 2—continued.

AMENDMENT OF ACTS—continued.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1961, No. 47..	Education Act, 1961.	<p>Section 7 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".</p> <p>Section 7 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p> <p>Section 9 (2) (d)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".</p> <p>Section 9 (4)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p>
1967, No. 95..	Technical Education Trust Funds Act, 1967.	<p>Section 2— Omit paragraph (a) of the definition of "educational establishment", insert instead the following paragraph:— (a) a college conducted by the Department of Technical and Further Education.</p> <p>Section 3 (2)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p> <p>Section 5 (4) (b)— Omit "the Permanent Head of the Department of Technical Education", insert instead "the Director of Technical and Further Education".</p>

SCHEDULE

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1969, No. 29..	Higher Education Act, 1969.	<p>Section 4 (3)— Omit "Technical Education Act, 1949, as subsequently amended", insert instead "Technical and Further Education Act, 1974".</p> <p>Section 32— Omit the section, insert instead the following section:— Application 32. (1) A reference in of certain section 7 (1) of the Technical provisions and Further Education of Technical Act, 1974, to the provision and Further within the Department of Education Technical and Further Education Act, 1974. Education, of facilities for and in respect of technical and further education includes a reference to the provision of facilities for and in respect of colleges of advanced education whether or not those facilities are provided within that Department. (2) The provision of facilities for and in respect of colleges of advanced education shall for the purposes of section 28 of the Technical and Further Education Act, 1974, be deemed to be a purpose of that Act.</p>
1969, No. 37..	Apprentices Act, 1969.	<p>Section 9 (2) (b)— Omit "Director of the Department of Technical Education", insert instead "Director of Technical and Further Education".</p> <p>Section 18 (8) (a)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p>

*Technical and Further Education.*SCHEDULE 2—*continued.*AMENDMENT OF ACTS—*continued.*

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Amendment.
1969, No. 37— <i>continued.</i>	Apprentices Act, 1969— <i>continued.</i>	<p>Section 18 (8) (b)— Omit "technical colleges conducted by the Department of Technical Education", insert instead "colleges conducted by the Department of Technical and Further Education".</p> <p>Section 18 (9) (d)— Omit "Department of Technical Education", insert instead "Department of Technical and Further Education".</p> <p>Section 18 (10)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".</p> <p>Section 22 (c)— (a) Omit "Director of Technical Education", insert instead "Director of Technical and Further Education"; (b) Omit "technical colleges conducted by the Department of Technical Education", insert instead "colleges conducted by the Department of Technical and Further Education".</p> <p>Section 23 (4) (m)— (a) Omit "Department of Technical Education", insert instead "Department of Technical and Further Education"; (b) Omit "technical colleges", insert instead "colleges".</p> <p>Section 41 (d)— Omit the paragraph, insert instead the following paragraph:— (d) the Director of Technical and Further Education.</p> <p>Section 62 (2) (c)— Omit "Director of Technical Education", insert instead "Director of Technical and Further Education".</p>

Technical and Further Education.

SCHEDULE 3.

Sec. 34.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

1. (1) A person who, immediately before the commencement date, held an office or position under the Technical Education Act, 1949, specified in Column 1 of the Table to this subclause shall be deemed to have been appointed in accordance with the provisions of this Act to the office or position set forth opposite thereto in Column 2 of the Table.

TABLE.

Column 1.	Column 2.
Director of Technical Education Member of the Technical Education Advisory Council.	Director. Member of the Council of Technical and Further Education.

(2) Subject to this Act, a person deemed to have been appointed to an office or position under subclause (1) shall hold that office or position on the same terms and conditions and for the same period as he would have held that office or position under the Technical Education Act, 1949.

(3) Section 14 (1) (h) shall not apply in respect of a person who was an original member of the Technical Education Advisory Council constituted under the Technical Education Act, 1949, and who was a member of that Council immediately before the commencement date.

2. (1) In this clause—

- “district” has the meaning ascribed thereto in section 26 (1);
- “technical education district of Newcastle” has the meaning ascribed thereto in section 11 (4) of the Technical Education Act, 1949;
- “the trustees” means the trustees referred to in section 11 (1A) of the Technical Education Act, 1949;
- “the trust money” means any money, including any interest accrued due thereon, which, immediately before the commencement date, was vested in the trustees.

Applica-
tion of
certain
money.

SCHEDULE

Technical and Further Education.

SCHEDULE 3—continued.

(2) Subject to any regulations made under subclause (3), the trust money shall continue to be vested in the trustees on the same trusts and subject to the same directions as it was vested immediately before the commencement date.

(3) The Governor may make regulations for or with respect to—

- (a) the removal from office of all or any of the trustees;
- (b) the discharging of the trustees, upon their removal from office, from any duties, liabilities or obligations in respect of or in relation to the trust money;
- (c) the appointment of new trustees from the members of a council or committee established under section 26 (2);
- (d) the powers, authorities, duties and functions of new trustees;
- (e) the alteration, variation, revocation or annulment of any trusts, conditions or encumbrances affecting the trust money so as to enable the trust money to be applied for the promotion and advancement of technical and further education within a district including all or a substantial part of the technical education district of Newcastle.

Acquisition
of land.

3. Land acquired under section 49 of the Technical Education Act, 1949, shall, for the purposes only of section 29 of this Act, be deemed to have been acquired under this Act.

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 12th November, 1974.