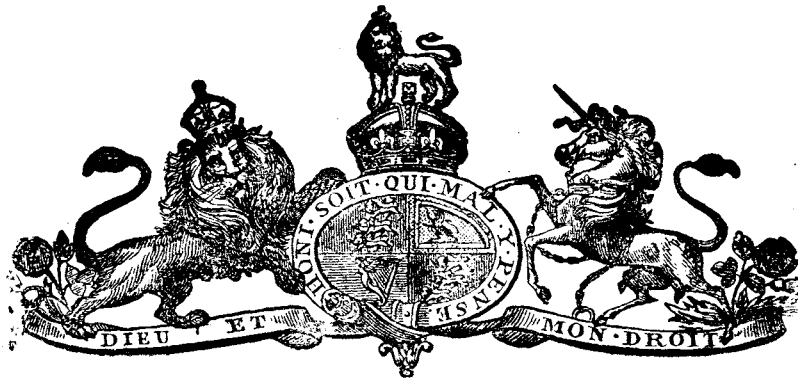


# TASMANIA



1915.

## ANNO SEXTO GEORGII V. REGIS. No. 13.

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AN ACT to provide for the Establishment of Bursaries, tenable at State Schools or Registered Secondary Schools in Tasmania, and to Establish a Bursaries Board, and for other purposes. [15 November, 1915.]

A.D.  
1915

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 ;—

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Short title and commencement.

Repeal of  
7 Ed. VII. No. 26.  
2 Geo. V. No. 40.

Saving.

**1** This Act may be cited as "The Bursaries Act, 1915," and shall come into operation on a date to be fixed by the Governor by proclamation.

**2** "The State Scholarship Act, 1907," and "The State Scholarship Act, 1911" (in this Act referred to as the repealed Acts), are hereby repealed: Provided that such repeal shall not in any way affect any scholarship awarded under the repealed Acts and current at the commencement of this Act; and every such scholarship and the allowances (if any) in connection therewith shall, until the expiration, forfeiture, or other determination of the scholarship, be continued, managed, and maintained in conformity with the terms and conditions governing the award thereof, and under and subject to the provisions of the said repealed Acts and the regulations thereunder, as if such Acts and regulations were unrepealed, save and except that the powers and functions exercisable under the repealed Acts by the State Scholarship Board shall be exercised by the Bursaries Board established under this Act as if it were the State Scholarship Board, and that the cost and expenses of or connected with such continuance, management, and maintenance shall be defrayed out of the Bursaries Fund established under this Act.

Vesting of property in Public Trustee for purposes of this Act.

**3**—(1) All the real and personal estate and effects at the commencement of this Act vested in or under the control and management of the State Scholarship Board or appropriated or held for the purposes of the repealed Acts shall forthwith by virtue of this section, and without the necessity of any conveyance or assurance whatsoever, vest in the Public Trustee as trustee for the purposes of this Act; and all moneys in any bank to the credit of the State Scholarship Board or State Scholarship Fund at the commencement of this Act—whether on fixed deposit or otherwise—and all investments thereof, shall immediately upon this Act coming into operation be deemed to be placed in the Public Trust Office, and the proper officer of any such bank shall forthwith transfer the same into the name of the Public Trustee, without the necessity of any further authority than this section

Public Trustee to hold property upon certain trust.

(2) The Public Trustee shall be deemed to have been duly appointed a trustee for the purposes of this Act under Subsection (7) of Section Ten of "The Public Trust Office Act, 1912," and shall have and may exercise all or any of the powers conferred upon the Public Trustee by Section Twenty-four of "The Public Trust Office Act, 1912," or by any other provision of that Act; and subject to the exercise of any such power in relation thereto the Public Trustee shall hold the said real and personal estate, effects, and moneys, and all other real and personal estate, effects, and moneys which shall hereafter be vested in, granted, devised, bequeathed, or given to the Public Trustee for the purposes of this Act—

**1.** Upon trust thereout to forthwith pay into and place to the credit of the Bursaries Fund to be established under this Act all moneys which at the commencement of this Act are

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standing to the credit of the State Scholarship Board or State Scholarship Fund in any bank in account current, and not on fixed deposit and subject thereto ;

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- II. Upon trust from time to time, immediately after the receipt of the same, to pay into and place to the credit of the Bursaries Fund the rents, issues, and profits of any lands from time to time held in trust by the Public Trustee for the purposes of this Act, and also the income of any moneys from time to time invested or held in trust by the Public Trustee for the purposes of this Act.



(3) In addition to the powers conferred upon the Public Trustee by "The Public Trust Office Act, 1912," the Public Trustee may, with the consent of the Governor, apply any moneys held by him for the purposes of this Act for all or any of the following purposes :—

Additional powers of Public Trustee.

- I. In building upon, or otherwise improving any land held by him for the purposes of this Act, or in altering or adding to any buildings on any such land :
- II. In furnishing or fitting up any premises held by him for the purposes of this Act.

(4) The Public Trustee in exercising his powers, under Section Twenty-four of "The Public Trust Office Act, 1912," shall not be subject to the limitations and restrictions imposed by the proviso to that section and such proviso shall not apply ; but he shall not exercise the powers conferred upon him by paragraphs I., III., IV., or V. of Section Twenty-four aforesaid in any case whatsoever without the consent of the Governor.

No commission shall be payable by the Board to the Public Trust Office or the Public Trustee.

**4** In this Act, unless the context otherwise indicates---

Interpretation.

- "Board" means the Bursaries Board established under this Act :  
 "Director" means the Director of Education for the time being :  
 "Minister" means the responsible Minister of the Crown for the time being administering this Act :  
 "Public Trustee" means the Public Trustee under "The Public Trust Office Act, 1912" :  
 "Registered Secondary School" means a school registered as a secondary or as a public school under "The Registration of Teachers and Schools Act, 1906" :  
 "State School" means any school established in connection with the Education Department :  
 "The Fund" means the Bursaries Fund established under this Act.

**5**—(1) There shall be established a Board which shall consist of Six members, to be nominated and appointed by the Governor by Proclamation. Establishment of Board.

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(2) Of the members of the Board—

- I. One shall be appointed from the teaching staff of the University of Tasmania :
- II. Three shall be representatives of the Education Department :
- III. Two shall be representatives of the schools other than State schools registered under "The Registration of Teachers and Schools Act, 1906."

(3) Members of the Board shall be appointed for a period of Two years.

(4) Upon the publication of the said proclamation, the Board under this Act shall be deemed to be constituted, and thereupon shall be a body corporate having a perpetual succession and a common seal and all the legal incidents of a body corporate, and shall be known as "The Bursaries Board."

Chairman to be appointed by Governor, and to preside at meetings.

**6—**(1) The Chairman of the Board shall be appointed by the Governor, and shall be One of the Three members of the Board representing the Education Department.

(2) At every meeting of the Board the said chairman, if present, shall preside, and in his absence a chairman for the meeting shall be chosen by the members present out of their number.

(3) The chairman of every meeting shall have an original vote only.

Governor may remove chairman or member of Board.

**7—**(1) The Governor may at any time remove the chairman or any member of the Board and appoint some other person in his stead on such removal, or on the death or resignation of any member, and may, in the case of the absence or continued illness, or inability to perform his duties of the chairman, or any member, appoint some person to act as his substitute during such absence, illness, or inability.

(2) The Governor, in making appointments under this section, shall have due regard to the provisions of Subsection Two of Section Five of this Act.

On vacancy, continuing members may act.  
Quorum.**8—**(1) During a vacancy on the Board the continuing members may act as if no vacancy had occurred.

(2) Any Three members of the Board shall be a quorum, and shall have and may exercise all the powers and authority conferred upon the Board by this Act.

Secretary of Board.

**9—**(1) Such officer of the Education Department as the Public Service Board shall from time to time recommend with the approval of the Minister, shall be appointed by the Board and be Secretary of the Board, and shall perform all duties required of him by the Board as such secretary.

(2) The Board with the approval of the Minister, may from time to time at pleasure remove the Secretary of the Board, and may assign such remuneration to the Secretary of the Board for his services out of the fund as the Board thinks reasonable.

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**10** The Board is hereby entrusted with the making of, and empowered to make, all arrangements necessary or expedient for effectuating the objects and purposes of this Act; and the matters to which this Act relates shall, subject to the provisions herein contained, be under and subject to the control, management, and superintendence of the Board.

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General control of all matters to which Act relates vested in Board

**11** Subject to the provisions of this Act and the regulations thereunder, the Board may regulate its own procedure.

Board may regulate its procedure.

**12**—(1) The Board shall keep accurate minutes of all its proceedings in fit books.

Minutes of proceedings to be kept.

(2) Extracts from such books shall be *prima facie* evidence of the matters therein stated, and of the meetings to which the same relate, having been duly and regularly convened and held.

**13**—(1) There shall be established a fund to be controlled in pursuance of this Act, which shall be vested in the Board, and styled "The Bursaries Fund."

Fund.

(2) The fund shall consist of—

All moneys paid to the Board by the Public Trustee, in pursuance of this Act :

ii. Moneys from time to time appropriated by Parliament for payment into the fund :

iii. Moneys from time to time donated or bequeathed for the purposes of the fund

(3) The fund shall be exempt from all taxation whatsoever.

(4) The fund shall be applied by the Board in carrying out the provisions of this Act and the regulations.

**14**—(1) The Board shall, so far as the fund will from time to time admit, establish, maintain, and grant annually junior bursaries and senior bursaries in the manner prescribed by this Act and the regulations made thereunder, to be tenable at the option of the grantees thereof either at State schools approved by the Director or at registered secondary schools approved by the Board.

Bursaries to be established.

(2) Every bursary shall be tenable for a period of Two years : Provided, however, that its continuance shall depend upon the satisfactory attendance, work, and conduct of the holder as shown by the reports from time to time furnished to the Board by the headmaster of the school at which the bursary is held, and provided further that the Board may extend the term of a senior bursary to Three years in the case of holders who secure an approved pass at the Senior Public Examination at the end of their second year, and who desire to enter a University.

Tenable for Two years.

(3) No child shall be eligible for—

Children eligible.

i. A junior bursary unless under the age of Fourteen years :

ii. A senior bursary unless under the age of Sixteen years—

on the First day of January next following the examination upon the result of which the grant of such bursary is made or based.

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 Granting of  
 bursaries.

(4) Subject to the provisions of Subsection (5) of this section, bursaries shall be granted in the following manner; that is to say:—

- i. Junior bursaries shall be granted upon the result of the annual examination for the qualifying certificate conducted by the Education Department:
- ii. Senior bursaries shall be granted as soon as practicable after the publication of the result of the annual Junior Public Examination held by the University of Tasmania, and the grants thereof shall be based in the prescribed manner upon such result; provided that for the purpose of determining to whom bursaries shall be granted any child who holds a woodwork certificate or a cookery certificate issued by the Education Department or approved by the Board, shall be credited with a number of marks, to be prescribed by regulation, for each such certificate he holds, and provided further that not more than Nine subjects shall count in estimating the result.

Board to determine number.

(5) The number of junior and senior bursaries to be respectively granted in any year shall be determined by the Board: Provided that, if practicable, at least Four-fifths of the—

Proviso.

- i. Senior bursaries shall be set apart for children whose permanent home is distant at least Ten miles, by the nearest practicable route, from a State high school:
- ii. Junior bursaries shall be set apart for children whose permanent home is distant at least Ten miles by the nearest practicable route, from a State high school, and who are not attending any school situated within the distance of Ten miles, by the nearest practicable route, of a State high school.

What a bursary comprises.

(6) Every bursary shall comprise—

- i. An allowance of Two Pounds per annum towards the cost of purchasing necessary text-books: and
- ii. If the bursary is held—
  - (a) At a State school, free tuition at such school; or
  - (b) At a registered secondary school, an allowance of Ten Pounds per annum towards the cost of defraying the fees payable at such school.

Additional thereto in certain cases.

(7) In addition to the foregoing, each bursary shall, in the discretion of the Board—

- i. If it is set apart pursuant to the proviso to Subsection (5) of this section comprise either—
  - (a) Such boarding allowance, not being less than Twenty Pounds per annum; or
  - (b) Such travelling allowance, not being more than Five Pounds per annum—
 as the Board in the particular case may determine.
- ii. In any other case comprise such travelling allowance, not being more than Five Pounds per annum, as the Board in the particular case may determine.

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**15**—(1) Any person who donates any sum to the fund may at the time of the donation specify the bursary to which he desires the same, or the interest arising therefrom, to be applied, to which expressed desire effect shall be given.

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Donors to fund may specify and name bursaries.

(2) If he desires that his donation shall be set apart for a separate bursary he may, with the approval of the Board, give any name he pleases to that bursary.

**16** Within One month after the close of each financial year ending the Thirtieth day of June, the Board shall cause to be prepared and submitted to the Auditor-General a statement showing—

Statement of receipts and expenditure.

- i. The moneys paid into the fund from all sources, specifying the amount from each source :
- ii. The moneys expended :
- iii. Generally such other information as the Minister may require.

**17** Such statement shall be audited by the Auditor-General, and shall, together with his certificate, be forwarded by the Board to the Minister.

Statement to be audited.

**18** The Board shall, at the end of each financial year, forward to the Minister a general report showing the bursaries allotted, the bursaries held, the progress made by the holders thereof, and such other information as the Minister may require.

General report to Minister.

**19** In case of any error, omission, or irregularity in any of the proceedings or acts of the Board, the Governor shall have power and authority to take such measures as he may think fit for remedying any such error, omission, or irregularity, so far as the same can be remedied.

Governor empowered to remedy irregularities in proceedings of Board.

*Regulations.*

**20** The Board is hereby empowered from time to time to make regulations, which shall be subject to the approval of the Minister—

The Board may make regulations.

- i. For the conduct of business at its meetings :
- ii. Prescribing the terms and conditions under which bursaries are offered and tenable :
- iii. Prescribing the manner in and principle upon which grants of senior bursaries shall be based upon the results of Junior Public Examinations held by the University of Tasmania ; and, in particular, prescribing the maximum number of marks to be assigned, for the purposes of this Act, in respect of every subject of any such Junior Public Examination, and in respect of woodwork certificates and cookery certificates :
- iv. Providing for the forfeiture of bursaries, and declaring in what events or upon the breach of what conditions a bursary shall be forfeited :

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- v. For the purposes of any section of this Act in which regulations are referred to, or in which the word "prescribed" is used :
- vi. And generally regulating all matters touching the objects of this Act, not sufficiently provided for, and for the effectual carrying out of such objects.