

- registered with, or transmitted to, or issued by the Registrar under this Act or for any act required to be performed by the Registrar, or for the inspection of any such document;
- (c) prescribe the manner in which, and the persons by whom, and the directions or requirements in accordance with which, the forms prescribed for the purposes of this Act, or any of them, shall or may be signed, prepared, or completed, and generally regulate the signing, preparation, and completion of those forms, or any of them;
  - (d) prescribe the times for the lodging of documents with, or the transmission of documents to, the Registrar;
  - (e) prescribe the procedure to be followed at meetings of societies and of the boards thereof and of committees appointed by societies in general meeting or by the boards thereof, and generally regulate the conduct of any proceedings at those meetings or any of them;
  - (f) prescribe the cases in which liquidators appointed by the Registrar shall furnish security for the due fulfilment of their duties and the nature of the security to be so given; and
  - (g) impose penalties, not exceeding twenty pounds, for offences against the regulations.

(3) The regulations may require that, in such cases as may be prescribed, documents required by or under this Act to be lodged or filed with, or transmitted to, the Registrar shall be verified by statutory declaration made by such persons as may be prescribed.

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## EDUCATION (No. 2).

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No. 84 of 1963.

AN ACT to amend the *Education Act 1932*.  
[17 December 1963.]

**B**E 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,  
citation, and  
commence-  
ment.

**1**—(1) This Act may be cited as the *Education Act (No. 2) 1963*.

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

(3) The provisions of this Act shall commence on such dates respectively as may be fixed by proclamation in relation to each of those provisions.

(4) A Part or section that is inserted in the Principal Act by a section of this Act shall commence on the date on which the last-mentioned section commences.

**2** Section four of the Principal Act is amended—

The  
Department.

(a) by omitting subsection (1) thereof and substituting therefor the following subsection:—

“(1) The Governor may appoint—

- (a) a Director of Education;
- (b) a Deputy Director of Education;
- (c) an Administrator of Technical Education; and
- (d) such superintendents, teachers, and other officers as he may think necessary for the purposes of this Act.”;

(b) by omitting from subsection (2) thereof the words “Director and the”; and

(c) by omitting from subsection (3) thereof the words “other officers” and substituting therefor the words “superintendents, teachers, and other officers (except the Director, the Deputy Director, the Administrator, and officers of the clerical staff of the Department)”.

**3** Part IIA of the Principal Act is repealed and the following Part is substituted therefor:—

#### “ PART IIA.

##### “ TECHNICAL EDUCATION.

“ 19A In this Part, unless the contrary intention appears—

Interpretation.

‘ Administrator ’ means the Administrator of Technical Education;

‘ Board ’ means the Board of Technical Education constituted under this Part.

“ 19B—(1) There shall be a board, to be known as the Board of Technical Education.

Board of  
Technical  
Education.

“(2) The Board shall consist of ten members appointed by the Governor, one of whom shall be appointed by the Governor as the chairman of the Board.

“(3) Of the members of the Board—

- (a) one shall be the person for the time being holding office as chairman of the council of the Hobart Technical College;
- (b) one shall be the person for the time being holding office as chairman of the council of the Launceston Technical College; and
- (c) one shall be a person appointed on the nomination of the Director.

Terms of  
office of  
members of  
the Board.

“19C—(1) For the purpose of securing the rotational retirement of members of the Board, of the first members of the Board other than the members appointed under paragraphs (a) and (b) of subsection (3) of section 19B four shall hold office for a term of two years and the members who shall so hold office shall be determined by the Board, by lot, at the first meeting of the Board.

“(2) Except as provided in subsection (1) of this section, each member of the Board shall, subject to this Act, hold office for a term of four years.

Vacation  
of office.

“19D—(1) The office of a member of the Board becomes vacant upon the expiration of the term for which he is appointed, or if he—

- (a) dies;
- (b) resigns his office by writing under his hand addressed to the Governor;
- (c) becomes a member of either House of the Parliament of the Commonwealth or of the Parliament of this State;
- (d) being a member appointed pursuant to paragraph (a) or paragraph (b) of subsection (3) of section nineteen B, ceases to hold the office by virtue of which he was appointed; or
- (e) is removed from office by the Governor in accordance with subsection (2) of this section.

“(2) The Governor may remove a member of the Board from office—

- (a) for misbehaviour, negligence, or incompetence;
- (b) if, in the opinion of the Governor, the member becomes incapable of performing his duties as a member; or
- (c) if the member—
  - (i) becomes bankrupt, or applies to take or takes advantage of any law relating to bankrupt or insolvent debtors, or compounds with his creditors, or makes an assignment of his estate for their benefit;
  - (ii) is convicted of a crime, within the meaning of the *Criminal Code*, and the Governor considers that, by reason of the nature of the crime, it is not proper that he should continue to hold office as a member of the Board; or
  - (iii) is absent, without leave of the Board, from three or more consecutive meetings of the Board.

“(3) If a vacancy occurs in the office of a member, otherwise than by reason of the expiration of his term of office, the Governor may appoint a person to be a member in the place of the member whose office so becomes vacant, and a person so

appointed may, subject to this Act, hold office as a member for the remainder of the term of office of the member in whose place he is appointed.

“19E—(1) Members of the Board shall be paid such travelling and other out-of-pocket expenses as may be prescribed. Expenses of members.

“(2) The regulations may provide that any of the expenses payable pursuant to this section shall be paid at such rates as are for the time being prescribed in the regulations made under the *Public Service Act 1923*.

“19F—(1) The Board shall hold an ordinary meeting at least once in each period of three months. Meetings and proceedings of the Board.

“(2) The Board may hold such special meetings, if any, as may be convened by the chairman, either of his own motion or on the requisition of any four or more members of the Board.

“(3) The Minister may at any time convene a special meeting of the Board.

“(4) The Minister may attend any ordinary or special meeting of the Board and may at all ordinary meetings at which he is present require the Board to supply him with any information that he may require in relation to the activities of the Board, but the Minister has no right to vote on any question arising at a meeting of the Board.

“(5) At any meeting of the Board six members constitute a quorum for the transaction of the business of the meeting.

“(6) Between meetings of the Board, the functions of the Board may, unless the Board otherwise determines, be exercised by a standing committee appointed by the Board for that purpose, comprising—

- (a) the chairman of the Board; and
- (b) two other members of the Board.

“(7) Subject to this section, the Board may regulate its own procedure.

“19G—(1) The Board may, by resolution, delegate to a member of the Board, or to the Administrator, or to a council, committee, or other body constituted under this Part, either generally or in a particular case, such of the powers, authorities, duties, and functions of the Board as may be specified in the resolution. Delegation.

“(2) A delegation under this section is revocable at will, and does not prevent the exercise or performance by the Board of any of its powers, authorities, duties, or functions.

“19H—(1) The Governor may appoint an officer of the Education Department as and to be the secretary of the Board, and the officer so appointed may hold office as secretary of the Board in conjunction with his office as an officer of that Department. Officers of the Board.

“(2) For the purposes of this Act—

- (a) the Minister may approve of the services of any superintendent, teacher, instructor, or other officer appointed under this Act being made use of by the Board; and
- (b) the Board may, with the consent of the Minister administering any Department of the Public Service, make use of the services of any officer or temporary employee of the Public Service employed in that Department, but, if the officer is subject to the provisions of the *Public Service Act 1923*, the Board shall not make use of his services without the prior approval of the Public Service Commissioner.

Functions of  
the Board.

“19J—(1) The functions of the Board are—

- (a) to make such recommendations as it thinks fit with respect to—
  - (i) the provision and conduct of technical education in this State, having regard to the needs of the community, industry, and commerce; and
  - (ii) such other matters as may be prescribed; and
- (b) to investigate and report upon such matters relating to technical education as are referred to it by the Minister for investigation and report.

“(2) Without affecting the generality of the provisions of subsection (1) of this section, the Board may—

- (a) make recommendations to the Minister with respect to the erection or alteration of buildings considered necessary by the Board for the purposes of the advancement of technical education in this State;
- (b) subject to such directions (if any) as the Minister may give to it, either generally or in particular cases, purchase or provide on behalf of the State, or cause to be so purchased or provided, out of moneys available for that purpose, such equipment as the Board may consider necessary for the purposes of technical education, either generally or in particular cases or in or in relation to particular technical schools or classes;
- (c) devise and publish the scope and details of each syllabus of subjects comprising a course of study in technical schools generally or in any technical school or class or kind thereof, and take such action and make such recommendations as it thinks necessary or desirable to ensure that each syllabus and course of study is observed or followed in the school or schools in relation to which it is devised;

- (d) organize and conduct, either of itself or in collaboration with any other body or person, such lectures, classes, vacation schools, displays, and other activities as the Board may think necessary or desirable for the purposes of, or in connection with, the promotion or encouragement of technical education in this State;
- (e) determine, with the approval of the Minister, the fees to be paid in respect of services supplied by the Board and in respect of the admission of persons to, and enrolment of persons for the purposes of, lectures, classes, or other activities organized and conducted by or on behalf of the Board for the purposes of this Part;
- (f) subject to the regulations, grant studentships, scholarships, and exhibitions of such kinds and in such cases as may be prescribed;
- (g) prepare and recommend to the Minister draft regulations with respect to—
  - (i) the guidance of members of the teaching staffs and other staffs appointed for the purposes of this Part;
  - (ii) the use of buildings and equipment erected or provided for the purposes of this Part; and
  - (iii) matters relating to or connected with technical education generally, being matters in relation to which regulations may be made under this Act;
- (h) make recommendations to the Minister with respect to the staffing of technical schools; and
- (i) exercise such other functions and perform such other duties as may be conferred or imposed on it by or under this Act.

“(3) All reports and recommendations made or submitted to the Minister pursuant to this section shall be made or submitted through the Director.

“(4) Nothing in this Part affects the operation of the *Public Works Committee Act 1914*.

“19K Councils for the better government of tertiary technical schools may be created in such manner and with such names, constitutions, powers, and procedure as may be prescribed. Technical college councils.

“19L Local advisory committees in connection with tertiary technical schools may be created in such manner and with such names, constitutions, powers, and procedure as may be prescribed. Local advisory committees.

State  
advisory  
bodies.

“19M There may be created, in addition to the councils and committees to which sections nineteen K and nineteen L relate, such other bodies to advise the Board on matters relating to technical education as may be prescribed, with such names, constitutions, powers, and procedure as may be prescribed.”

4 After section forty-six G of the Principal Act the following sections are inserted:—

Hostels for  
the accom-  
modation of  
pupils at  
State schools.

“46H—(1) The Minister may establish and maintain such hostels for the accommodation of students attending State schools as he may think necessary or desirable, and may, subject to the regulations, appoint a board of management to administer and manage any hostel so established.

“(2) A—

- (a) hostel (however described) for the accommodation of students attending any State school or State schools, being a hostel established by or on behalf of the State or a hostel the administration and management of which were assumed by or on behalf of the State; or
- (b) board of management, committee, or other governing body of such a hostel appointed by the Minister,

before the commencement of this section, shall be deemed to have been established or appointed, as the case may be, under this section as if this section had been in force on the day on which the hostel was established or on which the administration and management of the hostel was so assumed or, as the case may be, on which the board, committee, or body was appointed.

“(3) For the purposes of the *State Employees (Long Service Leave) Act 1950*—

- (a) a board of management, committee, or other governing body of a hostel established, or deemed to have been established, under this section is a State authority within the meaning of that Act, and shall be deemed to have been a State authority within the meaning of that Act on and from the date on which the board, committee, or body was first appointed; and
- (b) a person who is employed (whether by the State or by any such board, committee, or other governing body) in or in connection with the administration and management of a hostel established, or deemed to have been established, under this section is an employee within the meaning of that Act and shall be deemed to have been an employee within the meaning of that Act on and from the date on which he first became employed in or in connection with the administration or management of any such hostel.

“46J—(1) The Minister may, on the recommendation of the Director, award a bursary (in this section referred to as ‘a special bursary’) to a pupil who shows aptitude for further study in a secondary school if necessitous circumstances preclude the parents, guardian, or other person having the care or control of the pupil, from providing the pupil with that further study. Special bursaries.

“(2) The holder of a special bursary shall possess such qualifications as will entitle him to be admitted to the school in respect of which the bursary is awarded.

“(3) The Minister shall determine the amount of a special bursary and the general conditions of its tenure after making inquiries into the circumstances of the applicant for the bursary.”.

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

(a) by inserting after paragraph (d) of subsection (1) thereof the following paragraph:—

“(da) the leave of absence for recreation or on account of sickness or for special purposes that may be granted to the Director, the Deputy Director, and the Administrator of Technical Education, respectively, the basis on which entitlement to any such leave is to be calculated, and the method of computing the period of any such leave;”;

(b) by inserting in paragraph (e) of that subsection, before the word “teachers”, the word “superintendents,”; and

(c) by omitting subsection (6) thereof and substituting therefor the following subsections:—

“(6) The regulations may—

(a) provide for and regulate the appointment, constitution, powers, and functions of the boards of management, committees, or other governing bodies of hostels established, or deemed to have been established, pursuant to section forty-six H;

(b) prescribe the respective names by which those boards, committees, or bodies may or shall be known;

(c) regulate generally the administration, management, conduct, and maintenance of hostels so established or deemed to have been so established; and



(d) make provision with respect to the fixation and collection of the fees, charges, dues, and payments payable for or in relation to accommodation provided in, services rendered by, or other facilities available to students who are resident in, those hostels or any of them.

“(6A) The regulations may—

(a) provide for and regulate the granting of allowances, scholarships, and other forms of financial assistance in prescribed cases to the parents, guardians, or persons having the care or control of matriculation students;

(b) prescribe, or authorize the Minister to determine, the conditions upon and subject to which any such allowance, scholarship, or assistance shall or may be granted; and

(c) provide that the respective rates at which those allowances, scholarships, or other forms of financial assistance shall be paid, or, as the case may be, that the respective amounts on which they shall consist shall—

(i) depend upon, or vary according to differences in the incomes (assessed as prescribed) of the persons to whom they are granted; and

(ii) differ in cases where the students in respect of whom they are granted ordinarily live with their parents or guardians and cases where those students ordinarily live elsewhere.”.

Transitory provisions.

6—(1) On the appointed day, the person who, on that day, is holding office as Director of Education shall cease to be subject to the provisions of the *Public Service Act 1923*.

(2) The person who, on the appointed day, is holding office as Director of Education, is entitled, and shall be deemed always to have been entitled, to the same rights in all respects in relation to leave of absence for recreation or on account of sickness or for special purposes as those to which he would have been entitled if that office had ceased to be subject to the provisions of the *Public Service Act 1923* before the date of his appointment thereto, and accordingly, in computing his length of service for the purpose of determining his entitlement to any such leave of absence, his service in that office during the period beginning on the date of his appointment thereto and ending on the appointed day shall be deemed to be, and always to have been, a continuation of his service as an officer to whom the Principal Act applies.

(3) Notwithstanding the amendment of the Principal Act effected by paragraph (b) of section two of this Act—

- (a) the person who, on the appointed day, is holding office as Director of Education continues to be; and
- (b) any person who is thereafter appointed as the Director of Education shall be,

the permanent head of the Education Department for the purposes of the *Public Service Act* 1923 as if he were an officer to whom the provisions of that Act apply.

(4) Any council, committee, or other body created under Part IIA of the Principal Act (as in force immediately before the appointed day), being a council, committee, or body in existence on that day, shall, notwithstanding the amendments of the Principal Act effected by this Act, continue to exist and, until otherwise prescribed, shall continue to have the same name, constitution, powers, and procedure as it had immediately before that day.

(5) In this section “appointed day” means such day as the Governor may, by proclamation, declare to be the appointed day for the purposes of this section.

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## REAL PROPERTY (No. 2).

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No. 85 of 1963.

AN ACT to amend the *Real Property Act* 1862, the *Real Property Act* 1863, the *Real Property Act* 1893, and the *Real Property Act* 1962.

[17 December 1963.]

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 *Real Property Act* (No. 2) 1963. Short title and commencement.

(2) This Act commences on the same day as the *Local Government Act* 1962.