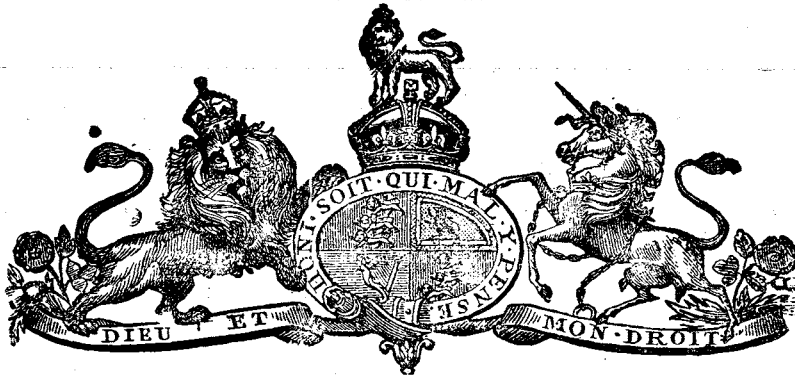


TASMANIA.



1907.

ANNO SEPTIMO

EDWARDI VII. REGIS,

No. 26.

ANALYSIS.

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| <ul style="list-style-type: none"> Short title. 2. Interpretation. "Board." "Minister." "Registered Secondary School." "Training College." 3. The State Scholarship Board established. 4. Governor to appoint Chairman. Who to preside at meetings. 5. Removal. 6. Quorum. 7. Secretary of the Board. 8. General control of all matters to which Act relates vested in the Board. 9. Board may regulate its procedure. 10. Minutes of proceedings to be kept. 11. State scholarships established. 12. Board to appoint subjects, and fix standard of proficiency. 13. Board to appoint examiners. 14. Funds of the Board. | <ul style="list-style-type: none"> 15. Investment of funds. 16. Application of fund. 17. Certain lands vested in the Board. 18. Trust property to be held by Board for the purposes of Act. 19. Powers of Board as to lands— To manage. To let. To sell. Mode of sale of land. Receipts of the Board or their attorney a good discharge. 20. Board empowered to accept endowments. 21. Restriction as to sale of land. 22. Age qualification. 23. Regulations. 24. Statement of receipts and expenditure. 25. Statement to be audited. 26. General report to Minister. 27. Governor empowered to remedy irregularities in proceedings of Board. |
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AN ACT to provide for Scholarships in *Tasmania*, and for other purposes.

[22 November, 1907.]

A.D.
1907.

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 :—

8d.]

State Scholarships.

A.D. 1907.

1 This Act may be cited as "The State Scholarship Act, 1907."

Short title.

2 In this Act, unless the context otherwise requires—

Interpretation.

"Board" means "The State Scholarship Board :"

"Board."

"Minister" means the Responsible Minister of the Crown for the time being administering this Act :

"Minister."

"Registered secondary school."

"Registered secondary school" means a school registered as secondary or as a public school under "The Registration of Teachers and Schools Act, 1906 :"

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"Training College."

"Training College" means the Training College established at Hobart, in Tasmania, in connection with the Department of Education.

The State Scholarship Board established.

3 For the purpose of carrying out the provisions of this Act there shall be a Board, consisting of Three members to be nominated and appointed by the Governor, by proclamation, within Six months after the commencement of this Act; and upon the publication of such proclamation the Board shall be deemed to be constituted, and shall thereupon be a body corporate and politic, by the name of "The State Scholarship Board," and by that name shall have perpetual succession, and all the legal incidents of a corporation: Provided, that the Board may, if it thinks fit, exercise any of its functions without affixing its common seal to the document by which any such function may be exercised.

Governor to appoint Chairman.

4 The Chairman of the Board shall be appointed by the Governor. At every meeting of the Board the said Chairman, if present, shall preside, and in his absence a Chairman shall be chosen by the members present.

Who to preside at meetings.

Removal.

5 The Governor may at any time remove the Chairman or any member of the Board, and appoint some other person thereto 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.

Quorum.

6 Any Two 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, and during a vacancy in the Board the continuing members may act as if no vacancy had occurred.

Secretary of the Board.

7 Such officer of the Public Service as the Public Service Board shall from time to time recommend, with the approval of the Minister, shall be appointed and be the Secretary of the Board, and shall perform all duties required of him by the Board as such Secretary. The Board, with the approval of the Minister, shall have power, from time to time, at pleasure, to remove the Secretary of the Board, and to assign such remuneration to the Secretary for his

State Scholarships.

services, out of any funds that may be provided by Parliament, as the Board thinks reasonable. A.D. 1907.

8 The Board is hereby entrusted with 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. General control of all matters to which Act relates vested in the Board.

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

10 The Board shall keep exact minutes of all its proceedings in fit books. 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. Minutes of proceedings to be kept.

11—(1.) For the purpose of encouraging deserving scholars to further prosecute their studies, there are hereby established scholarships to be called “State Scholarships;” and subject to the provisions of this Act and the regulations thereunder, such scholarships, of an amount to be from time to time prescribed, shall be offered annually, and shall be tenable upon such terms and conditions as may be prescribed for Three years at the Training College, or at a registered secondary school approved of by the Board, at the option of any successful scholar. State scholarships established.

(2.) Such scholarships shall be open for competition to the children of *Tasmania* generally.

12 Subject to the provisions of this Act and the regulations thereunder, the Board shall have power, from time to time, to appoint the subjects for examination, and to declare the standard of proficiency entitling candidates to scholarships. Board to appoint subjects and fix standard of proficiency.

13 The Board shall from time to time, as occasion requires, appoint competent persons as examiners to conduct the examinations for scholarships under this Act. Board to appoint examiners.

14 The funds for the purposes of this Act shall consist of— Funds of the Board.

- i. Moneys from time to time appropriated by Parliament, or donated or bequeathed, for the purposes of this Act :
- ii. The proceeds of the sale of any real or personal property held by the Board upon trust for the purposes of this Act :
- iii. All rents, issues, and profits of any lands from time to time vested in the Board, or held in trust for the purposes of this Act :
- iv. The income of any moneys invested or held in trust for the purposes of this Act.

The funds shall be exempt from all taxation whatsoever.

State Scholarships.

A.D. 1907.

Investment
of funds.

15—(1.) Subject to the proviso to this subsection, the funds shall be vested in and be under the control and management of the Board. Provided that where the funds consist of—

i. Moneys appropriated by Parliament, or donated or bequeathed for the purposes of this Act, the corpus of which is not to be applied for scholarship purposes : or

ii. The proceeds of the sale of any land—

the same shall from time to time be handed over to the Commissioners of the Public Debts Sinking Fund to be invested by them, and they shall invest the same, and such investment may be made in any of the modes of investment specified or prescribed in Subsection (2.) of this section, with power to vary any such investment ; and the said Commissioners shall pay the income arising from any such investment from time to time, as directed by the Minister, to the Board to be applied for the purposes of this Act.

(2.) The said Commissioners are hereby empowered to invest the said moneys, as follows—

i. On deposit with the Treasurer of *Tasmania* or in any bank :

or

ii. Upon first mortgage of the fee simple of land in *Tasmania* :

or

iii. Upon Government securities of, or guaranteed by, the Commonwealth, or of or guaranteed by any State of the Commonwealth : or

iv. Upon the securities of the Municipal Corporation of *Hobart* or *Launceston* : or

v. Upon any other securities authorised by law for the investment of trust funds.

Application of
fund.

16 Such portions of the fund as consist of—

i. Moneys from time to time appropriated by Parliament, or donated or bequeathed, for the purposes of this Act in any case where it is intended by Parliament, or by the person donating or bequeathing the money, that the corpus of the money, and not merely the income thereof, may be used for scholarship purposes :

ii. Rents, issues, and profits of any lands from time to time vested in the Board or held in trust for the purposes of this Act :

iii. The income of any moneys invested or held in trust for the purposes of this Act—

shall be applied by the Board—

(a) As may be prescribed, for scholarship purposes under this Act, and in payment of such sums as may be sufficient to pay the amounts due to the holders of scholarships, and any prescribed maintenance or other allowances and the reasonable expenses of or connected with the awarding and management of such scholarships :

State Scholarships.

- (b) In the payment of all expenses incident to repairing, insuring, and the general management of any property vested in or held by the Board for the purposes of this Act : A.D. 1907.
- (c) Generally in carrying out the provisions of this Act or the regulations.

17 Upon the constitution of the Board the land described in the Schedule to this Act, together with all buildings thereon, shall, by virtue of this Act and without any conveyance or assurance whatever, be absolutely vested in the Board for an estate in fee simple; and the Board may exercise in relation to such land and buildings any of the powers given to them by Section Nineteen of this Act : Provided that if the power of sale be exercised, the proceeds of the sale shall be invested pursuant to Section Fifteen of this Act, and the income only shall be applied by the Board under Section Sixteen of this Act.

Certain lands
vested in the
Board.

18 All real and personal estate which shall by any future Act be vested in the Board, or which shall be granted, devised, bequeathed, or given to the Board for the purposes of this Act, shall be held by the Board upon trust for the purposes of this Act.

Trust property to
be held by Board
for the purposes
of Act.

19—(1.) The Board shall have the following powers with respect to the land described in the Schedule to this Act, and all other lands which may be vested in, or granted, or devised to them or held by them for the purposes of this Act, namely :—

Powers of Board
as to lands.

- i. To manage the same as they deem fit : and
- ii. To let the same or any part thereof, either from year to year or any less tenancy, or for any term of years not exceeding Forty-two years from the date of the lease thereof, at such rent and subject to such covenants and reservations and on such terms and conditions as they think fit, but so that no fine, premium, or foregift be taken : and
- iii. For such price and upon such terms and subject to such conditions and reservations in all respects as to the Board may seem fit, and as shall be previously approved by the Governor, to at any time sell and convey any of the said lands, or any part thereof, and any buildings or improvements thereon, either together or separately : Provided that any such land, building, and improvements shall in the first instance be offered by the Board for sale by public auction, and if not then sold, may, subject to the consent of the Governor, be thereafter disposed of in one lot or in several lots, by public auction or private contract, or partly by the one mode and partly by the other, with power to buy in the said land and premises, or any of them, and to rescind or vary the terms of any contract for sale, and to re-sell the same, and to duly convey and transfer any property so sold to the purchaser thereof, as such purchaser shall direct.

To manage.

To let.

To sell.

Mode of sale of
land.

State Scholarships.

A.D. 1907.

Receipts of the Board or their attorney a good discharge.

(2.) A receipt in writing, under the common seal of the Board, or under the hand of their attorney duly authorised in that behalf, shall be a sufficient discharge for the purchase-money of any lands sold under the powers contained in this Act, and shall effectually discharge any person paying the same therefrom, and from being bound to see to the application or being answerable for the loss or misapplication thereof.

Board empowered to accept endowments.

20 The Board is hereby empowered to accept and receive endowments of land or money from private persons for promoting the liberal education of the youth of the State, and to apply such endowments in pursuance of the objects of the donors; and to make arrangements for carrying out those objects, and to make rules for the management of the property given, and for effectuating such objects.

Restriction as to sale of land.

21 Any land held by the Board subject to a condition forbidding the sale thereof shall not be sold except upon the order of a judge of the Supreme Court.

Age qualification.

22 No State scholarship shall be available under this Act to any candidate over the age of Thirteen years at the date of examination.

Regulations.

23 The Board is hereby empowered from time to time to make regulations—

- i. For the conduct of business at their meetings :
- ii. Prescribing the amount or value of, and the terms and conditions upon which, scholarships are offered and tenable :
- iii. Prescribing the terms and conditions upon which maintenance and other allowances may be granted in connection with scholarships, and the amount thereof respectively :
- iv. Providing for the forfeiture of scholarships, and declaring in what events or upon the breach of what conditions a scholarship shall be forfeited :
- v. Prescribing the subjects for examination for scholarships, and regulating the appointment of examiners; but so that, as far as practicable, the public examinations of the University shall be the examinations for the scholarships :
- vi. Prescribing and regulating the examinations for scholarships under this Act, or for any other scholarships which may be placed under the management of the Board :
- vii. Regulating the mode of ascertaining the qualification of candidates for examination, and the performance of the conditions of the tenure of scholarships :
- viii. As regards the tenure, rent, terms, and conditions upon which any lands from time to time vested in the Board may be let :
- ix. For the purposes of any section of this Act in which regulations are referred to, or in which the word "prescribed" is used:

State Scholarships.

- x. And generally regulating all matters touching the objects of this Act not sufficiently provided for, and for the effectual carrying out of such objects. A.D. 1907.

Provided that all such regulations shall be submitted to the Governor for his approval, and after such approval shall be published in the *Gazette*, whereupon the same shall take effect.

Accounts and Audit.

24 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 Audit Office a statement showing— Statement of receipts and expenditure.

- I. The moneys received from all sources, and the moneys expended in the payment of scholarships, and in connection with the awarding and management of scholarships: and
- II. Such other particulars as the Minister from time to time requires.

25 Such statement shall be audited by the Audit Office, and shall, together with the certificate of the Auditor-General, be forwarded by the Board to the Minister. Statement to be audited.

26 The Board shall, at the end of each financial year, forward to the Minister a general report as to the number of scholarships held, and the progress made by the scholars. General report to Minister.

27 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.

SCHEDULE REFERRED TO.

CITY OF HOBART.

SECTION J.

O.A. OR. 22½P.

Bounded on the south-west by 1 chain 46 $\frac{9}{10}$ links north-westerly along land belonging to the Commercial Bank of Tasmania commencing at Macquarie-street on the north-west by 83½ links north-easterly also along that land to Elizabeth-street on the north-east by 1 chain 41 $\frac{3}{10}$ links south-easterly along Elizabeth-street thence by a curved line of 27½ links to Macquarie-street aforesaid and thence on the south-east by 82 $\frac{9}{10}$ links south-westerly along that street to the point of commencement.

