

2. After section nine of the *High Commissioner Act* 1909-1940 the following section is inserted :—

“ 9A. The Governor-General may issue to any Minister or to any member of the Executive Council a Commission authorizing that Minister or that member, during the pleasure of the Governor-General, to exercise the powers and to perform the duties which in pursuance of this Act are or may be conferred upon or assigned to the High Commissioner, and thereupon those powers may be exercised and those duties shall be performed by that Minister or that member, as the case may be, in accordance with the terms of the Commission.”.

Minister may be authorized to exercise powers of High Commissioner.

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## EDUCATION.

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### No. 55 of 1945.

An Act to establish a Commonwealth Office of Education and a Universities Commission, to provide for the University Training of Discharged Members of the Forces, to provide for Financial Assistance to University Students, and for other purposes.

[Assented to 11th October, 1945.]

[Date of commencement, 8th November, 1945.]

**B**E it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

#### PART I.—PRELIMINARY.

1. This Act may be cited as the *Education Act* 1945.

Short title.

2. The Act is divided into Parts, as follows :—

Parte.

Part I.—Preliminary.

Part II.—The Commonwealth Office of Education.

Part III.—The Universities Commission.

Part IV.—Miscellaneous.

## Definitions.

3. In this Act, unless the contrary intention appears—

- “approved institution” means a research institution, teaching institution, or institution providing training, which the Minister, by notice published in the *Gazette*, declares to be an approved institution for the purposes of this Act ;
- “Australia” includes the Territories of the Commonwealth ;
- “Commissioner” means a member of the Commission ;
- “similar institution” means a research institution, teaching institution, or institution providing training, which, in the opinion of the Commission, is similar or related to a University or provides higher or professional teaching or training ;
- “student” means a student enrolled, or applying for enrolment, at a University, an approved institution or a similar institution ;
- “the Chairman” means the Chairman of the Commission ;
- “the Commission” means the Universities Commission constituted by this Act ;
- “the Director” means the Director of the Commonwealth Office of Education ;
- “University” means a University within Australia, and includes any University College which the Minister, by notice published in the *Gazette*, declares to be a University College for the purposes of this Act.

## Extension to Territories.

4. This Act shall extend to the Territories of the Commonwealth.

## PART II.—THE COMMONWEALTH OFFICE OF EDUCATION.

## Commonwealth Office of Education.

5.—(1.) There shall be a Commonwealth Office of Education.

(2.) The functions of the Commonwealth Office of Education shall be—

- (a) to advise the Minister on matters relating to education ;
- (b) to establish and maintain a liaison, on matters relating to education, with other countries and the States ;
- (c) to arrange consultation between Commonwealth authorities concerned with matters relating to education ;
- (d) to undertake research relating to education ;
- (e) to provide statistics and information relating to education required by any Commonwealth authority ; and
- (f) to advise the Minister concerning the grant of financial assistance to the States and to other authorities for educational purposes,

and shall include such other functions in relation to education as are assigned to it by the Minister.

## Director of Commonwealth Office of Education

6.—(1.) There shall be a Director of the Commonwealth Office of Education, who shall, under the Minister, have the chief control of the Commonwealth Office of Education.

(2.) The Director shall be appointed by the Governor-General and shall, subject to this Act, hold office during good behaviour for a period not exceeding five years, but shall be eligible for re-appointment.

(3.) The Director shall be paid salary and allowances at such rates as the Governor-General determines.

(4.) The Director shall be deemed to have vacated his office—

- (a) if he engages in any paid employment outside the duties of his office ;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ;
- (c) if he becomes of unsound mind ;
- (d) if he becomes permanently incapable of performing his duties ;
- (e) if he resigns his office by writing under his hand to the Governor-General and the resignation is accepted by the Governor-General ; or
- (f) if he absents himself (except on leave granted by the Governor-General) for a period of twenty-one consecutive days.

(5.) The Governor-General may grant leave of absence to the Director upon such terms and conditions as to remuneration or otherwise as the Governor-General determines.

7. The Director shall, once in every year, furnish to the Minister a report containing a summary of the work of the Commonwealth Office of Education during the preceding year. Annual Report.

### PART III.—THE UNIVERSITIES COMMISSION.

8.—(1.) For the purposes of this Act there shall be a Commission, to be known as the Universities Commission, which shall, subject to any direction of the Minister, be charged with the general administration of this Part. Establishment of Commission.

(2.) The Commission shall be a body corporate with perpetual succession and a common seal, and shall be capable of suing and being sued.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document and shall presume that it was duly affixed.

9.—(1.) The Commission shall consist of a Chairman and three other members. Constitution of Commission.

(2.) The Chairman shall be the person for the time being holding office as Director of the Commonwealth Office of Education.

(3.) A member of the Commission (other than the Chairman) shall be appointed by the Governor-General for a period not exceeding three years, but shall be eligible for re-appointment.

(4.) A member of the Commission shall be paid salary and allowances at such rates as the Governor-General determines.

**Dismissal of  
Commissioner.**

**10.** The Governor-General may terminate the appointment of a Commissioner (other than the Chairman) for inability, inefficiency or misbehaviour.

**Vacation of  
office.**

**11.** A Commissioner (other than the Chairman) shall be deemed to have vacated his office—

- (a) if his appointment is terminated by the Governor-General in pursuance of this Act ;
- (b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit ;
- (c) if he becomes of unsound mind ;
- (d) if he resigns his office by writing under his hand addressed to the Governor-General and the resignation is accepted by the Governor-General ; or
- (e) if he absents himself (except on leave granted by the Governor-General) from all meetings of the Commission held during three consecutive months.

**Leave of  
absence.**

**12.** The Governor-General may grant leave of absence to a Commissioner upon such terms and conditions as to remuneration or otherwise as the Governor-General determines.

**Meetings of  
Commission.**

**13.—(1.)** The Commission shall hold such meetings as, in the opinion of the Chairman, are necessary for the efficient conduct of its affairs.

(2.) The Chairman shall preside at all meetings at which he is present.

(3.) In the absence of the Chairman from any meeting of the Commission, the Commissioners present shall appoint one of their number to preside at that meeting.

(4.) At any meeting of the Commission, two Commissioners shall form a quorum.

(5.) The Commissioner presiding at any meeting of the Commission shall have a deliberative vote and, in the event of an equality of votes, shall also have a casting vote.

**Functions of  
Commission.**

**14.** The functions of the Commission shall, subject to the regulations and any directions of the Minister, be—

- (a) to arrange, as prescribed, for the training in Universities or similar institutions, for the purpose of facilitating their re-establishment of persons who are discharged members of the Forces within the meaning of the *Re-establishment and Employment Act 1945* ;
- (b) in prescribed cases or classes of cases, to assist other persons to obtain training in Universities or similar institutions ;
- (c) to provide, as prescribed, financial assistance to students at Universities and approved institutions ; and

(d) to advise the Minister with respect to such matters relating to University training and associated matters as are referred by the Minister to the Commission for advice.

15.—(1.) The Governor-General may appoint a State Committee in each State consisting of such number of members as is prescribed. Appointment of State Committees.

(2.) The terms of the appointment of members and the method of appointment of the Chairman of each State Committee shall be as prescribed.

16. The functions of each State Committee shall be to advise the Commission on matters relating to that State with respect to— Functions of State Committees.

(a) the general functions of the Commission ; and

(b) any particular matter relating to the Commission's functions.

17. All amounts of financial assistance provided under this Part shall be paid out of sums appropriated by the Parliament for the purpose. Provision of financial assistance out of sums appropriated.

18. The Commission shall, once in every year, furnish to the Minister a report containing a summary of the work of the Commission during the preceding year. Annual Report.

#### PART IV.—MISCELLANEOUS.

19. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for prescribing penalties not exceeding a fine of Fifty pounds, or imprisonment for a period not exceeding three months, for any contravention of the regulations. Regulations.

## WIDOWS' PENSIONS.

### No. 56 of 1945.

An Act to amend the *Widows' Pensions Act* 1942-1944, as amended by the *National Welfare Fund Act* 1945.

[Assented to 11th October, 1945.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1.—(1.) This Act may be cited as the *Widows' Pensions Act* 1945. Short title and citation.