

PUBLIC INSTRUCTION AND
UNIVERSITY (AMENDMENT)
ACT.

Act No. 21, 1936.

An Act to amend in certain respects the Public Instruction Act of 1880, the University and University Colleges Act, 1900, the Bursary Endowment Act, 1912, and certain other Acts; and for purposes connected therewith. [Assented to, 22nd June, 1936.]

Edward VIII,
No. 21, 1936.

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

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Public Instruction and University (Amendment) Act, 1936." Short title and commencement.

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

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

Division
into Parts.

PART I—PRELIMINARY.

PART II—AMENDMENT OF PUBLIC INSTRUCTION ACT OF 1880.

PART III—AMENDMENT OF UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900, AS AMENDED.

PART IV.—AMENDMENT OF BURSARY ENDOWMENT Act, 1912.

PART

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PART II.

AMENDMENT OF PUBLIC INSTRUCTION ACT OF 1880.

Amendment
of Act 43
Vic. No. 23.
Sec. 4.
(Land for
purposes of
education.)

3. (1) The Public Instruction Act of 1880 is amended—

- (a) (i) by inserting in section four after the word “purchase” the word “exchange”;
- (ii) by inserting at the end of the same section the words “The Minister on behalf of the Crown may exchange the whole or any portion of any lands held by the Crown under this section for any other land, upon such terms and conditions as the Minister may deem fit, including the payment or receipt of money for equality of exchange, but no such exchange may be made by the Minister unless the Governor’s approval of the proposed exchange and of the terms and conditions thereof has been first obtained.

The Minister may grant a lease of any lands or any part thereof held by the Crown under this section.

The term of any such lease shall not exceed ten years.”

Sec. 13.

(b) by omitting section thirteen;

Sec. 19.

(c) by omitting section nineteen;

Sec. 39.

(d) (i) by inserting at the end of section thirty-nine the following new definitions:—

(Interpre-
tation.)

“Parents and citizens association and/or kindred association” means an association constituted in accordance with the provisions of this Act, and consisting of parents and guardians of children attending any State school together with other residents of the district served by such school, who are interested in the welfare of that school.

“Prescribed” means prescribed by this Act or by the regulations made thereunder.

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“State school” means any school established or declared to be a school under this Act.

- (ii) by omitting the definition of the term “Standard of Education” in the same section and by inserting in lieu thereof the following definition:—

“Standard of Education” shall be the standard of education prescribed.

- (e) by inserting next after section eighteen the following new sections:—

New ss. 18A,
18B, 18C.

18A. (1) The Minister may establish a district council for any area specified by the Governor by proclamation published in the Gazette. An area so specified is in this section referred to as a “proclaimed area.”

District
councils.

Each district council shall consist of two representatives of each parents and citizens association constituted for or in respect of any State school situate within that area.

(2) A district council for a proclaimed area may for the purposes only of advancing the common interests of State schools in that area—

- (a) advise the Minister upon all matters (other than staff matters) relating to State schools within the area;
- (b) assist in raising funds for establishing and maintaining scholarships for pupils attending State schools in the area;
- (c) assist, when required, in the arrangement and supervision of contracts for the conveyance of children to State schools;
- (d) assist in the establishment and maintenance of central libraries in connection with State schools within the area.

(3) Each district council shall elect its own office bearers, including a chairman.

The

Parents and
citizens and
kindred
associations.

The names of such office bearers shall be transmitted to the Minister within one month of their election.

18B. (1) A parents and citizens association and/or a kindred association may be constituted in connection with any State school in accordance with regulations made under this Act.

(2) The objects of each such association shall be—

- (a) to promote the interests of the school by bringing parents, citizens, pupils and teaching staff into close co-operation;
- (b) to assist in providing equipment for the school and in promoting the recreation and welfare of the pupils of the school.

(3) The functions and duties of each such association shall be—

- (a) to report, when requested by the Minister, upon the material requirements of the school and to advise on the subject of minor repairs, alterations and additions to the school buildings and the selection of new sites;
- (b) to assist and co-operate with the teaching staff in public functions associated with the school;
- (c) to assist in arranging for the accommodation of teachers, the conveyance of children attending the school, and in any other matters in which the Minister may seek the co-operation of the association.

(4) Each such association shall exercise and discharge such other functions and duties as may be prescribed.

(5) Each such association shall, subject to this Act and any regulations made thereunder, frame rules for the governance and control of its business and affairs; but such rules shall not be operative until they shall have been approved by the Minister.

(6)

(6) A member of any such association who is under the age of twenty-one years shall not be eligible to vote at any meeting of the association nor shall he be permitted to hold the office of president, vice-president or treasurer of the association. Subject to the approval of the Minister, he may hold the office of secretary.

18c. (1) Upon a day to be appointed by the Governor, and notified by proclamation published in the Gazette, there shall be constituted an Advisory Council on Education (in this section referred to as "the council").

Advisory
Council on
Education.

(2) The council shall consist of the following members:—

- (a) the Vice-Chancellor of the University of Sydney;
- (b) the members of the Board of Secondary School Studies;
- (c) one representative of each Technical Education Advisory Council constituted by the Governor by notification in the Gazette, either before or after the commencement of the Public Instruction and University (Amendment) Act, 1936, and in existence for the time being;
- (d) the President of the New South Wales Public School Teachers' Federation;
- (e) the Director of the New South Wales State Conservatorium of Music;
- (f) the Apprenticeship Commissioner;
- (g) ten members who shall be appointed by the Governor. Of the ten members so appointed for the first constitution of the council five (to be selected by the Governor) shall hold office for four years, and the remaining five shall hold office for two years.

A member appointed under this paragraph to fill an extraordinary vacancy shall hold office for the residue of his predecessor's term.

Upon the expiration of the term of office of a member appointed under this paragraph, his successor shall hold office for four years.

A member appointed under this paragraph who vacates his office by reason of the expiration of his term shall be eligible for re-appointment.

Of the members appointed under this paragraph two shall be persons selected by the Governor to represent trade unions of employees registered under the Trade Union Act, 1881, and one other shall be a person appointed by the Governor to represent Roman Catholic schools.

(3) In the event of the illness or absence from New South Wales of any member of the council the Governor may appoint some person to act in the place of such member during such illness or absence.

(4) The functions of the council shall be—

- (a) to report upon such matters connected with public education as may be referred to it by the Minister;
- (b) to advise the Minister on matters connected with public education in New South Wales;
- (c) to furnish a report to Parliament annually.

(5) The chairman and deputy chairman of the council shall be elected annually by the members of the council from amongst their number, but no member who is one of the persons appointed to the Board of Secondary School Studies

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Studies pursuant to paragraph (b) of subsection two of section 32A of the University and University Colleges Act, 1900-1936, shall be eligible to be either chairman or deputy chairman of the council.

(6) The secretary of the council shall be an officer of the Department of Public Instruction nominated by the permanent head of that Department.

(7) The council shall, subject to this Act and to the regulations made thereunder, frame rules for the conduct of its business.

Such rules shall not be operative until they have been approved by the Minister.

(8) The number of members who shall constitute a quorum for the purposes of any meeting of the council shall be as prescribed by regulations made under this Act; 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 and discharge all the powers, authorities, duties and functions of the council.

(9) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment by the Governor of any member of the council, and any member so appointed shall not be subject to the provisions of any such Act during his term of office.

(f) by omitting section thirty-seven and by inserting in lieu thereof the following section:—

Substituted
sec. 37.

37. (1) The Governor may make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Act.

Regulations.

(2) Such regulations shall—

(a) be published in the Gazette;

(b) take effect from the date of publication, or from a later date to be specified in such regulations; and

(c)

- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any such regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) All regulations made under the Public Instruction Act of 1880, and in force immediately before the commencement of this Act, shall to the extent to which they are not inconsistent with the Public Instruction Act of 1880 as amended by this Act, continue in force, but may be amended or repealed by regulations made under section thirty-seven of the Public Instruction Act of 1880 as inserted by paragraph (f) of subsection one of this section.

PART III.

AMENDMENT OF UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900, AS AMENDED.

Citation.

4. (1) The University and University Colleges Act, 1900, as amended by subsequent Acts, is in this Part referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the University and University Colleges Act, 1900-1936.

Amendment
of Act No.
22, 1900.
Sec. 8.
(Fellows.)

5. The Principal Act is amended—

- (a) by inserting in section eight after the word “Vice-Chancellor” where lastly occurring the words “The Fellow elected by members of the Legislative

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Legislative Council shall be so elected as soon as practicable after the commencement of the term of service of the fifteen members of the Legislative Council elected at each triennial election of members of the said Council and he shall hold office until his successor has been so elected. Provided also that the term of the Fellow elected by the Legislative Council in the year one thousand nine hundred and thirty-four shall expire on the day prior to the next election held under this section.

The Fellow elected by members of the Legislative Assembly shall be so elected as soon as practicable after every general election of members of the Legislative Assembly and he shall hold office until his successor has been so elected. Provided also that the term of the Fellow elected by the Legislative Assembly in the year one thousand nine hundred and thirty-four shall expire on the day prior to the next election held under this section”;

- (b) by inserting in section 31A, after subsection one, the following new paragraph:—

The Senate may, in any case where it deems proper, permit an exhibitor to postpone entering the University for a period not exceeding one year.

- (c) (i) by omitting from subsection two of section 31A all words following the words “each year shall be” and by inserting in lieu thereof the words “two hundred”; Sec. 31A. (Public exhibitions.)

- (ii) by inserting next after subsection two of the same section the following new subsection—

(2A) (a) Subject to subsection three of this section—

- (i) one hundred of such exhibitions shall be allotted to the candidates who are highest in the order of merit as shown at the examination for the leaving certificate

certificate or higher leaving certificate (whichever of such examinations may be adopted for the purpose by the Senate by by-laws made under section fifteen of this Act);

- (ii) in allotting the remaining one hundred exhibitions the Senate shall have regard solely to such limitations in the circumstances or income of the candidate and his family as may be prescribed by by-laws made under section fifteen of this Act; and where the number of such candidates eligible for an exhibition exceeds one hundred, the Senate shall have regard to the order of merit of those candidates as shown at the examination so adopted.

(b) The Senate shall each year determine the number of such exhibitions to be allotted during that year to students entering each school within the University having due regard to the expressed wish of the exhibitor.

- (iii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) The exhibitions shall be allotted to those candidates who at the examination adopted in accordance with subsection (2A) of this section—

- (a) are the recipients of leaving certificates or higher leaving certificates (as the case may be):

Provided that—

- (i) a certain number of exhibitions, to be determined by the Senate, may be allotted to students at evening tutorial classes who have been candidates at such examination

examination notwithstanding the fact that such students are not the recipients of a leaving certificate or a higher leaving certificate, as the case may be;

- (ii) a certain number of exhibitions to be determined by the Senate may be allotted to persons who have been candidates at such examination and who have been residents of New South Wales for three years, notwithstanding the fact that such persons are not the recipients of a leaving certificate or a higher leaving certificate, as the case may be;

- (b) have passed such examinations in the subjects and at the standards which the Senate determines are necessary for matriculation.

(4) The total number of exhibitions to be allotted to persons referred to in the proviso to paragraph (a) of subsection three of this section in any one year shall not exceed twelve.

- (d) (i) by inserting in section 31c after the words "leaving certificate" the words "or higher leaving certificate"; Sec. 31c. (Matriculation.)
- (ii) by omitting from the same subsection the words "to any person of an exhibition under the proviso to" and by inserting in lieu thereof the words "of an exhibition to any person referred to in the proviso to paragraph (a) of";
- (iii) by inserting after the word "holder" the words "of such certificate or the grantee of such exhibition (as the case may be)";

(e)

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Sec. 31D.
(Privileges.)

(e) by inserting in section 31D after the words "leaving certificate" the words "higher leaving certificate";

Sec. 24 (1).
(Permanent endowment.)

(f) by omitting from subsection one of section twenty-four all words commencing with the words "Provided that where" down to and including the words "of such increase";

Sec. 19 (1).
(Degrees.)

(g) by omitting from subsection one of section nineteen the words "except theology and divinity";

(h) by inserting in section seven after the words "for the time being" the words "one Fellow who shall be a graduate of the University of such standing, and who shall be elected, as may from time to time be prescribed by by-law made by the Senate, to be representative of the undergraduates of the University";

(i) by inserting in section eight after the words "four faculties" the words "and the Fellow to be representative of the undergraduates";

(j) by inserting in section 9A after the words "four faculties" the words "and the election of the Fellow to be representative of the undergraduates."

**Amendment
of Act No.
22, 1900.
New Part
VA.**

6. (1) The Principal Act is amended by inserting at the end of Part V the following new Part:—

PART VA.

BOARD OF SECONDARY SCHOOL STUDIES.

**Constitu-
tion of
Board.**

32A. (1) Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette there shall be constituted a Board of Secondary School Studies (in this Part referred to as "the Board") the members of which shall be appointed by the Governor.

(2) The members so to be appointed shall be as follows:—

- (a) five members who shall be nominated by the Senate of the University of Sydney;
- (b) five members, who shall be officers of the Department of Public Instruction; such members

- members shall include the Director of Education, the Chief Inspector of Schools, and the Superintendent of Technical Education;
- (c) one principal teacher of secondary schools (other than Roman Catholic schools) registered under the Bursary Endowment Act, 1912, who shall be elected in the manner prescribed by regulations made under this Part to represent such schools;
 - (d) one person to represent the Roman Catholic Secondary Schools registered under the Bursary Endowment Act, 1912, who shall be elected in the manner prescribed by regulations made under this Part;
 - (e) one headmaster and one headmistress of State secondary schools. Such headmaster and headmistress shall be nominated by the Secondary Teachers' Association of the New South Wales Public School Teachers' Federation.

(3) The Director of Education shall be the Chairman of the Board, and the Chief Inspector of Schools shall be the Deputy Chairman of the Board.

(4) The Chairman or in his absence the Deputy Chairman shall preside at all meetings of the Board.

(5) The members of the Board shall be appointed for a term of four years.

In the case of an extraordinary vacancy in the office of any of such members, the member appointed to fill such vacancy shall be appointed for the residue of his predecessor's term of office.

A member of the Board who vacates his office by reason of the expiration of his term shall be eligible for reappointment.

(6) In the event of the illness or absence from New South Wales of any member of the Board the Governor may appoint some person to act in the place of such member during such illness or absence.

(7) The procedure for the calling of meetings of the Board and for the conduct of business at such meetings

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meetings shall, subject to this Part and to any regulations made thereunder, be as determined by the Board.

(8) The number of members who shall constitute a quorum for the purposes of any meeting of the Board shall be as prescribed by regulations made under this Part and any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board, and shall have and may exercise and discharge all the powers, authorities, duties and functions of the Board.

(9) The provisions of the Public Service Act, 1902, or of any Act amending that Act, shall not apply to or in respect of the appointment by the Governor of any member of the Board, and any member so appointed shall not be subject to the provisions of any such Act during his term of office.

(10) No act or proceeding of the Board shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there were vacancies not exceeding three in number in the offices of members of the Board.

Functions
and duties
of the
Board.

32B. (1) The functions and duties of the Board shall be—

- (a) to make recommendations to the Minister in relation to matters connected with or concerning the conduct of examinations for the leaving certificate and the higher leaving certificate, and the award of such certificates;
- (b) to make such arrangements as may be necessary for the conduct of examinations for the leaving certificate and the higher leaving certificate, and to regulate the conduct of those examinations;
- (c) to determine the course of study to be followed in secondary schools by candidates for such certificates and to authorise the issue of such certificates: Provided that no candidate

candidate for any such certificate shall be compelled, as a condition of obtaining such certificate, to follow a course of study in any of the following subjects, namely:—
modern history, biology, physiology;

- (d) to appoint for each subject of the school curriculum special committees (which shall include practising teachers at least one of whom shall represent Roman Catholic Schools) for the purpose of recommending to the Board the content of any such course of study.

(2) The Board shall have and may exercise such other powers, authorities, duties and functions as may be prescribed by regulations made under this Part of this Act.

32c. (1) The Governor may make regulations prescribing all matters which by this Part are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out the provisions of this Part of this Act. Regulations.

(2) The regulations shall—

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

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

(2) (a) The provisions of this subsection shall commence upon the day appointed by the Governor pursuant to subsection one of section 32A of the Principal Act, as inserted by subsection one of this section.

(b)

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Further
amendment
of Act No.
22, 1900.
Sec. 8.
(Interpreta-
tion.)

- (b) The Principal Act is further amended—
- (i) by omitting from section three the definition of “Board of Examiners” and by inserting in lieu thereof the following definition:—
- “Board of Secondary School Studies” means the Board of Secondary School Studies constituted under this Act.
- (ii) by inserting in the same section after the definition of “Governor” the following definition:—
- “Higher leaving certificate” means a certificate granted by the Department of Public Instruction on the recommendation of the Board of Secondary School Studies to any student who has been awarded a leaving certificate and who, after a further period of not less than one year’s school study has passed an examination in accordance with—
- (a) regulations made under the Public Instruction Act of 1880 or Acts amending the same; and
- (b) the requirements of the Board of Secondary School Studies;
- (iii) by omitting from the definition of “Leaving certificate” in the same section the words “Board of Examiners” wherever occurring and by inserting in lieu thereof the words “Board of Secondary School Studies.”
- (c) The Board of Examiners constituted under the Principal Act is dissolved.
- (d) Where in any Act, regulation, by-law, rule, instrument, document or paper, reference is made to the Board of Examiners and such reference would have been construed before the commencement of this subsection as a reference to the Board of Examiners referred to in the Principal Act, such reference shall, after such commencement, be read and construed as a reference to the Board of Secondary School Studies constituted under section 32A of the Principal Act, as inserted by subsection one of this section.

PART

Housing of the Unemployed (Amendment) Act.

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PART IV.

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AMENDMENT OF BURSARY ENDOWMENT ACT, 1912.

7. The Bursary Endowment Act, 1912, is amended by inserting in section seven after the word "Act" the words "or to any technical school (including any technical college) established by the Minister."

Amend-
ment of
Act No. 14,
1912.
Sec. 7.

