

AUSTRALIAN CAPITAL TERRITORY

EDUCATION ORDINANCE 1963

EXPLANATORY MEMORANDUM

No. 4 of 1964

The Regulations made pursuant to the Education Ordinance 1937-1957 have required frequent amendment in recent years. As many of these amendments have been concerned with administrative procedures it has been decided to omit from the Regulations prescriptions relating to the granting of bursaries, scholarships, grants-in-aid, and the control and management of an Endowment Fund.

The Education Ordinance 9163 declares the Minister's powers to determine the conditions attaching to and the extend of bursaries, scholarships and grants-in-aid.

Clauses 3, 4, 5, 8, 9, 10(b) and 11, of the amending Ordinance will substitute references in the Ordinance to the prescribed person or authority, by replacing it with Inspector of Schools.

Clause 6 is a machinery amendment consequential upon the amendment of the Child Welfare Agreement Ordinance 1941.

Clause 7 is an amendment resulting from the change of name of the Canberra University College to the School of General Studies of the Australian National University.

Section 26 of the Principal Ordinance defines 'school' to be a secondary school for the instruction of children of all ages, or to be a primary school for the instruction of children up to such age as is prescribed. Clause 11 (a) of the amending Ordinance will amend Section 26 by specifying the age of children attending primary school as being the school-leaving age.

Clause 12 of the amending Ordinance repeals section 35 of the Principal Ordinance and new section 35 invests in the Minister more extensive powers to make arrangements for the conveyance of students to and from school.

Section 35A to 35C are new sections which include in the Ordinance such provisions of the current regulations as desired to be retained upon the repeal of the regulations.

Section 35A will empower the Minister to determine terms and conditions when granting bursaries, exhibitions, scholarships or other forms of awards to students in the Territory. Section 35B entitles a person who is administering a trust fund established for the creation of a bursary, scholarship or other form of assistance

or reward for a student, to transfer that trust fund to the Commonwealth. Section 35C provides for the administration by the Minister of a trust fund which is transferred or bequeathed to the Commonwealth. The Minister is required to give consideration to the wishes of a donor, but provision is also made for the Minister, in his discretion, to alter the wishes of a donor. The provision is necessary so that the Minister may alter the wishes of the donor should they prove unworkable. Sub-section (3) of section 35C empowers the Minister to invest, apply, sell, and grant releases of trust funds or property on behalf of the Commonwealth. Sub-section (4) of section 35C deems that the Minister shall not be the trustee of any gift, trust fund or trust property transferred to the Commonwealth.

Clause 13 of the amending Ordinance repeals section 37 of the Principal Ordinance which provides for the Minister to make regulations on matters which will now be included in the Ordinance. New section 37 will provide for the Minister to make regulations not inconsistent with the Education Ordinance 1937-1963.

J.D.A.
18.3.64