

276

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1937.

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 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, 1937." 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.—TECHNICAL EDUCATION DISTRICTS.

PART III.—TECHNICAL EDUCATION DISTRICT COUNCILS.

DIVISION 1.—*District councils.*

DIVISION 2.—*Incorporation of district councils.*

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

DIVISION 4.—*Appointed members.*

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

DIVISION 6.—*Miscellaneous provisions.*

PART IV.—POWERS AND FUNCTIONS OF DISTRICT COUNCILS.

DIVISION 1.—*The appointed day.*

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

DIVISION 3.—*Joint committee.*

DIVISION 4.—*Transfer of property.*

DIVISION 5.—*Transfer of officers.*

DIVISION 6.—*Officers and employees.*

PART V.—DEALINGS WITH LAND.

PART

PART VI.—EDUCATION.

PART VII.—FINANCE.

PART VIII.—GENERAL.

DIVISION 1.—*Gift bequest and devise.*

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

DIVISION 3.—*Inquiries and defaulting district councils.*

PART IX.—REGULATIONS AND BY-LAWS.

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

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

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

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

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

“Member” means member of a district council.

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

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

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

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

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

(4) A reference in any provision of this Act to "the principal" 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. There is hereby established a district under the name of the Metropolitan Technical Education District which shall comprise the city of Sydney and all those municipalities and shires which are situated either wholly or in part within the boundaries of the county of Cumberland.

Metropolitan
Technical
Education
District.

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

Newcastle
Technical
Education
District.

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

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

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

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

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

PART III.

TECHNICAL EDUCATION DISTRICT COUNCILS.

DIVISION 1.—*District councils.*

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

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

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

appointment by those persons who are representatives of trade unions on the Advisory Committees of the Sydney Technical College.

- (c) One member who shall be appointed by the Governor and who shall be nominated for such appointment by the Senate of the University of Sydney.
- (d) One member who shall be appointed by the Governor to represent students' organisations attached to the Sydney Technical College. Such member shall be nominated for appointment in accordance with the regulations.
- (e) Six members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the Sydney County Council, the Metropolitan Water, Sewerage and Drainage Board, the committee of the Sydney division of the Institution of Engineers, Australia, the Board of Architects of New South Wales, the Board of Optometrical Registration, and the Australian Gas Light Company.
- (f) Fourteen members who shall represent trade, industry and commerce and who shall be appointed by the Governor from persons nominated in accordance with the regulations.
- (g) Six members who shall be the persons who, for the time being, hold respectively the following offices, that is to say:—

- The Commissioner for Railways.
- The Under Secretary to the Treasury.
- The Director of Education.
- The Superintendent of Technical Education.
- The Apprenticeship Commissioner.
- The Principal of the Sydney Teachers College.

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

(b)

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

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

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 Newcastle Technical Education District.

Constitution
of district
council for
Newcastle
District.

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

- (a) Four members who shall be appointed by the Governor and who shall be nominated for such appointment by the Minister for Education.
- (b) Three members who shall be appointed by the Governor and who shall be nominated for such appointment by those persons who are representatives of trade unions on the Advisory Committees of the Newcastle Technical College.

(c)

Technical Education.

- (c) One member who shall be appointed by the Governor to represent students' organisations attached to the Newcastle Technical College. Such member shall be nominated for appointment in accordance with the regulations.
- (d) Four members who shall be appointed by the Governor and who shall respectively be nominated for such appointment by the council of the city of Newcastle, the Hunter District Water Supply and Sewerage Board, the Board of Architects of New South Wales, and the committee of the Newcastle division of the Institution of Engineers, Australia.
- (e) Eight members who shall represent trade, industry and commerce, and who shall be appointed by the Governor from persons nominated in accordance with the regulations.
- (f) Four members who shall be the persons who, for the time being, hold respectively the following offices, that is to say:—

- The Under Secretary to the Treasury.
- The Director of Education.
- The Superintendent of Technical Education.
- The Apprenticeship Commissioner.

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

(b) The persons who, immediately before the day appointed pursuant to subsection one of this section, were members of the Newcastle Technical Education Advisory Council (whether such members were appointed under the notification referred to in paragraph (a) of this subsection or under any subsequent notification published in the Gazette) shall, on and from the day so appointed, be the members of the Newcastle Technical Education District Council for the purposes of the first constitution

constitution of that Council, and shall be deemed to have been appointed or to take office as the case may be under and pursuant to the provisions of subsection two of this section, and this Act shall apply accordingly; and the Governor shall, by notification published in the Gazette, specify the particular paragraph of that subsection (and, where necessary, the person or body deemed to have made the nomination) under which each of such persons shall be deemed to have been so appointed or to take office as the case may be.

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

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

Constitution
of district
council for
new district.

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

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

The Under Secretary to the Treasury.

The Director of Education.

The Superintendent of Technical Education.

The Apprenticeship Commissioner.

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

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

11. (1) The Governor may appoint to a district council not more than two members from persons nominated in accordance with the regulations by benefactors, that is to say, by persons or bodies of persons who have
at

Appoint-
ment of
additional
members of
a district
council.

at any time after the first day of January, one thousand nine hundred and thirty-five, donated a sum of at least one thousand pounds for the purpose of technical education in the whole or any part of the area comprised in the district:

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

12. (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) 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.

DIVISION 2.—Incorporation of district councils.

13. (1) Each district council shall be a body corporate, with perpetual succession and a common seal, and may sue and be sued in its corporate name, and shall for the purposes and subject to the provisions of 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) (a) The corporate name of the district council constituted for and in respect of the Metropolitan Technical Education District shall be the "Metropolitan Technical Education District Council."

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

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

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

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

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

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

DIVISION 3.—Term of office and casual vacancies.

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

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

Provided

57

Provided that a member appointed under section eleven of this Act shall, subject to this Act, hold office for a term of two years and shall if otherwise qualified be eligible to be reappointed from time to time for a further term of two years.

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

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

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

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

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

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

The other of such groups shall comprise the remaining members of such district council.

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

(c)

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

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

The other of such groups shall comprise the remaining members of such district council.

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

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

Extra-ordinary vacancies.

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

DIVISION 4.—Appointed members.

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

Nomina-tions.

259

selecting the person to be nominated and the manner in which and the time within which such nomination shall be made.

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

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

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

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

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

20. (1) Where a district council is for the first time 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 before the expiration of his term of office as president, a president shall be appointed by the Governor from amongst the members to fill the vacancy. Subject to section eighteen of this Act the president so appointed shall hold office as president during the residue of his predecessor's term and shall, if otherwise qualified, be eligible for election from time to time as president.

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

(2) Where the office of a president elected under this section becomes vacant before the expiration of his term of office as president, a president shall be elected to fill the vacancy by the members from amongst their number

number at an assembly of members specially convened for the purpose. Subject to section eighteen of this Act the president so elected shall hold office as president during the residue of his predecessor's term and shall, if otherwise qualified, be eligible for re-election from time to time as president by the regulations.

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

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

Failure to elect.

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

Election of vice-president.

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

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

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

24. (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.

25.

261

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

Person presiding to have a casting vote.

DIVISION 6.—Miscellaneous provisions.

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

Assumption of office.

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

Declaration and oath.

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

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

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

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

262

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

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

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

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

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

263

(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.

31. (1) No matter or thing done and no contract entered into by a district council, and no matter or thing done by any member 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.

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

Validity of acts and proceedings.

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

Meetings.

(2)

264

(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.

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

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

Meeting of district council to be competent to transact business.

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

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

Delegation.

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

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

Minutes of meetings.

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

Annual report.

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

39.

165

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

Deputies—
ex officio
members.

40. 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.

41. (1) The Principal and the Deputy Principal of the Sydney Technical College and the Curator or 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:

Certain
officers may
attend
meetings.
cf. Act No.
42, 1935,
s. 61.

Provided that the said Principal, Deputy Principal, or Curator or 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, Deputy Principal, or Curator or Director, he shall so attend, and shall at such meeting give to the district council such advice and assistance as shall reasonably be

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) (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.*

42. (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 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

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.

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

District
council to
manage
facilities.

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

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

(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 request.

(5) (a) Where a district council fails to comply with any request of the Minister under subsection four of this section, the Minister may refer the matter to a committee.

(b)

(b) Such committee shall consist of—

- (i) the Superintendent of Technical Education, who shall be Chairman;
- (ii) a representative of the Principals of Technical Colleges under this Act, and two representatives of district councils, one of whom shall be a member of the district council to which the request has been made. Such representatives shall be appointed in the manner prescribed by the regulations.

(c) The decision of the committee shall be final and shall be carried into effect.

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

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

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

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

Preliminary powers and functions.

- (a) the election of a vice-president;
- (b) the appointment of officers and employees of the district council to the extent to which such appointments are necessary to be made before the appointed day;
- (c) the preparation, performance and carrying into effect of all such matters and things as in the

opinion

269

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;

- (d) the nomination of a member of the district council as an alternate member of the Technical Education Grants Committee;
- (e) matters relating to the making of determinations in accordance with this Part;
- (f) at the request of the Minister—
 - (i) taking into consideration any matter affecting the administration of this Act and reporting thereon to the Minister;
 - (ii) conferring with the Minister on any such matter and providing the Minister with any information relating to the matter under consideration required by him;
- (g) the exercise and discharge of such other powers authorities duties and functions as the Minister may direct or as may be prescribed by the regulations.

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

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

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

Joint committee.

The

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

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

(2) The joint committee shall determine—

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

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

DIVISION 4.—Transfer of property.

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

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

Transfer of property, rights and liabilities.

271

forty-five and approved by the Governor, vest in and belong to the district council for the purposes of this Act.

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

DIVISION 5.—*Transfer of officers.*

47. (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 forty-five 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) 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

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).

(6) Any person so transferred who was immediately before the appointed day an officer within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, shall have the same rights to consideration for any appointment in the Public Service as is provided for an officer of the Public Service by the Public Service Act, 1902, or any Act amending that Act.

(7) At any time within twelve months after the commencement of this Act any officer or employee who has been transferred to the council by this Act may, at the discretion of the Public Service Board and with the consent of such officer or employee, be retransferred to any office in the Public Service.

(8)

273

(8) Where any officer or employee is so retransferred to the Public Service, his service as an officer or an employee of the district council shall, for all purposes, be deemed to have been service as an officer or employee within the Public Service.

DIVISION 6.—Officers and employees.

48. (1) The district council shall appoint and employ such officers and employees as may be necessary for carrying out the provisions of this Act. All such appointments shall be made or terminated in accordance with this Act or the regulations made thereunder.

Appoint-
ment of
officers and
employees.

(2) The persons so appointed, and all persons transferred to the district council under section forty-seven of this Act, shall be subject to the sole control of the district council.

49. (1) There shall be a Principal of the college which is under the control of a district council constituted pursuant to this Act.

Appointment
of Principal.

(2) The Principal shall be appointed by the district council:

Provided that—

(a) the person who, immediately before the appointed day holds the office of Principal of the Sydney Technical College, shall, on and from the appointed day, be deemed to have been appointed under this section by the Metropolitan Technical Education District Council as the first Principal, and shall on that day become an officer of that district council, and the provisions of subsections two to eight both inclusive of section forty-seven of this Act shall apply to and in respect of such Principal in the same manner and to the same extent as if he had been transferred under section forty-seven of this Act on the appointed day to the service of the Metropolitan Technical Education District Council;

(b)

274

(b) the person who, immediately before the appointed day holds the office of Principal of the Newcastle Technical College shall, on and from the appointed day, be deemed to have been appointed under this section by the Newcastle Technical Education District Council as the first Principal, and shall on that day become an officer of that district council, and the provisions of subsections two to eight both inclusive of section forty-seven of this Act shall apply to and in respect of such Principal in the same manner and to the same extent as if he had been transferred under section forty-seven of this Act on the appointed day to the service of the Newcastle Technical Education District Council.

(3) 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.

(4) The Principal shall, subject to the control of the district council, be its chief executive officer and shall have such powers, authorities, duties and functions as may be delegated to him by the district council in accordance with the regulations.

(5) 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.

50. (1) There shall be a Director of the Sydney Technological Museum who shall be appointed by the Metropolitan Technical Education District Council, and who shall be an officer of that district council:

Director of
Sydney
Technological
Museum.

Provided that the person who, immediately before the appointed day, holds the office of Curator of the Sydney Technological Museum, shall, on and from the appointed day, be deemed to have been appointed under this section

by

275

by the Metropolitan Technical Education District Council as the first Director, and shall on that day become an officer of that district council, and the provisions of subsections two to eight both inclusive of section forty-seven of this Act shall apply to and in respect of such person in the same manner and to the same extent as if he had been transferred under section forty-seven of this Act on the appointed day to the service of the Metropolitan Technical Education District Council.

(2) There shall be a Deputy Principal of the Sydney Technical College who shall be appointed by the Metropolitan Technical Education District Council, and who shall be an officer of that district council.

Deputy Principal of Sydney Technical College.

51. (1) The provisions of subsections two to eight both inclusive of section forty-seven 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. A reference in any provision of the said subsections to the appointed day or to an officer or employee transferred, shall for the purposes of the application of that provision 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) The district council shall, in making an appointment of any officer or employee, give consideration to the claims of any officer or employee with the requisite qualifications employed in the Public Service under the Department of Education (Technical Education Branch) or by any other district council equally with those of any officer of the district council making the appointment.

52. (1) There shall from time to time be determined in accordance with the provisions of this Act what salary, fee, or allowance is fairly appropriate to the work to be performed by, or assigned to each officer or grade of officers, or to be performed by or assigned to persons temporarily or casually employed, and the salary, fee, or allowance

Salaries, fees and allowances.

276

Technical Education.

allowance so determined shall, subject to the necessary provision being from time to time made therefor by Parliament, be the salary payable in respect of such work accordingly.

After such provision has been made the officer or employee shall be entitled to sue for and recover the amount of his salary, fee, or allowance so determined.

(2) The salaries, fees, allowances, grades and conditions of service of officers employed under the provisions of this Act shall be determined from time to time for and on behalf of a district council or councils or the Department of Education (Technical Education Branch) by the Public Service Board.

(3) The Public Service Board acting for and on behalf of a district council or the Department of Education (Technical Education Branch) may constitute salaries committees for the purposes of this section.

A Salaries Committee shall consist of not less than three persons, who shall be appointed for the purpose by the Public Service Board. At least one member of each Salaries Committee shall represent the officers or employees, and shall be selected as prescribed by the regulations.

(4) The Board, acting for and on behalf of a district council or councils, or the Department of Education (Technical Education Branch) may vary any determination made by a Salaries Committee under this section and on the recommendation of a district council may provide for an increased scale of salary or allowance, without reference to grade, in special cases.

(5) The first determination shall be made on or before the thirtieth day of June, one thousand nine hundred and thirty-eight, and thereafter on or before the thirtieth day of June in each second year.

(6) The Public Service Board for and on behalf of the district council may enter into an agreement with any association or organisation representing any group or class of officer as to salaries, fees, allowances, grades and

277

and conditions of service and the district council may by by-laws prescribe the salaries, fees, allowances, grades and conditions of service so agreed upon.

Every agreement so approved 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.

(7) The Public Service Board may, if deemed advisable for the purpose of maintaining parity between the officers of district councils and of the Department of Education (Technical Education Branch) as to salaries, fees, allowances, grades and conditions of service, apply the terms of an agreement to the officers and employees of any other district council or of the Department of Education (Technical Education Branch).

53. (1) A Board of Appeal shall be constituted by the Minister for and in respect of the officers of district councils and of the Department of Education (Technical Education Branch). Such Board shall consist of the Chairman of the Public Service Board, who shall be Chairman of the Board of Appeal, the Superintendent of Technical Education, and a representative of the officers of district councils and of the Department of Education (Technical Education Branch) appointed in accordance with the regulations.

(2) In the absence of the Chairman of the Board, the Governor shall appoint a member of the Public Service Board to act for him.

(3) In the absence of the Superintendent of Technical Education, the Governor, on the recommendation of the Minister for Education, shall appoint a deputy to act for him.

(4) The Registrar of the Technical College (Metropolitan District) shall be the Secretary of the Board of Appeal and shall convene all meetings of the Board and keep a record of all proceedings and decisions of the Board.

(5)

278

(5) Any officer if dissatisfied with any decision made or given after the appointment day in regard to salary, fees, allowances, seniority, grade or conditions of service affecting him, or to the classification of the work performed by or assigned to him or to any punishment where such punishment consists of the infliction of a fine, suspension or reduction, whether in grade or salary, dismissal or transfer or to such other matters as may be prescribed by the regulations may appeal from such decision in the prescribed manner.

(6) The Board of Appeal shall deal with appeals in the manner prescribed by the regulations and its decision shall be final.

54. (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.

55. (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. *Ibid.*
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

277

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.

56. 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 not exceeding *two* years.

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

57. For the purposes of the Superannuation Act, 1916-1935, any officer or employee transferred or appointed to the service of a district council shall be deemed to have continued to be or to have become an officer or employee, as the case may be, of the Public Service.

Application of Superannuation Act, 1916-1935.

PART V.

DEALINGS WITH LAND.

58. The Governor may, under the Public Works Act, 1912, purchase, resume or appropriate land for any purpose of this Act.

Compulsory acquisition of land.

Such

580

Such purchase, appropriation or resumption shall be deemed to be for an authorised work, and the Minister for Education shall be the constructing authority.

The Governor may notify that the land is vested in the district council constituted for the district in which the land is situated.

Thereupon the land shall vest in such district council for the purposes of this Act.

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

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

PART VI.

EDUCATION.

60. There shall be in each district a board of faculties which shall be constituted in accordance with the regulations, and which shall exercise and perform such powers, authorities, duties and functions as may be prescribed by the regulations. Board of Faculties.

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

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

62. (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)

(2) An advisory committee shall, where 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.

63. 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.

64. (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.

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

(3)

182

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

66. (1) A district council may, subject to and in accordance with the regulations and any 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 certi-
ficates.

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

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

By-laws.

(2) Such by-laws may—

- (a) prescribe the manner in which or the method by which the chairman and deputy chairman of such board or any such committee shall be appointed or elected;
- (b) prescribe the number of members of such board or of any such committee who shall constitute a quorum for the purpose of meetings of such board or committee;
- (c) prescribe the manner in which meetings of such board or of any such committee shall be convened;

(d)

(d) prescribe the procedure for the conduct of business at meetings of such board or of any such committee.

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

PART VII.

FINANCE.

68. (1) As soon as practicable after the commencement of this Act a technical education grants committee (in this Act referred to as the "grants committee"), shall be constituted.

Technical
education
grants
committee.

(2) The grants committee shall, subject to subsection three of this section, consist of the following persons:—

- (a) the Superintendent of Technical Education;
- (b) a person appointed by the Governor on the nomination of the Colonial Treasurer; and
- (c) a person appointed by the Governor on the nomination of the Auditor-General.

(3) Where a matter relating solely to a particular district council is before the grants committee that committee shall consist of the persons referred to in subsection two of this section together with an alternate member who shall represent the particular district council, and who shall be nominated by that district council from amongst the members thereof.

(4) The regulations may prescribe—

- (a) the manner in which or the method by which the chairman for the purposes of any meeting of the grants committee shall be appointed or elected;

(3)

- (b) the number of members of the grants committee who shall constitute a quorum for the purposes of meetings;
- (c) the procedure for the calling of meetings of the grants committee and for the conduct of business at any such meeting.

(5) Until regulations are made under paragraph (c) of subsection four of this section, the procedure for the calling of meetings of the grants committee and for the conduct of business at such meetings and the times and places at which such meetings shall be held, shall be as determined by the grants committee.

(6) The grants committee shall exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by this Act and also such further powers, authorities, duties and functions relating to financial matters as the Minister may by writing under his hand direct.

(7) The Minister shall make available to the grants committee the services of such officers of the Department of Education as may be reasonably necessary to assist the grants committee in exercising and discharging the powers, authorities, duties and functions conferred and imposed upon it by or under this Act.

69. (1) Each district council shall, in the month of May in each year or at such other time or times as may be required by the Minister, prepare and supply to the Minister, in a form prescribed by regulations made under the provisions of the Audit Act, 1902, estimates of the income from all sources and of the expenditure proposed for the financial year commencing on the first day of July following, or for any other period specified by the Minister, together with a statement setting out the amount which the district council proposes that Parliament should appropriate for the requirements of the district council.

Estimates.

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

(3)

(3) (a) As soon as practicable after the receipt by the Minister of the estimates and statement referred to in subsection one of this section the Minister shall prepare a report in relation thereto.

(b) The report may contain such comments, suggestions and recommendations as the Minister thinks fit.

(c) In preparing the report the Minister shall have regard to the powers, authorities, duties and functions conferred and imposed on the district council by this Act, and in particular to the requirements of the district in relation to the provision, maintenance, control and management of facilities for technical education.

(4) The Minister shall forthwith forward to the grants committee the estimates and statement referred to in subsection one of this section, together with—

(a) any information furnished to him pursuant to subsection two of this section; and

(b) the report prepared by him in relation to such estimates and statement.

(5) (a) The grants committee shall consider the estimates, statement, information and report so forwarded to it and shall prepare a certificate setting out the amount which in its opinion should be appropriated by Parliament for the requirements of the district council concerned, and (where such amount differs from the amount contained in the statement supplied by the district council pursuant to subsection one of this section) details as to the manner in which any item or items in the estimates should in the opinion of the grants committee be altered.

(b) The grants committee shall forward to the Colonial Treasurer through the Minister the estimates, statement, information and report referred to in paragraph (a) of this subsection, together with the certificate prepared by it in relation thereto under that paragraph.

70. A district council may, subject to any regulations ^{Fees.} made in that behalf charge such fees for instruction as may be fixed by the by-laws.

71.

71. The costs and expenses incurred by or in respect of a district council in the exercise and discharge of the powers, authorities, duties and functions conferred and imposed upon it under this Act shall, to the extent to which any fees payable to the district council are insufficient to meet such costs and expenses, be paid out of moneys provided by Parliament.

Moneys provided by Parliament.

72. 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.

73. The regulations may make provision for and in respect of the payment into a bank of all moneys received by a district council from any source, the drawing of moneys out of a bank, and the signature and counter-signature of cheques.

Payment of moneys into bank.

74. 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 Auditor-General by any law now or hereafter to be in force relating to the audit of public accounts; and the Audit Act, 1902, and Acts amending the same, shall apply to the district council, the members of the district council, and the officers and employees of the district council in the same manner as it applies to accounting officers of public departments.

Audit.

PART VIII.

GENERAL.

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

75. (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)

287

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

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

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

76. (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 employee 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.

DIVISION 3.—Inquiries and defaulting district councils.

77. (1) The Governor or the Minister may appoint a person to hold an inquiry and to report to the Governor or the Minister, as the case may be, with respect to—

Inquiries.

(a) any matter relating to the carrying out of the provisions of this or any other Act conferring powers or imposing duties on a district council; and

(b) any act or omission of any member of a district council or of any officer or employee of a council or of any person elected or appointed to any office

office or position under this or any other Act conferring powers or imposing duties on a district council—such act or omission having relation to the carrying out of the provisions of the Act referred to, or to the office or position held by the member, officer, employee, or person under the said Act, or to the powers or duties of that office or position.

(2) For the purposes of any such inquiry the person holding the inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner by Division 1 of Part II of the Royal Commissions Acts, 1923-1934, and shall be deemed to be a sole commissioner within the meaning of that Division.

The provisions of the Royal Commissions Acts, 1923-1934, with the exception of section 13 and of Division 2 of Part II, shall, *matatis mutandis*, apply to the inquiry and to any witness or person summoned by or appearing before the person holding the inquiry.

78. (1) A district council may, for the purposes of this Act, be declared by the Government by proclamation published in the Gazette to be a defaulting district council:—

Definition of a defaulting district council.

- (a) if it has ceased for six months to exercise its functions; or
- (b) if the Governor is satisfied from the report of a person appointed under section seventy-seven of this Act to hold an inquiry that the district council is not efficiently carrying out the provisions of this Act.

(2) The Governor may at any time, by proclamation published in the Gazette, appoint an administrator to act in the place of a defaulting district council, and may in like manner at any time remove him.

Appointment of administrator.

(3) An administrator shall have the powers, duties and liabilities of the defaulting district council, and shall be paid such salary as the Governor may determine.

(4)

(4) At any time after the appointment of an administrator as aforesaid the Governor may, by proclamation published in the Gazette, appoint a new district council.

Election of new council.

(5) Where a district council becomes a defaulting district council, the Superintendent of Technical Education, or if there be no Superintendent of Technical Education, the Principal of the Technical College of the district shall, until an administrator is appointed, or until a new district council is appointed, have power to act temporarily as administrator for the purpose of carrying on works and services already commenced, paying accounts due, supervising and paying the officers and employees of the council, performing administrative acts except the incurring of new expenditure, and, if the Minister's approval be obtained beforehand, incurring new expenditure.

Interim administration.

PART IX.

REGULATIONS AND BY-LAWS.

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

Regulations.

- (a) are required or permitted by this Act to be prescribed by regulations;
- (b) are necessary or convenient to be prescribed for carrying into effect Parts II and III, Divisions 5 and 6 of Part IV, Parts V, VII and VIII of this Act.

80. (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—

By-laws.

- (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;

(c)

- (b) providing for the conduct of examinations and the granting of scholarships, exhibitions, diplomas and certificates;
- (c) providing for the establishment and regulation of classes and courses of instruction;
- (d) prescribing all matters which—
 - (i) are required or permitted by this Act to be prescribed by by-laws;
 - (ii) are necessary or convenient to be prescribed for carrying into effect the provisions of this Act other than of Parts II and III, Divisions 5 and 6 of Part IV, Parts V, VII and VIII, or to enable the district council to exercise and discharge the powers authorities duties and functions conferred and imposed upon it by this Act.

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

Regulation
of by-law—
penalty.

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

82. Any regulations or by-laws made under this Act shall—

Publication
of regula-
tions 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 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.