

ADULT EDUCATION.

No. 23 of 1948.

AN ACT to make provision for the constitution and functions of an Adult Education Board and for matters incidental thereto. [23 July, 1948.]

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 *Adult Education Act* 1948. Short title and commencement.

(2) This Act shall commence on a date to be fixed by proclamation.

2 In this Act, unless the contrary intention appears— Interpretation.
 “board” means the Adult Education Board constituted under this Act; Cf. Vict. Act. No. 5181, s. 2.
 “Director” means the Director of Adult Education appointed under this Act.

3—(1) For the purposes of this Act there shall be constituted a board, to be called the Adult Education Board, which shall consist of nine persons appointed by the Governor. Constitution of the Board. *Ibid.*, s. 5.

(2) Of the members of the board—

- (a) three shall be persons nominated by the Minister, one of whom shall be appointed as the chairman of the board;
- (b) one shall be the Director of Education, or a person nominated by him;
- (c) one shall be a person nominated by the Council of the University of Tasmania;
- (d) one shall be a person nominated by the Tasmanian Library Board, constituted under the *Libraries Act 1943**;
- (e) one shall be a person nominated by the central council of the body known as the Workers' Educational Association;
- (f) one shall be a person nominated by the body known as the Arts Council of Tasmania; and
- (g) one shall be a person nominated by the Australian Broadcasting Commission, established under the *Australian Broadcasting Act 1942*† of the Commonwealth.

* 7 Geo. VI. No. 47, as amended by 8 Geo. VI. No. 28.

† No. 33 of 1942, as amended by No. 39 of 1946.

- (3) If any nomination required by this section is not made—
- (a) in the case of the first appointment of members of the board, within sixty days after the commencement of this Act; or
 - (b) in any other case, within sixty days after a request in that behalf by the Minister,

the Governor may appoint a person to represent the relevant body without nomination.

Incorporation
of board.

4—(1) The board shall be a body corporate, under the corporate name of the Adult Education Board, with perpetual succession and a common seal, and may sue and be sued in its corporate name.

(2) The seal of the board shall not be affixed to any document except by resolution of the board, and every such sealing shall be authenticated by the signatures of three members of the board or of two members and the secretary.

Term of office
of members:
Expenses of
members.
Ibid., s. 6.

5—(1) Subject to this Act, the members of the board shall hold office for a term of three years.

(2) Each member of the board (not being an officer to whom the provisions of the *Public Service Act 1923** apply) shall be entitled to receive payment of travelling expenses at such rate as the Governor may determine.

(3) Any officer to whom the provisions of the *Public Service Act 1923** apply who is appointed as a member of the board shall be entitled to receive payment of travelling expenses at the appropriate rate prescribed in the regulations made under that Act.

Vacation
of office.
Ibid., s. 7.

6—(1) The office of any member of the board shall become vacant—

- (a) at the expiration of his term of office;
- (b) if he dies;
- (c) if he becomes of unsound mind or otherwise incapable of continuing as a member;
- (d) if he is removed from office;
- (e) if he resigns in writing under his hand addressed to the Governor; or
- (f) if, without the consent in writing of the Minister, he fails to attend three successive meetings of the board.

(2) The Governor may, at any time, remove any member from his office if, in the opinion of the Governor, he has become incapable of performing the duties of his office, or has been guilty of a neglect of such duties, or has been guilty of any misconduct.

* 13 Geo. V. No. 25. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 263. Subsequently amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. Nos. 6 and 64, 6 Geo. VI. Nos. 9 and 54, 7 Geo. VI. No. 18, 7 & 8 Geo. VI. No. 104, 8 & 9 Geo. VI. No. 30, 9 & 10 Geo. VI. No. 60, 11 Geo. VI. No. 22, and 11 & 12 Geo. VI. No. 84.

(3) If the office of a member becomes vacant otherwise than by his retirement at the expiration of his term of office, the Governor may appoint a person to fill such vacancy, and the person so appointed shall, subject to this Act, be entitled to hold office for the remainder of the term of office of the person in whose place he is appointed.

7—(1) The first meeting of the board shall be held at such time and place as is appointed by the Minister, and thereafter meetings of the board shall be held at such times and places as are appointed by the chairman:

Proceedings
of the board.
Ibid., s. 9.

Provided that, upon a request in writing by any three members of the board, the chairman shall appoint a time and place for the holding of a meeting within fourteen days after receiving such request.

(2) The chairman shall preside at all meetings of the board at which he is present and shall have a deliberative vote.

(3) If the chairman is absent from any meeting of the board the members present shall elect one of their number to preside at that meeting, and the member so elected, while so presiding, shall have and may exercise all the powers and functions of the chairman.

(4) Any five members of the board shall constitute a quorum for the transaction of the business of any meeting of the board.

(5) Any question arising at a meeting of the board shall be determined by a majority of the votes of the members present and voting on the question, and, in the event of an equality of votes, the chairman shall have a second or casting vote.

(6) The board may, by resolution, delegate to any member of the board, either generally or in any particular case, such of the powers, authorities, duties, and functions of the board as may be specified in the resolution.

(7) Any delegation under subsection (6) may be revoked by the board at any time as it thinks fit, and shall not prevent the exercise or performance by the board of any of its powers, authorities, duties, or functions.

(8) Subject to this section, the board may regulate its own procedure.

8—(1) It shall be the duty of the board—

- (a) to advise the Minister on matters of general policy with respect to adult education;
- (b) to investigate, and report upon, any matters relating to adult education which may be submitted to the board by the Minister for investigation and report;
- (c) to plan and supervise the administration and development of adult education in this State,

Powers,
functions,
and duties
of the board.
Ibid., s. 4 (1).

and to assist other bodies actually engaged in adult education in this State;

- (d) to take such steps, and make such recommendations to the Minister, as the board may think necessary or desirable, for the purpose of co-ordinating the activities of bodies engaged in adult education in this State; and
- (e) generally, to promote adult education in this State.

(2) For the purposes of this Act the board may—

- (a) organise and conduct, either of itself or in collaboration with any other body or bodies engaged in cultural or educational pursuits or in the encouragement of the arts and sciences, such lectures, classes, vacation schools, and other activities which the board may think necessary or desirable for the purposes of, or in connection with, the promotion and encouragement of adult education in this State;
- (b) charge and receive such fees and payments as the board may impose or as may be prescribed in respect of any services supplied by the board, and in respect of the admission of persons to, or the enrolment of persons for the purposes of, any lectures, classes, vacation schools, or other activities organised and conducted by or on behalf of the board, under and for the purposes of this Act;
- (c) out of moneys available to the board for the purposes of this Act, make payments or advances (either unconditionally or subject to such conditions as the board may determine) to local advisory committees appointed under section ten, or, with the prior approval of the Minister, to other bodies engaged in adult education in this State; and
- (d) generally, do all such acts and things, enter into all such contracts and arrangements, and exercise and perform all such powers, authorities, and functions as may be necessary for carrying out or giving effect to the purposes of this Act.

(3) If any officer of the Public Service is appointed as the secretary to the board, he may hold office as secretary to the board in conjunction with his office as an officer of the Public Service, and may, subject to the provisions of the *Public Service Act 1923**, receive and retain, in addition to his salary as an officer of the Public Service, any remuneration or allowance paid to him by the board.

* 13 Geo. V. No. 25. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 263. Subsequently amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. Nos. 6 and 64, 6 Geo. VI. Nos. 9 and 54, 7 Geo. VI. No. 18, 7 & 8 Geo. VI. No. 104, 8 & 9 Geo. VI. No. 30, 9 & 10 Geo. VI. No. 60, 11 Geo. VI. No. 22, and 11 & 12 Geo. VI. No. 84.

9—(1) For the purposes of this Act—

- (a) the Minister may direct that the services of any education officer, inspector, teacher, instructor, or other officer (in this Act referred to as a "member of the teaching service") appointed under the *Education Act 1932** shall be available to, and may be made use of, by the board; and
- (b) the board may, if necessary, with the approval of the Minister and the consent of the Minister administering any other Government department, make use of the services of any of the officers of the Public Service employed in such other department (not being officers to whom the provisions of the *Public Service Act 1923†* apply).

Use by board of services of officers of Public Service and of the teaching service.
Ibid., s. 13.

(2) In any case where the board makes use of the services of any member of the teaching service, such member may, with the approval of the Director of Education, be paid such remuneration or other allowance as the board may determine, and may receive and retain the same in addition to his salary as such member.

10—(1) The board may, in and for such districts as it may determine, appoint such local advisory committees as it considers necessary or desirable to represent voluntary associations or organizations interested in adult education.

Local advisory committees.
Ibid., s. 14.

(2) The functions of every local advisory committee shall be—

- (a) to advise the board with respect to the requirements for its district;
- (b) to assist and facilitate the work of the board;
- (c) to account to the board for all moneys received by the committee from the board or from any other source;
- (d) to supplement moneys provided by the board; and
- (e) generally, to foster a personal and local interest in adult education.

(3) In any case where there is no effective local advisory committee in any district the Director shall be responsible to the board for the promotion and development of adult education in that district.

11—(1) For the purposes of this Act there shall be a Director of Adult Education, who shall be appointed by the Governor on the recommendation of the board.

Director of Adult Education.
Ibid., s. 11.

* 23 Geo. V. No. 22. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 661. Subsequently amended by 1 Geo. VI. No. 41, 3 & 4 Geo. VI. No. 35, 4 Geo. VI. Nos. 21 and 53, 6 Geo. VI. Nos. 5, 24, and 63, 7 Geo. VI. No. 46, 8 Geo. VI. No. 3, and 9 Geo. VI. No. 16. (This Act, reprinted in accordance with the *Amendments Incorporation Act 1906*, is contained in the sessional volume 10 Geo. VI. (1946), at pp. 171 *et seq.*)

† 13 Geo. V. No. 25. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 263. Subsequently amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. Nos. 6 and 64, 6 Geo. VI. Nos. 9 and 54, 7 Geo. VI. No. 18, 7 & 8 Geo. VI. No. 104, 8 & 9 Geo. VI. No. 30, 9 & 10 Geo. VI. No. 60, 11 Geo. VI. No. 22, and 11 & 12 Geo. VI. No. 84.

(2) Subject to this Act, the Director shall be appointed for a term of three years, and shall be eligible for re-appointment for further terms not exceeding three years at any one time.

(3) The Director shall hold office, during good behaviour, for the term for which he is appointed.

(4) The Director shall devote the whole of his time to the performance of duties of his office, but shall be entitled to such leave of absence as may be prescribed.

(5) The Director shall receive, by way of salary, such yearly sum as the Governor may determine, and the salary of the Director shall not, without his consent, be reduced during the term for which he is appointed.

(6) The Director shall not be subject to the provisions of the *Public Service Act 1923**.

(7) The Director shall be the chief executive officer of the board and shall, subject to this Act and to the directions of the board, be responsible for planning and organising adult education throughout the State.

Appointment
of secretary
and officers.

12 The Governor may, under and in accordance with the provisions of the *Public Service Act 1923**, appoint a secretary to the board and such and so many other officers as he thinks necessary for the purposes of this Act.

Costs of
administration:
How
defrayed.

13 The costs and expenses incurred in the administration of this Act shall be defrayed out of moneys to be provided by Parliament for that purpose.

Adult
Education
Account.
Ibid., s. 15.

14—(1) There shall be kept in the books of the Treasury an account to be called the Adult Education Account (in this section called “the Account”).

(2) There shall be credited to the Account—

- (a) all moneys provided by Parliament in pursuance of section twelve; and
- (b) all fees and payments received by the board under this Act.

(3) There shall be debited to the Account—

- (a) the salaries, remuneration and allowances of all officers and employees of the board appointed under this Act and of the Director and of all officers of the Public Service and members of the teaching service whose services are made use of by the board; and
- (b) all other expenses incurred by or on behalf of the board in the exercise and performance of the powers, authorities, duties, and functions of the board under this Act.

* 13 Geo. V. No. 25. For this Act, as amended to 1936, see Reprint of Statutes, Vol. VI., p. 263. Subsequently amended by 2 Geo. VI. No. 29, 4 Geo. VI. No. 18, 5 Geo. VI. Nos. 6 and 64, 6 Geo. VI. Nos. 9 and 54, 7 Geo. VI. No. 18, 7 & 8 Geo. VI. No. 104, 8 & 9 Geo. VI. No. 30, 9 & 10 Geo. VI. No. 60, 11 Geo. VI. No. 22, and 11 & 12 Geo. VI. No. 84.

15 The Governor may make regulations under 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—

Regulations.
Ibid., s. 16.

- (a) regulating and prescribing the appointment, constitution, and proceedings of local advisory committees;
- (b) prescribing scales of travelling expenses to be paid to members of local advisory committees; and
- (c) prescribing scales of fees to be paid by persons attending or participating in any lectures, classes, vacation schools, or other activities organised or conducted by or on behalf of the board in pursuance of this Act.

SUPERANNUATION.

No. 24 of 1948.

AN ACT to amend the *Superannuation Act 1938*.
[23 July, 1948.]

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 *Superannuation Act 1948*. Short title and citation.

(2) The *Superannuation Act 1938**, as subsequently amended, is in this Act referred to as the Principal Act.

* 2 Geo. VI. No. 41, as amended by 3 Geo. VI. Nos. 5 and 13, 4 Geo. VI. Nos. 17 and 43, 6 Geo. VI. Nos. 12 and 71, 7 Geo. VI. No. 35, 8 & 9 Geo. VI. No. 39, 10 Geo. VI. No. 7, and 11 Geo. VI. No. 65.