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[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1935.

A BILL

To make further provision for and in relation to the provision, maintenance, control and management of technical education in New South Wales; to provide for the establishment of technical education districts and for the constitution of a technical education district council in respect of each district; to provide for annual payments to each of such councils from the Consolidated Revenue Fund; to amend the Public Instruction Act of 1880, and certain other Acts; and for purposes connected therewith.

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 "Technical Education Act, 1935." 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.

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PART IX.—REGULATIONS AND BY-LAWS.

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

“Area” means any municipality, including the City of Sydney, or any shire.

“By-laws” means by-laws made by a district council with the approval of the Governor.

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

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

“Member” means member of a committee.

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

“Schedule” means Schedule to this Act.

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

(3)

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

(4) A reference in any provision of this Act to "the Principal" or to "the Registrar" shall in the application of such provision to or in respect of any particular district be construed as a reference to the Principal or the Registrar (as the case may be) appointed under this Act by the district council of such district.

PART II.

Technical education districts.

4. (1) There is hereby established a district under the name of the Metropolitan Technical Education District which shall comprise the areas set out in the First Schedule. Metropolitan Technical Education District.

(2) The Metropolitan Technical Education District shall be divided into three constituencies each of which shall comprise the areas grouped therein respectively as set out in the First Schedule.

5. (1) There is hereby established a district under the name of the Newcastle Technical Education District which shall comprise the areas set out in the Second Schedule. Newcastle Technical Education District.

(2) The Newcastle Technical Education District shall be divided into three constituencies, each of which shall comprise the areas grouped therein respectively as set out in the Second Schedule.

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

(2) Every such proclamation shall amend this Act by adding thereto a new schedule setting out the name of the new technical education district and the names of the areas comprised in such district.

(3)

(3) Each new district shall be divided into three constituencies, each of which shall comprise the areas grouped therein respectively as set out in such Schedule.

7. The Governor may from time to time by proclamation published in the Gazette amend the First Schedule, or the Second Schedule, or any schedule added pursuant to section six of this Act—

Governor may alter districts.

(a) by adding thereto the name of any other area and including such area in any of the constituencies set out in the Schedule;

(b) by regrouping the areas included in the constituencies by including or excluding areas from such constituencies.

8. Where this Act is amended pursuant to section six or section seven of this Act the provisions of the Amendments Incorporation Act, 1906, shall extend to the amendment so made.

Application of Amendments Incorporation Act, 1906.

PART III.

TECHNICAL EDUCATION DISTRICT COUNCILS.

DIVISION 1.—*District councils.*

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

Constitution of district council for Metropolitan District.

(2) Such district council shall consist of twenty-eight members as follows:—

(a) Three members who shall be elected for the three constituencies into which the district is for the time being divided in accordance with this Act.

Each constituency shall return one member who shall be elected in pursuance of this Act by the aldermen and councillors of the areas for the time being comprised in the constituency;

(b)

- (h) Seven members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the governing body of—
 - (i) The Chamber of Commerce;
 - (ii) The Chamber of Manufactures;
 - (iii) The Master Builders Association;
 - (iv) The Metal Trades Association;
 - (v) The Institute of Engineers of Australia;
 - (vi) The Institute of Architects;
 - (vii) The Chemical Institute;
- (i) One member who shall be the person who for the time being holds the office of Director of Education;
- (j) One member who shall be the person who for the time being holds the office of Apprenticeship Commissioner;
- (k) One member who shall be the person who for the time being holds the office of Superintendent of Technical Education in the Department of Education.

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

Constitution of district council for Newcastle District.

(2) Such district council shall consist of members as follows:—

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

Constitution of committee.

(2)

(2) Each such district council shall consist of members as follows:—

DIVISION 2.—*Incorporation of district councils.*

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

Incorporation.

(2) The corporate name of a district council shall be "The Technical Education District Council."

(3) Each such body corporate shall continue notwithstanding that there are at any time or times vacancies in the offices of all the members or of any one or more of them.

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

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

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

DIVISION

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

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

14. Members of a district council elected for the constituencies into which the district is for the time being divided (in this Act referred to as "elected members") shall, subject to this Act, hold office as such members for a term of three years, and shall, if otherwise qualified, be eligible to be re-elected from time to time for a further term of three years. Term of office of elected members.

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

Provided that of the members who are appointed by the Governor for the first constitution of a district council such number (not exceeding one-half of the appointed members) as may be fixed by the Governor shall, subject to this Act, hold office as members for a term of two years only.

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

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

(2)

(2) The member filling any such casual vacancy shall, subject to this Act, hold office as a member until the time when his predecessor's term of office would have expired, and shall if otherwise qualified be eligible to be re-elected or reappointed from time to time for a further term of three years or four years, as the case may be.

DIVISION 4.—Elections of members of district councils for constituencies.

17. In this Division "election" means an election of a member for a constituency in a district. Definition of "election."

18. (1) Of the three members of a district council who are to be elected pursuant to this Act by the councils of the areas comprised within a district, one member shall be elected for each of the constituencies into which the district is divided. Election for each constituency.

(2) A member for a constituency shall be elected by the aldermen and councillors of the areas comprised in the constituency. Election by aldermen and councillors.

19. Subject to this Act any person shall be eligible for election if at the time of the holding of the election he is eligible to be elected as an alderman or councillor of any of the areas for the time being comprised in the district. Qualification for election.

20. The first ordinary elections of members for constituencies in any district shall be held on a day to be appointed by the Governor. Date of first ordinary elections.

Notice of the day so appointed shall be given in accordance with the regulations.

21. (1) For the purposes of the first ordinary elections of members for constituencies in any district the Governor may appoint a returning officer and such deputy returning officers, poll clerks and assistants as he may deem necessary. Returning officer for first ordinary election.

(2) The expenses incurred in the conduct of the first ordinary elections shall, when certified under the hand of the returning officer, be paid out of the Consolidated Revenue Fund.

22. Every election (other than the elections referred to in section twenty-one of this Act) shall be conducted by electoral officers appointed as prescribed by regulations. Electoral officers.

23.

23. Subject to section twenty of this Act every election shall be carried out and conducted at the times and in the manner prescribed by the regulations.

Conduct of election.

24. (1) If a candidate at an election or any other person shall directly or indirectly by himself or his agent offer to pay or give money, food, drink or valuable consideration to induce any person to vote or to abstain from voting at the election, he shall be guilty of a misdemeanour.

Bribery.
cf. Act No. 50, 1924, s. 12.

(2) The election of a candidate shall upon his conviction for an offence under this section be null and void.

25. (1) If at the time appointed for the holding of an election there is no candidate the Governor may appoint a person eligible for election under the provisions of this Act to be a member for the constituency.

Governor may appoint in certain cases.
cf. *Ibid.* s. 13.

(2) The person so appointed shall hold office for the term for which the member to be elected would have held office and shall for the purposes of this Act be deemed to have been elected for the constituency.

26. No election shall be questioned by reason of any defect in the appointment of any person before whom such election has taken place, if such person shall have really acted at the election, nor by reason of any formal error or defect in any publication under this Act or the regulations (or purporting so to be) nor by reason of any publication being out of time nor by reason of any election not having been duly held.

Election not to be questioned for informality.
cf. *Ibid.* s. 14.

27. Except as otherwise provided in this Act, the expenses incurred in the conduct of an election shall, when certified under the hand of the returning officer, be paid by the district council.

Expenses of election.

DIVISION 5.—Appointed members.

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

Nominations.

DIVISION

DIVISION 6.—*President and vice-president.*

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

President and vice-president for each district council.

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

Vacation of office.

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

Term of office of president.

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

First president to be appointed.

(2) Where the office of a president appointed under this section becomes vacant within one year after the date of the first constitution of the district council a president shall be appointed by the Governor from amongst the members to fill the vacancy. Subject to section thirty of this Act the president so appointed shall hold office as president during the residue of his predecessor's term.

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

Election of president.

(2) Such election shall be carried out at the times and in the manner prescribed by the regulations.

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

Failure to elect.

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

Election of vice-president.

He

He shall, subject to section thirty of this Act, hold office for a period of one year and shall, if he is a member of the district council, be eligible for re-election from time to time as vice-president.

(2) Where the office of a vice-president becomes vacant before the expiration of his term the members of the district council shall elect one of their number to fill the vacancy. The person so elected shall, subject to section thirty of this Act, hold office as vice-president for the residue of his predecessor's term of office, and shall, if he is a member of the district council, be eligible for re-election from time to time as vice-president.

(3) Elections under this section shall be carried out at the time and in the manner prescribed by the regulations.

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

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

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

DIVISION 7.—Miscellaneous provisions.

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

39. (1) Each elected member and each appointed member of a district council shall before entering upon the duties of his office make and subscribe before the Declaration and oath.
Executive

Executive Council an oath of allegiance to His Majesty, and shall make and subscribe the following declaration of office:—

I having been elected (*or* appointed) a member of the Technical Education District Council, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

(2) If a person, after having been afforded an opportunity of making and subscribing the oath and declaration, neglects to do so for a period of one month after the date upon which he is elected, or appointed, he shall be deemed to have declined to accept office.

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

(4) Any person declining to accept office shall not be eligible to be re-elected, or re-appointed, as the case may be, to fill the extraordinary vacancy created.

40. (1) An elected member or an appointed member of a district council shall be deemed to have vacated his office as a member if he— Vacancies—
how caused.

- (a) declines office, or is deemed to so decline office;
- (b) fails to give his attendance at four consecutive meetings of the district council, without leave of absence granted by the district council;
- (c) becomes bankrupt, compounds with his creditors or makes an assignment of his estate for their benefit;
- (d) becomes an insane person or patient or an incapable person within the meaning of the Lunacy Act of 1898;
- (e) is convicted of a felony or misdemeanour;
- (f) dies, or resigns his office by writing under his hand addressed to the Governor.

(2)

(2) A member of a district council shall vacate his office as such member upon the day upon which he attains the age of seventy years.

(3) A member of a district council elected under this Act to represent a constituency shall vacate his office as such member if he ceases to retain the qualification in respect of which he was so elected.

(4) A member of a district council who—

(a) is in any wise concerned or interested in any bargain or contract made by or on behalf of the district council; or

(b) in any wise participates or claims to be entitled to participate in the profit thereof or in any benefit or emolument arising from the same, shall thereby vacate his office as a member, and shall also be liable upon summary conviction to a penalty not exceeding *fifty* pounds:

Provided that no member shall be liable to vacate his office or be liable to any penalty as aforesaid by reason only of—

(i) receiving or being entitled to receive any moneys under section forty-two of this Act;

(ii) being beneficially interested in any newspaper in which the district council inserts advertisements;

(iii) being a shareholder or member (but not a director or manager) of any incorporated company of not less than twenty-five persons which has entered into any contract with or done any work under the authority of the council.

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

Public Service Acts not to apply to appointments.

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

Allowances.

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

(2) Allowance shall not be paid under paragraph (c) of subsection one of this section to or on behalf of more than two members of the district council in respect of business carried out under the authority of any one resolution.

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

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

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

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

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

44.

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

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

(2) An ordinary meeting of a district council shall be called in each calendar month by notice sent to the president and to each member at least seven days before the date of the meeting.

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

46. The number ascertained by dividing the total number of members of a district council by three and adding one to the quotient (any fractional remainder being disregarded) shall, unless the district council, by by-laws, fixes a greater number, be the number of members necessary to form a quorum for the purposes of any meeting of the district council. Quorum.

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

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

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

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

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

50. A district council shall cause an annual report of its work containing such information as may be prescribed by the regulations to be prepared and presented to Parliament through the Minister. Annual report.

51. A person who is of or above the age of seventy years shall not be eligible to become a member of a district council. Age limit.

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

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

54. (1) A district council may, if it thinks fit, from time to time by resolution, appoint a person or persons to be a co-opted member or co-opted members of the district council. Persons may be co-opted.

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

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

(3)

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

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

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

55. (1) The Principal of the Sydney Technical College and the Director of the Sydney Technological Museum shall be entitled to be present and to take part in the discussions at any meeting of the Metropolitan Technical Education District Council as if they were members, but shall not be entitled to vote on any question which is to be decided by a vote of the members:

Principal of college may attend meetings. cf. Act No. 42, 1935, s. 61.

Provided that the said Principal or the said Director, as the case may be, shall not, except with the approval of the Metropolitan Technical Education District Council, be entitled to be present at any such meeting during any discussion which concerns his appointment or dismissal or his salary or the conditions of his employment.

(2) Where the Metropolitan Technical Education District Council requires the attendance of the said Principal or the said Director, he shall so attend, and shall at such meeting give to the district council such advice and assistance as shall reasonably be required of him by the district council and for that purpose shall arrange for the attendance at such meeting of such of the officers and employees of the district council as may be necessary, having regard to the business to be transacted at such meeting.

(3) The provisions of subsections one and two of this section relating to the Principal of the Sydney Technical College and the Metropolitan Technical Education District Council shall mutatis mutandis apply—

(a) to and in respect of the Principal of the Newcastle Technical College and the Newcastle Technical Education District Council; and

(b)

(b) (where a new technical education district has been established pursuant to this Act) to and in respect of the principal of the college in the district and the technical education district council constituted in respect of such district.

PART IV.

POWERS AND FUNCTIONS OF DISTRICT COUNCILS.

DIVISION 1.—*The appointed day.*

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

Transfer of powers relating to technical education.

(2) Different days may be appointed under this section in respect of different districts, and a reference in any provision of this Act to the appointed day shall, in the application of such provision to or in respect of a particular district, be construed as a reference to the day appointed in respect of that district under this section.

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

57. (1) Upon and after the appointed day the district council shall from time to time provide and shall maintain control and manage such educational facilities for those persons who wish to engage in professional, industrial and commercial occupations as it may think suitable to the requirements of the district.

District council to manage facilities.

(2)

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

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

(4) (a) Where the district council establishes any new course of instruction or class of study and the Minister is satisfied that adequate provision for such instruction or study is already made otherwise than by the district council, the Minister may by writing request the district council to discontinue such course or class.

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

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

(5) A person who is under the age of sixteen years shall not, except with the approval of the Minister of Education, be enrolled in a full-time day class which is provided by a district council.

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

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

Preliminary powers and functions.

(a) the election of a vice-president;

(b)

- (b) the provision of an office for the district council;
- (c) the appointment of officers and employees of the district council and the organisation of the staff of officers and servants;
- (d) the preparation, performance and carrying into effect of all such matters and things as in the opinion of the district council are necessary or expedient in order to enable the district council to exercise and discharge all or any of the powers authorities duties and functions conferred and imposed upon it by or under this Act;
- (e) matters relating to the making of determinations in accordance with this Part.

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

(2) For the purposes of carrying out the powers authorities duties and functions referred to in subsection one of this section the district council may, with the approval of the Minister for Education, make use of the services of any of the officers or employees of the Department of Education.

DIVISION 3.—*Joint committee.*

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

The joint committee shall consist of two members of the district council, appointed by it for the purpose, two persons appointed by the Minister of Education, and a chairman who shall be appointed by the Governor.

(2) The joint committee shall determine—

- (a) the extent to which real and personal property (or any right or interest therein) which, immediately before the appointed day, is held by or on behalf of the Crown or the Minister of Education and used for or in connection with the provision

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provision, maintenance, control and management of technical education in the district, shall be transferred to the district council;

- (b) what books, documents, records and papers held by or on behalf of the Crown or the Minister of Education and used for or in connection with the provision, maintenance, control and management of technical education in the district shall be transferred to the district council;
- (c) which officers and employees of the Public Service, engaged immediately before the appointed day, for or in connection with the provision, maintenance, control and management of technical education in the district, shall be transferred to and become officers and employees of the district council;
- (d) the method by which the expense of meeting the payments on account of leave or upon retirement or death of an officer or employee so transferred shall be apportioned between the district council and the Crown.

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

(4) Any expenses of the joint committee shall be charged to the district council.

(5) (a) The district council is hereby authorised to expend such moneys as may be necessary for the exercise and discharge of its powers authorities duties and functions under section fifty-eight of this section, and for that purpose may, with the approval of the Governor, make arrangements with any bank or other financial institution for a temporary loan of the required amount.

(b) The Colonial Treasurer is hereby authorised to guarantee such bank or institution the repayment of the amount of such temporary loan with interest at the rate agreed upon between the district council and such bank or institution.

DIVISION 4.—*Transfer of property.*

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

Transfer of property, rights and liabilities.

- (a) All real and personal property (and all right and interest therein) shall, to the extent specified in any determination made in pursuance of paragraph (a) of subsection two of section fifty-nine and approved by the Governor, vest in and belong to the district council.
- (b) All moneys, liquidated and unliquidated claims which, immediately before the appointed day, are payable to or recoverable by or on behalf of the Crown or the Minister of Education in relation to the provision, maintenance, control and management of technical education in the district, shall be moneys liquidated and unliquidated claims payable to or recoverable by the district council.
- (c) All suits, actions and proceedings pending immediately before the appointed day at the suit of or on behalf of the Crown or the Minister for Education in respect of any matter or claim which relates to the provision, maintenance, control and management of technical education in the district, shall respectively be suits, actions and proceedings pending at the suit of the district council.
- (d) The district council may pursue the same remedies for the recovery of any such moneys and claims and for the prosecution of such suits, actions, and proceedings as the Crown or the Minister for Education or person acting for or on behalf of the Crown or such Minister might have done but for this Act.

DIVISION 5.—*Transfer of officers.*

61. (1) On and from the appointed day the officers and employees referred to in any determination made under paragraph (c) of subsection two of section fifty-nine of this Act and approved by the Governor shall become and be the officers and employees of the district council.

Transfer of officers and employees.

(2)

(2) Where any condition of employment of any such officer or employee is immediately before the appointed day regulated by an award or industrial agreement, such condition shall continue to be so regulated until an award by which the district council is bound is made by a court of competent jurisdiction or such condition is regulated by an industrial agreement to which the district council is a party.

(3) Any officer or employee transferred to the service of a district council under this Part shall retain any rights accrued or accruing under the Public Instruction Act of 1880, the Civil Service Act of 1884, the Public Service Act of 1895, the Public Service Act, 1902, the Public Service (Amendment) Act, 1919, or the Superannuation Act, 1916, or any Act amending any of those Acts, and shall continue to contribute to any fund or account and shall be entitled to receive any annual, sick, deferred or extended leave, and any pension, payment or gratuity, as if he had remained an officer or employee within the meaning of any of those Acts, and for any of such purposes service with the district council shall count as service in the Public Service.

(4) No officer or employee so transferred shall be entitled to claim benefits under this Act, as well as under any other Act, in respect of the same period of service.

(5) Any officer so transferred shall, in the event of his office as an officer of the district council being discontinued or abolished, or in the event of the dissolution of the district council, be eligible for and shall be appointed to an office in the Public Service not lower in classification and salary than that which he held at the date of transfer. cf. Act No. 3, 1932, s. 10 (3).

DIVISION 6.—*Officers and employees.*

62. (1) The Metropolitan Technical Education District Council shall appoint a person to be the Principal of the Sydney Technical College. Appointment of Principal.

(2) The Newcastle Technical Education District Council shall appoint a person to be the Principal of the Newcastle Technical College.

(3)

(3) Any other district council constituted pursuant to this Act shall appoint a principal of the college which is under the control of the district council.

(4) Any person appointed as a principal under this section shall be chosen solely on the basis of his executive and administrative experience and educational and other qualifications, and shall on his appointment become an officer of the district council.

(5) The principal shall be charged with the immediate supervision of the work of the college of which he is appointed principal and of the general supervision of the work of any other technical education institution or school under the control of the district council within the district.

(6) The principal may delegate to any person appointed by the district council to control, under the supervision of the principal, any college, institution or school within the district, any of the powers, authorities, duties and functions conferred or imposed upon the principal by or under this Act.

63. (1) The person who, immediately before the appointed day, holds office as the Curator of the Sydney Technological Museum, shall, as from the appointed day, become and be the Director of the Sydney Technological Museum, and shall be an officer of the Metropolitan Technical Education District Council.

Director of
Sydney
Technologi-
cal Museum.

The provisions of subsections two, three, four and five of section sixty-one of this Act shall apply to and in respect of such curator to the same extent as if he had been transferred to the service of the district council under that section.

(2) When, and so often, as the office of Director of the Sydney Technological Museum becomes vacant, the Metropolitan Technical Education District Council shall appoint some person to the vacant office.

(3) The person for the time being holding the office of Director of the Sydney Technological Museum shall be an officer of the Metropolitan Technical Education District Council.

64.

64. (1) The district council may appoint a registrar and such other officers and employees as may be necessary for the exercise and discharge by the district council of the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

Appointment of officers, etc.

(2) The district council may appoint, employ and dismiss such casual employees as it deems necessary for the exercise and discharge of its powers, authorities, duties and functions, and may fix wages and conditions of such employment where these are not fixed in accordance with the provisions of any other Act.

65. (1) The provisions of subsections two, three, four and five of section sixty-one of this Act shall apply to and in respect of every officer and employee appointed by a district council who was immediately before such appointment an officer or employee of the Public Service under the Department of Education. Any reference in the said subsections to the appointed day or to an officer or employee transferred, shall for the purposes of their application under this subsection be construed respectively as a reference to the date of appointment of the officer or employee, and to the officer or employee appointed.

Saving of rights of certain officers.

(2) During the period commencing on the date upon which a district council is constituted, and ending at the expiration of two years after the appointed day, the district council shall, in making an appointment of any officer or employee, give preference to an officer or employee employed in the Public Service under the Department of Education (Technical Education Branch).

66. (1) The district council may enter into an agreement with any association or organisation representing any group or class of officer or employee as to salaries, fees, allowances and grades, and may, by by-laws, prescribe the salaries, fees, allowances and grades so agreed upon.

Agreements with association, etc. Act No. 31, 1902, s. 14B.

(2) Every such agreement shall bind all officers or employees in any such class or group, and no officer or employee, whether a member of such association or organisation or not, shall have any right of appeal from the terms of such agreement.

67.

67. (1) Any officer or employee of a district council who, without lawful authority, demands or receives from any person any payment, gratuity or present in consideration of doing or omitting to do any act or thing pertaining to his office or employment, shall upon summary conviction be liable to imprisonment for a term not exceeding *one* year.

Corruption.
cf. Act No.
41, 1919, s.
101.

(2) Any person who, without lawful authority, offers, makes or gives to any officer or employee of a district council any payment, gratuity or present in consideration that such officer or employee will do or omit to do some act or thing pertaining to his office or employment, shall be liable upon summary conviction to imprisonment for a term not exceeding *one* year.

68. (1) If any officer or employee of a district council, when required by the president of the district council, fails—

Failure to
account or
deliver up.
cf. Act No.
41, 1919,
s. 102.

(a) to render account of moneys which shall have come into his hands or under his control and of his dealings therewith, or to pay to the president the balance of such moneys; or

(b) to deliver up within two days to the president all papers, property and things in his possession or power relating to the execution of this Act or belonging to the district council,

any stipendiary or police magistrate or any two justices may, on the complaint of the president of the district council order such officer or employee to render the accounts, pay the balance or deliver up the papers, property and things, as the case may be, and that, on non-compliance with the order, the officer or employee be imprisoned for a period not exceeding six months.

(2) Proceedings under this section shall not affect the liability of any surety of the officer or employee, or relieve any officer or employee from being held to answer any criminal information, charge or proceeding.

(3) For the purposes of this section "officer" or "employee" shall include a person who has, within six months prior to any requirement aforesaid, been an officer or employee, as the case may be, of the district council.

69.

69. Any officer or employee of a district council, or any other person, who wilfully destroys any document of or belonging to the district council, shall be deemed guilty of a misdemeanour, and shall be liable upon conviction to imprisonment for a term of two years.

Wilful destruction of documents.
cf. Act No. 41, 1919, s. 103.

70. Upon the date upon which a district council is constituted by or under this Act, Schedule III to the Superannuation Act, 1916-1935, shall be amended by adding thereto the corporate name of such district council.

Application of Superannuation Act, 1916-1935.

Such addition shall, for the purposes of the said Act, be deemed to have been made under section ninety-two of that Act, in all respects as if a notification in respect of such district council had been published by the Governor in the Gazette under that section upon the date upon which the district council is constituted:

Provided that for the purposes of the Superannuation Act, 1916-1935, any officer or employee transferred to the service of a district council pursuant to section sixty-one of this Act, shall not be deemed to be an employee of the district council, but shall be deemed to have continued to be an officer or employee, as the case may be, of the Public Service.

71. Upon the date upon which a district council is constituted pursuant to this Act, the Public Service Salaries Act, 1931-1935, shall be amended by inserting in the Schedule the corporate name of such district council.

Application of Public Service Salaries Act, 1931-1935.

72. The Industrial Arbitration Act, 1912, as amended by subsequent Acts, is amended by inserting in subsection one of section twenty-four after the words "the Public Service Act, 1902, or any Act amending the same" the words "or employed by a district council constituted under the Technical Education Act, 1935."

Amendment of Act No. 17, 1912, s. 24 (Awards.)

PART V.—*Acquisition of land.*

73. A district council may acquire land within the district in respect of which it is constituted, for any purpose of this Act, by lease or purchase, or by appropriation or resumption in accordance with this Part.

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

74.

74. The acquisition of land by a district council by lease for a term exceeding two years shall not have effect unless and until approved by the Governor. Lease.
cf. Act No.
41, 1919,
s. 533.

75. The acquisition of land by a district council, by purchase for any sum exceeding one thousand pounds, shall not have effect unless approved by the Governor. Purchase.
cf. *Ibid.*
s. 534.

76. Where the district council proposes to acquire land for any purpose, it may also acquire other land adjoining or in the vicinity. Other land
adjoining.
cf. *Ibid.*
s. 535.

77. (1) Where a district council proposes to acquire land by appropriation or resumption it may apply to the Governor through the Minister. Method of
resumption.
cf. *Ibid.*
s. 536.

(2) The district council shall make provision to the satisfaction of the Governor for the payment of compensation for the land together with interest and all necessary charges and expenses incidental to the appropriation or resumption.

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

(4) Thereupon the Minister for Public Works may—

(a) appropriate or resume the land by Gazette notification under Division 1 of Part V of the Public Works Act, 1912; and

(b) notify that the land is vested in the district council.

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

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

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

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

(b) the owner so desires.

PART VI.

Committees of a district council.

78. (1) There shall be constituted for and in respect of each district council the following committees, namely—

Committees of district council.

- (a) a finance committee;
- (b) a building and grounds committee;
- (c) an education committee;
- (d) a library committee;
- (e) an appointments committee;
- (f) an administration committee.

(2) Where a district council controls a technological museum there shall also be constituted for and in respect of such district council a museum committee.

(3) A district council may from time to time constitute a special committee to make recommendations in relation to the appointment of the principal and the registrar, and may from time to time constitute such other committees as it considers necessary.

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

79. (1) The finance committee shall consist of nine persons, three of whom shall be members of the district council elected to represent the constituencies into which the district is divided pursuant to this Act.

Finance committee.

The remaining six persons shall be elected from amongst their number by the members of the district council.

(2) It shall be the function of the finance committee to advise the district council on all matters relating to the finances, accounts, loans, investments, property, insurances, business, and, generally, the financial affairs of the district council.

80. (1) The buildings and grounds committee shall consist of nine persons, who shall be elected from amongst their number by the members of the district council.

Buildings and grounds committee.

(2) It shall be the function of the buildings and grounds committee to advise the district council on all matters relating to buildings, premises, grounds, equipment, furniture, students' amenities, and recreation.

81. (1) The education committee shall consist of the following persons:— Education committee.

- (a) the president of the district council;
- (b) the vice-president of the district council;
- (c) the Superintendent of Technical Education;
- (d) the members of the board of studies constituted under this Act in relation to the college;
- (e) such other persons as the district council may from time to time determine.

(2) It shall be the function of the education committee—

- (a) to make recommendations to the district council in relation to the appointment of examiners for the purpose of conducting examinations;
- (b) to advise the district council on—
 - (i) matters relating to the promotion and extension of technical education and the buildings required therefor;
 - (ii) matters concerning affiliation of any educational establishment with the college or concerning the relationship between any such establishment and the college;
 - (iii) arrangements for the holding of examinations and the award of scholarships and prizes;
- (c) to consider any report submitted to it by the board of studies, and to submit rules relating to the duties and functions of the board of studies for the approval of the district council.

82. (1) The library committee shall consist of the Principal, the Librarian of the College, and one representative of each department, into which the college is divided by the district council. Library committee.

(2) It shall be the function of the library committee to advise the district council on all matters relating to the library of the College.

83. (1) The appointments committee shall consist of the Principal, the Registrar, one representative of the teaching staff of the College, and three other persons who shall be elected by the members of the district council from amongst their number.

Appoint-
ments
committee.

(2) It shall be the function of the appointments committee to advise the district council upon all appointments of officers and employees of the district council other than the Principal and the Registrar.

84. (1) The administrative committee shall consist of—

Administra-
tive
committee.

- (a) the president of the district council;
- (b) the Principal;
- (c) the chairman of the committees referred to in sections seventy-nine to eighty-three, both inclusive, and section eighty-five, of this Act;
- (d) three other persons who shall be elected by the members of the district council from amongst their number.

(2) It shall be the function of the administrative committee to report to the district council upon such matters affecting the administration of the affairs of the district council as the president considers necessary and the consideration of which is not assigned to any other committee.

The administration committee shall also carry out such further functions as may be assigned to it by the district council.

85. (1) A museum committee shall consist of—

Museum
committee.

- (a) the Principal;
- (b) the person who for the time being holds the office of Director of the Technological Museum associated with the College;
- (c) the members for the time being of any advisory committee formed in relation to the Technological Museum associated with the College;
- (d) such other persons (if any) as may from time to time be co-opted under and in accordance with any general direction of the district council.

(2)

(2) It shall be the function of the museum committee to advise the district council upon all matters connected with the Technological Museum.

86. (1) In the case of any committee constituted under this Act, of which the president of the district council is a member, he shall be the chairman of the committee. Chairman of committee.

In the case of any other committee constituted under this Act the members of the committee shall elect a chairman from amongst their number.

(2) In the absence of the chairman from any meeting of a committee the members present shall elect from amongst their number a person to preside at that meeting.

87. (1) There shall be constituted in each district a board to be called "The Board of Studies," which shall consist of the Principal, the persons for the time being in charge of the various departments into which the College is divided by the district council, and such other persons (if any) as may be co-opted under and in accordance with any general direction of the district council. Board of studies.

(2) Subject to the control of the district council it shall be the function of the Board of Studies to manage and control the educational affairs and discipline of the College including all matters relating to equipment, studies, examinations, books for study, lectures and attendance thereat, and generally to advise the district council upon such matters and upon any like matter referred to it by the district council.

PART VII.

FINANCE AND FEES.

DIVISION 1.—Government grants.

88. (1) As soon as practicable after the commencement of this Act a committee to be called "The Technical Education Grants Committee" shall be constituted. Technical Education Grants Committee.

(2) The Technical Education Grants Committee shall consist of four members who shall be appointed by the Governor. (3)

(3) Of the members so appointed one shall be a representative of the Auditor-General, one shall be a representative of the Colonial Treasurer, and the remaining two shall be representatives of the Minister.

89. (1) It shall be the function of the Technical Education Grants Committee—

Functions of grants committee.

- (a) to ascertain and determine from time to time the amounts payable from the Consolidated Revenue Fund by way of grant pursuant to section ninety of this Act to each district council;
- (b) to furnish certificates from time to time, in or to the effect of the form prescribed by regulations made under this Act, to the Governor through the Minister, setting out that the amount specified in any such certificate has been correctly ascertained and determined in pursuance of section ninety of this Act and is payable from the Consolidated Revenue Fund to the district council specified in the certificate.

(2) The Technical Education Grants Committee shall exercise and discharge such further powers, authorities, duties and functions as are conferred or imposed upon it by this Act or by any regulation made thereunder.

90. (1) (a) In this section the expression "financial year" means the period from the first day of July in one year to the thirtieth day of June in the next following year.

Grants from Consolidated Revenue.

(b) A reference in any provision of this section to the first financial year shall, in the application of such provision to or in respect of a particular district, be construed as a reference to the financial year terminating on the thirtieth day of June next following the appointed day.

(2) There shall be payable from time to time, out of the Consolidated Revenue Fund, to each district council, an amount ascertained and determined by the Technical Education Grants Committee as the amount to which such district council is entitled under the provisions of this section.

(3)

(3) Any such amount shall be paid out of the Consolidated Revenue Fund without further or other appropriation than this Act.

(4) A district council shall, in respect of the first financial year, be entitled to receive an amount ascertained by deducting from the sum appropriated by Parliament for the purposes of providing, maintaining, controlling and managing technical education in the district during that financial year—

- (a) the amount of the expenditure incurred for those purposes by or on behalf of the Crown or the Minister for Education before the appointed day; and
- (b) the estimated amount of fees for tuition payable to the district council during that financial year.

(5) The Metropolitan Technical Education District Council shall, in respect of each financial year, after the first financial year, be entitled to receive—

- (a) the sum of _____ pounds.

Provided that—

(i) where, during a particular financial year, the total amount payable by the district council by way of remuneration of officers and employees transferred to it under section sixty-one of this Act is increased or decreased by reason of a variation of the adult male living wage, or the adult female living wage, or by reason of the amendment or repeal of the Public Service Salaries Act, 1931-1935, the amount of such increase or decrease shall (as the case may be) be added to or deducted from the said sum of _____ pounds; and also

(ii) where, during a particular financial year, the number of student hours of instruction provided by the district council

council is greater than or less than , and the Technical Education Grants Committee considers that such increase or decrease is a substantial one, an amount equivalent to the total value of such increase or decrease shall (as the case may be) be added to or deducted from the said sum of pounds.

For the purpose of estimating such total value the value of each student hour of instruction shall be deemed to be pounds. The expression "student hour of instruction" in this paragraph means the instruction of one student for one hour;

- (b) the amount of any expenses incurred by the district council in carrying out any direction of the Minister given in pursuance of section one hundred and eight of this Act.

(6) The Newcastle Technical Education District Council shall, in respect of each financial year after the first financial year, be entitled to receive—

- (a) the sum of pounds.

Provided that—

- (i) where, during a particular financial year, the total amount payable by the district council by way of remuneration of officers and employees transferred to it under section sixty-one of this Act is increased or decreased by reason of a variation of the adult male living wage, or the adult female living wage, or by reason of the amendment or repeal of the Public Service Salaries Act, 1931-1935, the amount of such increase or decrease shall

shall (as the case may be) be added to or deducted from the said sum of pounds; and also

- (ii) where, during a particular financial year, the number of student hours of instruction provided by the district council is greater than or less than , and The Technical Education Grants Committee considers that such increase or decrease is a substantial one, an amount equivalent to the total value of such increase or decrease shall (as the case may be) be added to or deducted from the said sum of pounds.

For the purpose of estimating such total value the value of each student hour of instruction shall be deemed to be pounds.

The expression "student hour of instruction" in this paragraph means the instruction of one student for one hour;

- (b) the amount of any expenses incurred by the district council in carrying out any direction of the Minister given in pursuance of section one hundred and eight of this Act;
- (c) a sum to be determined by the Technical Education Grants Committee, having regard to the work contemplated by the District Council or in progress during the particular year.

Provided that when a total sum of one hundred thousand pounds shall have been paid to the district council under this paragraph the district council shall not be entitled to receive any further payment thereunder.

(7) Each district council (other than the Metropolitan Technical Education District Council and the Newcastle Technical Education District Council) shall, in respect of each financial year after the first financial year

year, be entitled to receive such sums as may be determined by the Technical Education Grants Committee on a basis approved by the Colonial Treasurer.

(8) Out of the sum payable to the Metropolitan Technical Education District Council pursuant to paragraph (a) of subsection five of this section at least one thousand pounds shall be applied and expended by it annually in furthering the development and extending the utility of the Sydney Technological Museum.

(9) Sums payable to a district council pursuant to this section shall be paid from time to time at such intervals as the Technical Education Grants Committee may direct.

DIVISION 2.—Fees.

91. A district council may charge such fees for instruction as may be fixed by the by-laws. Fees.

The by-laws may, in lieu of fixing a particular fee for any course or class of instruction, prescribe the maximum fee which the district council shall be entitled to charge for such course or class, and the district council may charge such fee as it deems fit not exceeding the maximum so prescribed.

DIVISION 3.—Contributions by councils of areas.

92. (1) A district council may in respect of each year ending on the thirty-first day of December, serve a requisition upon each municipal council (including the Municipal Council of Sydney) and upon each shire council whose area is situated in the district requiring it to pay a contribution to the district council. Contributions by councils. cf. Act No. 24, 1934, s. 11.

(2) The requisition of the district council for each year's contribution shall be served upon the councils of the areas towards the close of the year preceding that in and for which the contribution is to be paid.

(3) Such contributions shall be payable in the first half of the financial year of the council of the area.

(4) The contribution under this section by each council of an area shall be calculated at such a uniform rate in the pound upon the unimproved capital value of rateable

rateable land (or rateable property, as the case may be) in its area, as the district council may fix, but not in any case exceeding one-sixteenth of a penny in the pound on the said value.

(5) Each council of an area shall pay the contribution required from it in accordance with this section.

(6) The contribution of the council of an area under this section may be paid in the first place from the general (or City) fund and may be added to any rate levied by such council for general purposes, or may be levied by such council as a separate special rate.

Where levied as a separate special rate it may be used to recoup the general (or City) fund to the extent of any payments made from that fund under this section.

(7) The contribution of the council of an area under this section, and the addition which it is necessary for such council to make to the rates levied by it in order to make such contribution shall not be taken into account in determining whether or not the rates levied by such council are within the limits fixed by any other Act.

(8) Requisitions under this section shall not be served upon the councils of the areas within the district of a district council unless the Technical Education Grants Committee certifies, in the manner and form prescribed by regulations made under this Act, that the total amount to be paid to the district council, by way of contribution by the councils of the areas in pursuance of such requisition, when added to the estimated annual revenue of the district council (including amounts payable to the district council pursuant to section ninety of this Act) for the financial year of the district council, commencing on the first day of July next preceding the date upon which it is proposed to serve such requisitions, will not exceed the estimated expenditure on the ordinary annual services of the district council during that financial year.

In this subsection the expression "ordinary annual services" means—

DIVISION 4.—*Loans.*

93. No moneys shall be borrowed by a district council upon the security of any amount paid or payable to the district council pursuant to section ninety of this Act or of any property, real or personal, held by the district council in trust for any specific purpose or received by it by way of endowment, whether from the Crown or from any other person. Restriction
as to
security.

94. (1) For the temporary accommodation of a district council it may obtain advances by overdraft of current account in any bank or banks upon the credit of the district council's incomes and revenues and other property, real or personal, to such extent as may from time to time be approved by the Governor. Temporary
accommoda-
tion.
cf. Act No.
50, 1924,
s. 71.

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

95. (1) A district council may, from time to time, with the approval of the Governor, borrow moneys by way of mortgage or by the issue of debentures or inscribed stock, for— Borrowing.

- (a) the construction of additional works for the purposes of the provision of technical education;
- (b) the acquisition of land;
- (c) the renewal of loans.

(2) Maintenance and repair works shall not be deemed to be additional works for the purposes of this section.

(3) If a district council borrows any money by way of mortgage or by the issue of debentures or inscribed stock, without having first obtained the approval of the Governor, every member holding office who has knowingly and wilfully, or for any personal benefit or advantage, consented to the borrowing, shall be liable to a penalty of *five hundred* pounds.

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

96. (1) Moneys borrowed by a district council by way of mortgage may be secured upon the property, real or personal, of the district council. Mortgages.

(2)

945

(2) In every mortgage deed the consideration shall be fully stated and the same shall be executed under the common seal of the district council.

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

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

Debentures and inscribed stock issued by a district council shall be deemed to be secured upon the incomes and revenues of the district council.

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

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

(5) Debentures or inscribed stock issued under this Act shall be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920-1933, contained in the Second Schedule to that Act.

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

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

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

(9)

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

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

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

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

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

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

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

(11) All debentures or inscribed stock shall rank ^{Debentures and bonds to rank pari passu.} *pari passu* without any preference one above another by reason of priority of date or otherwise.

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

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

99. A district council shall not in any year borrow money in excess of an amount which, when added to any other amount then owing by it, will cause the total amount of its indebtedness to exceed five per centum of the maximum total sum (as estimated by the Technical Education Grants Committee) which the councils of the areas in the district may be required to contribute in that year pursuant to section ninety-two of this Act. Limit of borrowing.

100. A district council shall, in accordance with the regulations, establish a sinking fund for the purpose of extinguishing its liability in respect of loans. Sinking fund.

DIVISION 5.—*Account and audit.*

101. A district council shall cause to be kept proper books of account, and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament statements of accounts in a form approved by the Auditor-General, exhibiting a true and correct view of the financial position and transactions of the district council. Accounts.

102. (1) The accounts of a district council shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Attorney-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the district council and its officers and employees in the same manner as it applies to accounting officers of public departments. Audit.

(2)

(2) Towards defraying the cost and expenses of such audit, the district council shall pay to the Consolidated Revenue Fund such sums, at such periods, as the Colonial Treasurer may decide.

Costs of audit.

PART VIII.

GENERAL.

DIVISION 1.—*Additional powers and duties of a district council.*

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

Power to accept gifts, etc.

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

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

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

Advisory committees.

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

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

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

105.

105. A district council may arrange with the Minister, upon such terms and conditions as may be agreed upon between the district council and the Minister, for the conduct of training courses for officers and employees of the district council who are members of its teaching staff.

Training courses.

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

Arrangements between district councils.

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

107. All moneys due and payable to a district council (whether by way of contributions pursuant to section ninety-two of this Act or otherwise) may be sued for and recovered by the District Council as a Crown debt in any court of competent jurisdiction.

Recovery of moneys.

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

Correspondence courses, etc.

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

109. (1) A district council may, subject to and in accordance with by-laws made by it in that behalf confer diplomas and certificates in any branch of knowledge in respect of which a course of instruction is conducted by it.

Diplomas and certificates.

(2)

(2) The Department of Education may issue State certificates of proficiency in technical or trade subjects either separately or jointly with the Department of Labour and Industry, district councils and/or other institutions interested in the maintenance of satisfactory standards.

(3) A district council shall recommend to the Minister students in the district who shall be awarded State certificates.

DIVISION 2.—*Inspection and report by Superintendent of Technical Education.*

110. (1) The Superintendent of Technical Education—

Inspection by Superintendent of Technical Education.

- (a) shall furnish to the Minister an annual report upon the conduct of technical education in New South Wales either by a district council or by or on behalf of the Crown or the Minister for Education; and
- (b) may from time to time visit and inspect any institution or school at which technical education is provided either by a district council or by or on behalf of the Crown or the Minister for Education.

(2) A copy of the annual report of the Superintendent of Technical Education shall be furnished to each district council.

(3) A district council and every officer and employer thereof shall afford such facilities and assistance as the Superintendent of Technical Education may require for the purpose of carrying out any inspection of an institution or school within the district authorised by this section.

PART IX.

REGULATIONS AND BY-LAWS.

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

Regulations.

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

112.

112. (1) A district council may, with the approval of the Governor, make by-laws not inconsistent with this Act or with any regulation made thereunder—

- (a) providing for the management and discipline of institutions and schools which are under the control and supervision of the district council, and of classes conducted at such institutions and schools;
- (b) providing for the conduct of examinations and the granting of scholarships, exhibitions, diplomas and certificates;
- (c) providing for the establishment and regulation of classes and courses of instruction;
- (d) prescribing all matters which—
 - (i) are required or permitted by this Act to be prescribed by by-laws;
 - (ii) are necessary or convenient to be prescribed for carrying into effect the provisions of this Act other than of Parts III, V and VII, or to enable the district council to exercise and discharge the powers authorities duties and functions conferred and imposed upon it by this Act.

(2) A district council may also with the approval of the Governor make by-laws—

By-laws.
cf. Act. No.
31, 1902,
s. 55.

- (a) prescribing the nature and standard of the examinations to be held for admission to or promotions or appointments within the service of the district council;
- (b) prescribing and defining grades of officers or employees of the district council;
- (c) determining the relative positions in order of precedence of officers or employees in each grade;
- (d) the determination of amounts or rates of salary, wages, fee or allowance appropriate to work, duties of officers, or classes thereof; and the regulation of the payment of such salaries, fees or allowances;

(e)

- (e) providing for increased scale of salary or allowance, without reference to grade, in special cases;
- (f) providing for appeals to the district council from decisions of the district council concerning salary, grading, or classification of duty or work;
- (g) providing for penalties and fines for minor offences against discipline or order, or for breaches of the by-laws;
- (h) by requiring any specific officer or class of officers to furnish security for the due performance of his or their duties;
- (i) for other matters or things in connection with the above or similar objects.

By-laws made under this subsection may adopt all or any of the provisions of the Public Service Act, 1902, or of any Act amending that Act or of the regulations made thereunder with such modifications and alterations as the district council may think fit.

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

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

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

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

If

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

FIRST SCHEDULE.

METROPOLITAN TECHNICAL EDUCATION DISTRICT.

First Constituency.

City of Sydney.

Second Constituency.

Alexandria	Waterloo	Woollahra
Annandale	Bexley	Ashfield
Balmain	Botany	Bankstown
Darlington	Canterbury	Burwood
Erskineville	Hurstville	Concord
Glebe	Kogarah	Drummoyne
Marrickville	Mascot	Enfield
Newtown	Randwick	Leichhardt
Paddington	Rockdale	Petersham.
Redfern	Vaucluse	
St. Peters	Waverley	

Third Constituency.

Auburn	Willoughby	Liverpool
Granville	Hornsby Shire	Parramatta
Homebush	Warringah Shire	Penrith
Lidcombe	Cabramatta and	Richmond
Strathfield	Canley Vale	St. Marys
Dundas	Camden	Windsor
Eastwood	Campbelltown	Baulkham Hills
Hunter's Hill	Castlereagh	Shire
Kuring-gai	Ermington and	Blacktown Shire
Lane Cove	Rydalmere	Nepean Shire
Manly	Fairfield	Sutherland Shire.
Mosman	Holroyd	
North Sydney	Ingleburn	

Technical Education.

SECOND SCHEDULE.

NEWCASTLE TECHNICAL EDUCATION DISTRICT.

First Constituency.

City of Newcastle.

Second Constituency.

Adamstown	East Maitland	Waratah
Carrington	West Maitland	Wickham
Hamilton	Merewether	Tarro Shire
Lambton	Morpeth	
New Lambton	Wallsend	

Third Constituency.

Cessnock	Singleton	Erina Shire
Kearsley Shire	Lake Macquarie Shire	Woy Woy Shire
Port Stephens Shire	Stockton	
Bolwarra Shire	Raymond Terrace	
