

THE SCHEDULE.

(Section 2.)

ENACTMENTS REPEALED.

Year and Number.	Short Title.	Extent of Repeal.
18 Geo. V. No. 8	<i>Nurses' Registration Act 1927.</i>	The whole Act.
9 Geo. VI. No. 29	<i>Public Health (Administration) Act 1945.</i>	Section 11.
11 Geo. VI. No. 26	<i>Nurses' Registration Act 1947.</i>	The whole Act.
11 Geo. VI. No. 55	<i>Nurses' Registration Act (No. 2) 1947.</i>	The whole Act.
No. 19 of 1948	<i>Nurses' Registration Act 1948.</i>	The whole Act.
No. 8 of 1949	<i>Nurses' Registration Act 1949.</i>	The whole Act.
No. 42 of 1949	<i>Nurses' Registration Act (No. 2) 1949.</i>	The whole Act.
No. 39 of 1950	<i>Nurses' Registration Act 1950.</i>	The whole Act.

EDUCATION.

No. 11 of 1952.

AN ACT to amend the *Education Act 1932.*

[15 May, 1952.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Education Act* Short title and citation.
1952.

(2) The *Education Act 1932*, as subsequently amended, is in this Act referred to as the Principal Act.

Director and
officers.

2—(1) Section four of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “education officers, inspectors,” and the word “, instructors,”; and
- (b) by omitting from subsection (3) the word “and” and substituting therefor the words “in one of the several classes, grades, and divisions for the time being prescribed under paragraph II. of subsection (1) of section forty-seven and may”.

Fees.

3 Section seven of the Principal Act is amended—

- (a) by omitting from subsection (1) thereof the word “primary”; and
- (b) by omitting subsections (2) and (3) thereof.

Cleanliness,
health, &c.,
of school
children.

4 Section nine B of the Principal Act is amended—

- (a) by inserting in subsection (2) thereof, before the word “school” (first occurring), the words “person appointed as a”; and
- (b) by omitting from that subsection the word “appointed”, and by omitting therefrom the words “this Act” and substituting therefor the words “the *Public Service Act 1923*”.

Evidence and
procedure.

5 Section ten of the Principal Act is amended—

- (a) by omitting subsection (1) thereof and substituting therefor the following subsection:—
“(1) In any proceedings under this Part a certificate under the hand of the teacher in charge of any school certifying that on any day specified therein any child named therein did not attend the school, or attended it only for the time specified therein, shall be evidence of the facts so certified.”; and
- (b) by omitting subsection (4) thereof.

Education of
blind, deaf,
and mute
children.

6 Section thirteen of the Principal Act is amended—

- (a) by omitting from subsection (4) thereof the words “and education”; and
- (b) by omitting from paragraph II. of subsection (6) thereof the words “and education”.

Erection,
extension,
and maintain-
ance of
school
buildings.

7 Section eighteen of the Principal Act is amended by omitting from subsection (1) thereof the word “one” and substituting therefor the word “five”.

8 After section forty-six F of the Principal Act the following Part is inserted:—

“ PART IV. B.

“ THE TEACHERS’ SALARIES BOARD.

“ 46G In this Part, unless the contrary intention appears— Interpretation.

‘ Board ’ means the Teachers’ Salaries Board constituted under this Part:

‘ Federation ’ means the body of persons known as the Tasmanian State School Teachers’ Federation:

‘ Industrial award ’ means—

- I. Any order or award under the *Commonwealth Conciliation and Arbitration Act 1904-1951*, and any agreement under that Act having the force of an order or award: and
- II. Any determination under the *Wages Boards Act 1920*:

‘ Officer to whom this Part applies ’ means any officer or employee of the Department (including a teacher), not being an officer or employee—

- I. Who is subject to the provisions of the *Public Service Act 1923*: or
- II. The terms and conditions of whose employment are prescribed, either wholly or in part, in or by any industrial award.

“ 46H—(1) For the purposes of this Act there shall be a board, to be known as the Teachers’ Salaries Board, constituted as provided by this section. Constitution of Board. Cf. 62 Vict. No. 43, s. 49B.

(2) The Board shall consist of three persons appointed by the Governor, of whom—

- I. One shall be a person holding office as chairman of at least ten of the wages boards established under the *Wages Boards Act 1920*, who shall be the chairman of the Board:
- II. One shall be a person nominated by the Director: and
- III. One (in this Part referred to as ‘ the elected member ’) shall be a person elected, as prescribed, by persons who are members of the Federation.

(3) If there is no candidate for election as a member of the Board under paragraph III. of subsection (2) of this section, or if for any reason no person is elected at any election under that paragraph, the Governor may appoint a person as a member of the Board, and the person so appointed shall, for all the purposes of this Act, be deemed to be the elected member of the Board.

(4) In the case of the illness or absence of the elected member, the Governor may, on the nomination of the Federation, appoint a person to hold office as a member of the Board during such illness or absence.

(5) For the purposes of the initial appointment of the Board the person appointed a member of the Tasmanian Teachers' Salaries Tribunal established by an order-in-council published in the *Gazette* on the nineteenth day of December, 1951, as being a person elected by the members of the Federation, shall be deemed to have been duly elected as prescribed by persons who are members of the Federation, notwithstanding that nothing relevant has been prescribed.

Term of
office of
members.

Ibid., s. 49C.

"46J—(1) Subject to this Part, each of the members of the Board shall hold office for a term of two years from the date of his appointment or election, as the case may be.

(2) If any member of the Board is at the time of his appointment or election a teacher or officer of the Department (whether subject to the provisions of the *Public Service Act* 1923 or not) he shall, subject to this Act and to the *Public Service Act* 1923, continue to be a teacher or an officer of the Department, as the case may be.

Remuneration
of members.

Ibid., s. 49D.

"46K Each member of the Board may be paid such remuneration, and such travelling and out-of-pocket expenses, if any, as may be prescribed.

Vacation of
office.

Ibid., s. 49E.

"46L The office of a member of the Board shall become vacant at the expiration of his term of office or if he—

- I. Dies:
- II. Becomes bankrupt or compounds with his creditors, or applies to take or takes advantage of any provision of any law relating to bankruptcy:
- III. Is removed from office by the Governor on the ground that he has become of unsound mind or permanently incapable of performing his duties:
- IV. Resigns his office by writing under his hand addressed to the Governor: or
- V. Without the consent in writing of the Minister, fails to attend three consecutive meetings of the Board.

Suspension
of members.

Ibid., s. 49F.

"46M—(1) The Governor may suspend any member of the Board from office, but no member shall be removed from office except as provided by this section.

(2) The Minister shall cause to be laid before each House of Parliament a full statement of the grounds of suspension of any member of the Board within the first seven sitting days of the House after the suspension of that member.

(3) Any member so suspended shall be removed from office by the Governor if each House of Parliament, within seven sitting days after the day when the statement is laid before

it, declares by resolution, that the member ought to be removed from office, and unless each House within that time so declares the Governor shall remove the suspension and restore the member to office.

“ 46N—(1) If the office of any member of the Board becomes vacant otherwise than by the retirement of the member at the expiration of his term of office the vacancy shall be filled by the appointment or election, in accordance with section forty-six H, of a person in lieu of the member whose office has become vacant.

Extraordinary
vacancies.
Ibid., s. 49g.

(2) Any person appointed pursuant to this section to fill any vacancy shall, subject to this Part, be entitled to hold office for the remainder of the term of office of the member in whose place he is appointed.

“ 46P—(1) The chairman shall preside at all meetings of the Board.

Proceedings
of the
Board.
Ibid., s. 49h.

(2) The decision of the majority of the members of the Board shall be the decision of the Board, and no question arising at any meeting of the Board shall be decided unless all the members are present thereat.

(3) Subject to this Part, the Board may regulate its own procedure.

“ 46Q—(1) Subject to this Act, the Board shall have power and authority, either of its own motion or upon application being made in that behalf by or on behalf of the Minister, the Director, or the Federation, to—

Powers and
functions of
the Board.
Ibid., s. 49k.

I. Determine—

(a) The salaries and wages (including periodical increments, if any) to be paid to officers to whom this Part applies in the several classes, grades, and divisions for the time being prescribed under paragraph II. of subsection (1) of section forty-seven:

(b) The allowances to be paid to officers to whom this Part applies—

(i) For the performance of such special duties as may be prescribed for the purposes of this section:

(ii) For the performance of the duties of higher positions than those ordinarily held by those officers:

(iii) In respect of residence in localities prescribed for the purposes of this section: and

(iv) In respect of the holding or obtaining by those officers of such special qualifications as may be prescribed for the purposes of this section: and

II. Make such investigations, and conduct such inquiries, as it may consider necessary for the proper exercise of its functions under this Part.

(2) Nothing contained in this section shall be construed as conferring on the Board any power to fix or determine any allowance to be paid to officers to whom this Part applies, or any adjustment of the salaries and wages of those officers, on account of variations in the cost of living.

(3) For the purposes of exercising and performing its powers and functions under this Part, the Board—

- I. Shall have and may exercise all the powers and authorities conferred upon persons holding inquiries on commission by Division II. of Part II. of the *Evidence Act 1910*: and
- II. May enter upon any premises of the Department and inspect any work performed therein and interrogate any officer with respect to the nature of any such work.

Provisions relating to determinations of salaries, &c. *Ibid.*, s. 49L.

“46R—(1) At least twenty-eight days before proceeding to the making of any determination under this Part the Board shall cause notice of its intention to make the determination to be given to the Minister, to the Director, and to the secretary of the Federation, and the Board shall, before making any such determination, hear and take into consideration any representations with respect to the proposed determination which may be made to the Board by or on behalf of the Minister, the Director, or the Federation.

(2) On the hearing of any representations so made, the Minister, the Director, and the Federation respectively, shall, subject to subsection (3) of this section, each be entitled to be represented before the Board, and to tender evidence in support of or in opposition to any such representations, and to examine any witness appearing before the Board.

(3) In no case shall any legal practitioner be permitted to appear before the Board, or to be heard, on the hearing of any such representations.

(4) After hearing all such representations and all evidence tendered in support of or in opposition thereto and such other evidence (if any) as the Board considers necessary, the Board may proceed to the making of the determination.

Publication, &c., of determinations. *Ibid.*, s. 49M.

“46S Upon making any determination under this Part, the Board shall submit it to the Governor for his approval and, upon the Governor's approval thereto being signified—

- I. The Board shall cause the determination to be published in the *Gazette* and in the *Educational Record*: and
- II. The chairman and at least one other member of the Board shall sign the determination and forward certified copies thereof to the Minister, the Treasurer, the Director, and the secretary of the Federation.

Variations of determinations. *Ibid.*, s. 49N.

“46T—(1) Subject to this section, the Board may, as and when it considers it necessary or desirable so to do, vary any determination under this Part to such extent as it

thinks fit, or may revoke the determination and make a fresh determination in lieu thereof.

(2) The Board shall not vary any determination under this Part (in this subsection called an 'existing determination') or make a fresh determination in lieu of an existing determination within the period of twelve months after the date on which the determination is published in the *Gazette* in accordance with paragraph I. of subsection (1) of section forty-six s except—

- I. Upon the ground that, by any error or omission, any injustice has been caused by the existing determination: or
- II. For the purpose of determining the allowances to be paid for the performance of any special duties, or in respect of residence in any locality, prescribed (after the date of the making of the existing determination) for the purposes of section forty-six Q.

(3) The provisions of sections forty-six R, forty-six S, forty-six U, and forty-six V, with such modifications (if any) as may be prescribed, shall apply to and in respect of the variation of determinations pursuant to this section in the same manner and to the same extent as they apply to the making of determinations under this Part, and any reference in those sections to a determination shall be read and construed accordingly as including a reference to a variation of a determination.

"46U—(1) Every determination of the Board under this Part shall take effect from such date (either before or after the date on which the determination is made) as the Board may determine in that behalf and as may be specified in the determination, but the date so determined shall not be a date earlier than the first day of the financial year in which the determination is made.

Operation of
determinations.
Ibid., s. 49P.

(2) Any salaries, wages, or allowances determined by the Board pursuant to this Part shall, subject to this Act, be the salaries, wages, or allowances payable to the officers to whom the determination applies.

"46V The Minister shall cause a copy of each determination under this Part to be laid before each House of Parliament within the first thirty sitting days of the House after the receipt by him of the certified copy thereof."

Copies of
determinations to be
laid before
Parliament.
Ibid., s. 49Q.

9 Section forty-seven of the Principal Act is amended— Regulations.

(a) by omitting paragraph II. of subsection (1) thereof and substituting therefor the following paragraphs:—

"II. The appointment, classification, promotion, transfer, removal, and retirement of teachers and other officers who are not subject to the provisions of the

Public Service Act 1923, and their holidays, vacations, and leave of absence, and the conditions relating thereto respectively:

“ H.A. The allowances to be paid, and the conditions upon which they shall be paid, to teachers and other officers who are not subject to the provisions of the *Public Service Act 1923*, in respect of the cleaning and general maintenance of school buildings and for travelling expenses, relieving expenses, expenses incurred in transfer, and such other classes or kinds of expenses as may be prescribed:

“ H.B. The adjustment of the salaries and wages of teachers and other officers who are not subject to the provisions of the *Public Service Act 1923* in accordance with variations in the cost of living, as determined on prescribed bases:” ; and

(b) by omitting paragraph VII. of that subsection.

LOCAL BODIES LOANS.

No. 12 of 1952.

AN ACT to amend the *Local Bodies Loans Act 1881*.
[15 May, 1952.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title
and citation.

1—(1) This Act may be cited as the *Local Bodies Loans Act 1952*.

(2) The *Local Bodies Loans Act 1881*, as subsequently amended, is in this Act referred to as the Principal Act.