



New South Wales

Technical Education Trust Funds (TAFE Establishments) By-law 1997

under the

Technical Education Trust Funds Act 1967

His Excellency the Governor, with the advice of the Executive Council, and in pursuance of the *Technical Education Trust Funds Act 1967*, has been pleased to approve the By-law made by the Managing Director of the Technical and Further Education Commission as set forth hereunder.

J Aquilina

Minister for Education and Training

Explanatory note

The object of this By-law is to replace the *Technical Education Trust Funds (Colleges) By-law 1985*. The purposes of the new By-law are:

- (a) to consolidate the existing rules relating to the various Trust Funds from which prizes and awards are made to students attending TAFE establishments, and
- (b) to replace outdated criteria for eligibility for certain awards that refer to results obtained at various stages of courses (“stages” of courses are now obsolete), and
- (c) to update references to courses that have been discontinued, and
- (d) to add rules governing three new Trust Funds.

The By-law is made under section 14 of the *Technical Education Trust Funds Act 1967*.

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In pursuance of the *Technical Education Trust Funds Act 1967* and as Statutory Trustee of the several Funds hereinafter specified, I hereby make the By-law set forth hereunder and certify that I have had regard to the intentions of the respective donors of those Funds, as expressed by the respective trust instruments, relating to those Funds.

Jane Diplock

Managing Director of the
Technical and Further Education Commission.

Part 1 Preliminary

1 Name of By-law

This By-law is the *Technical Education Trust Funds (TAFE Establishments) By-law 1997*.

2 Commencement

This By-law commences on 1 July 1997*.

3 Definitions

In this By-law:

TAFE establishment has the same meaning as in the *Technical and Further Education Commission Act 1990*,

the Act means the *Technical Education Trust Funds Act 1967*.

* The By-law (statutory rule) appointed 1 July 1997 as the date of its commencement. Pursuant to section 39 (2A) of the Interpretation Act 1987, the by-law is not invalid merely because the by-law was published in the Gazette after the day on which one or more of its provisions is or are expressed to take effect, but provides, in that case, for that or those provisions to take effect from the day on which it is published in the Gazette, instead of from the earlier day.

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4 Notes

The explanatory note and table of contents do not form part of this By-law.

5 John L Bruce Memorial Fund

- (1) This clause relates to the John L Bruce Memorial Fund.
- (2) The John L Bruce Memorial Prize may be awarded to a student at a TAFE establishment on completion by the student of any of the following courses:
 - (a) the Plumbing Trade Course (or any course that replaces that course),
 - (b) the Plumbing Services Course (or any course that replaces that course).
- (3) The recipient of the John L Bruce Memorial Prize is to be the student who has done the most meritorious work over any 3 year period during the course, determined in the manner directed by the Statutory Trustee of the Fund.

6 William and Elizabeth Cuthbertson Memorial Fund

- (1) This clause relates to the William and Elizabeth Cuthbertson Memorial Fund.
- (2) The following awards may be awarded from that Fund:
 - (a) the William and Elizabeth Cuthbertson Memorial Medal and Prize,
 - (b) the William and Elizabeth Cuthbertson Memorial Prize.
- (3) Each award may be awarded to either:
 - (a) a student at a TAFE establishment on completion by the student of the Marine Engineering Associate Diploma Course (or any course that replaces that course), or
 - (b) a student at a TAFE establishment on completion by the student of the Naval Architecture Associate Diploma Course (or any course that replaces that course).
- (4) The recipients of the William and Elizabeth Cuthbertson Memorial Medal and Prize and the William and Elizabeth Cuthbertson Memorial Prize are to be the students who obtain the highest average of all marks gained in all subjects in their course.

7 J P Franki Memorial Fund

- (1) This clause relates to the J P Franki Memorial Fund.
- (2) The J P Franki Medal and Prize may be awarded to a student at a TAFE establishment on completion by the student of the Marine Engineering Associate Diploma Course (or any course that replaces that course).
- (3) The recipient of the J P Franki Medal and Prize is to be the student who obtains the highest average of all marks gained in all subjects in that course.

8 Thomas Irons Memorial Fund

- (1) This clause relates to the Thomas Irons Memorial Fund.
- (2) The Thomas Irons Memorial Medal may be awarded in yearly rotation to a student at a TAFE establishment in the metropolitan area of Sydney on completion by the student of a prescribed course.
- (3) The prescribed courses and the order of rotation of those courses as is follows:
 - (a) Industrial Blacksmithing (or any course that replaces that course),
 - (b) Mechanical Engineering (or any course that replaces that course),
 - (c) Foundry (or any course that replaces that course),
 - (d) Patternmaking (or any course that replaces that course),
 - (e) Metal Fabrication and Welding (or any course that replaces that course).
- (4) The recipient of the Thomas Irons Memorial Medal is to be the student who obtains the highest average of all marks gained in all subjects in the prescribed course for that year.
- (5) If, in the opinion of the Statutory Trustee of the Fund, the results of the student who would otherwise be eligible to receive the award are not of a sufficiently high standard to warrant making the award to that student, the Thomas Irons Memorial Medal may be awarded to the student who obtains the highest average of all marks gained in all subjects in any of the other courses referred to in subclause (3) (taking into consideration the highest average of all marks gained in all subjects in each of the courses referred to in that subclause).

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- (6) If, in the opinion of the Statutory Trustee of the Fund, the income in the Fund is sufficient after providing for the Thomas Irons Memorial Medal, the Trustee may award an additional prize to a student on completion by the student of any of the courses referred to in subclause (3), upon such terms and conditions as the Trustee may determine.

9 A H Martin Memorial Prize Fund

- (1) This clause relates to the A H Martin Memorial Prize Fund.
- (2) The A H Martin Memorial Prize may be awarded to a student at a TAFE establishment on completion by the student of the Building Supervision Advanced Certificate Course (or any course that replaces that course).
- (3) The recipient of the A H Martin Memorial Prize is to be the student who obtains the highest average of all marks gained in all subjects in that course.

10 William King McLean Prize Fund

- (1) This clause relates to the William King McLean Prize Fund.
- (2) The William King McLean Prize may be awarded to a student at a TAFE establishment on completion by the student of the Building Associate Diploma Course (or any course that replaces that course).
- (3) The recipient of the William King McLean Prize is to be the student who obtains the highest average of all marks gained in all subjects in that course.

11 Dr Purdy Memorial Fund

- (1) This clause relates to the Dr Purdy Memorial Fund.
- (2) The Dr Purdy Medal and Award may be awarded to a student at a TAFE establishment on completion by the student of the Health and Building Surveying Associate Diploma Course (or any course that replaces that course).
- (3) The recipient of the Dr Purdy Medal and Award is to be the student who, at the student's first attempt, obtains the highest average of all marks gained in all subjects in that course.
- (4) The Dr Purdy Medal and Award comprises a medal and a sum of money.

12 Mary Ellen Roberts Memorial Fund

- (1) This clause relates to the Mary Ellen Roberts Memorial Fund.
- (2) The Mary Ellen Roberts Memorial Scholarship may be awarded to a student at a TAFE establishment on completion by the student of the Fashion Technology Advanced Certificate Course (or any course that replaces that course).
- (3) The recipient of the Mary Ellen Roberts Memorial Scholarship is to be the student who obtains the highest average of all marks gained in all subjects in that course.
- (4) The Mary Ellen Roberts Memorial Scholarship is to be tenable upon such terms and conditions as the Statutory Trustee of the Fund may determine.

13 Barrington Raymund Roberts Memorial Fund

- (1) This clause relates to the Barrington Raymund Roberts Memorial Fund.
- (2) The Barrington Raymund Roberts Memorial Award for the promotion and encouragement of education in the fields of catering studies, hotel administration and other similar fields covered by courses conducted by the Food School, may be made to a student at a TAFE establishment on completion by the student of a course conducted by the Food School.
- (3) Applications for the Barrington Raymund Roberts Memorial Award may be made each year following publication of end of year examination results by the Food School.
- (4) Applications must be made in writing to the Statutory Trustee of the Fund and must specify:
 - (a) the proposed course or project to be undertaken by the applicant, and
 - (b) the course conducted by the Food School that has been completed by the applicant and the applicant's results in that course.
- (5) The Statutory Trustee of the Fund is to award the Barrington Raymund Roberts Memorial Award to the most meritorious applicant in each year having regard to:
 - (a) the academic achievement of the applicant in a course conducted by the Food School, and

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- (b) the merit of the proposed course or project to be undertaken by the applicant, and
 - (c) the demeanour and personal presentation of the applicant.
- (6) More than one Barrington Raymund Roberts Memorial Award may be awarded in any one year.
- (7) The Statutory Trustee of the Fund may appoint a selection committee to consider applications and make recommendations in relation to the Barrington Raymund Roberts Memorial Award.

14 Noel Chettle Memorial Art Prize Fund

- (1) This clause relates to the Noel Chettle Memorial Art Prize Fund.
- (2) The Noel Chettle Memorial Art Prize may be awarded in any year to a student at a TAFE establishment who, as at 31 March in that year:
 - (a) is enrolled in a course of training conducted by the school of Art and Design, and
 - (b) has not attained the age of 30 years, and
 - (c) has been resident in Australia for a total of not less than 5 years during the preceding period of 10 years.
- (3) Entries in any year for the Noel Chettle Memorial Art Prize must be lodged, on or before 31 March in that year, at the office of the Head of the School of Art and Design.
- (4) An entry in any year for the Noel Chettle Memorial Art Prize must:
 - (a) specify the name and date of birth of the entrant, and
 - (b) state that, as at 31 March in that year, the entrant will have been resident in Australia for a total of not less than 5 years during the preceding period of 10 years, and
 - (c) indicate whether the entrant has, or is the child of a person who has, been on active service in a war zone as a member of the Australian Defence Force, and
 - (d) state that the works accompanying the entry have each been completed within the preceding period of 2 years, and
 - (e) be verified by statutory declaration.
- (5) The works accompanying an entry must consist of the following:
 - (a) a life portrait,

- (b) a life drawing of a male,
 - (c) a life drawing of a female,
 - (d) a life drawing of hands and feet,
 - (e) a sketch book containing not more than 20 sketches.
- (6) The works accompanying an entry:
 - (a) must each have dimensions not exceeding 600 millimetres by 900 millimetres, and
 - (b) in the case of the life portrait, must be executed in oil paint or acrylic paint, and
 - (c) in the case of the other works, must be executed in pencil or ink, and
 - (d) must not be executed with the aid of photo-release techniques or by means of tracings from photographs.
- (7) The Statutory Trustee of the Fund is to appoint a selection committee to award the Noel Chettle Memorial Art Prize.
- (8) The selection committee is to consist of the following:
 - (a) the person holding office or acting as Head of the School of Art and Design,
 - (b) a teacher in the School of Art and Design who is of or above the rank of senior head teacher,
 - (c) a person who is, in the opinion of the Statutory Trustee of the Fund, an Australian artist who has made a significant contribution to art.
- (9) The Noel Chettle Memorial Art Prize is to be awarded to the entrant whose works exhibit, in the opinion of the selection committee, the highest standard of draughtsmanship and construction.
- (10) However:
 - (a) if, in the opinion of the selection committee, the works of 2 or more entrants are of equal merit, preference may be given to an entrant who has, or who is a child of a person who has, been on active service in a war zone as a member of the Australian Defence Force, or

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- (b) if, in any year, the selection committee is of the opinion that no entrant merits the award of the Noel Chettle Memorial Art Prize, it may refuse to make an award for that year.

- (11) The decision of the selection committee in respect of an award is final.

15 Coachbuilders 1914–1919 War Memorial Bursary Fund

- (1) This clause relates to the Coachbuilders 1914–1919 War Memorial Bursary Fund.
- (2) The Coachbuilders 1914–1919 War Memorial Bursary may be awarded to a student at a TAFE establishment on completion by the student of any vehicle body trade course.
- (3) The recipient of the Coachbuilders 1914–1919 War Memorial Bursary is to be the student who obtains the highest average of all marks gained in all subjects in that course.

16 Institute of Mechanical Engineering Craftsmen Prize Fund

- (1) This clause relates to the Institute of Mechanical Engineering Craftsmen Prize Fund.
- (2) The Institute of Mechanical Engineering Craftsmen Prize may be awarded to a student at a TAFE establishment on completion by the student of the Mechanical Engineering Trade Certificate Course (or any course that replaces that course).
- (3) The recipient of the Institute of Mechanical Engineering Craftsmen Prize is to be the student who obtains the highest average of all marks gained in all subjects in that course.

17 TAFE Bicentenary Oliver Shaul Scholarship Fund

- (1) This clause relates to the TAFE Bicentenary Oliver Shaul Scholarship Fund.
- (2) The TAFE Bicentenary Oliver Shaul Scholarship may be awarded to a student at a TAFE establishment on completion by the student of the Commercial Cookery Trade Course (or any course that replaces that course).

- (3) The recipient of the TAFE Bicentenary Oliver Shaul Scholarship is to be the student who obtains the highest average of all marks gained in all subjects in that course.
- (4) The TAFE Bicentenary Oliver Shaul Scholarship comprises one return air ticket to Europe or North America, living expenses and additional travel costs of the recipient for a period of not less than 3 months, for the purpose of work experience in a restaurant or hotel kitchen of international reputation.

18 Repeal and savings

- (1) The *Technical Education Trust Funds (Colleges) By-law 1985* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Technical Education Trust Funds (Colleges) By-law 1985*, had effect under that By-law is taken to have effect under this By-law.
- (3) In particular:
 - (a) an application or entry that was made under the *Technical Education Trust Funds (Colleges) By-law 1985* that had not been withdrawn or determined before the repeal of that By-law is taken to be an application or entry under this By-law, and
 - (b) a selection committee that was appointed under the *Technical Education Trust Funds (Colleges) By-law 1985* is taken to be a selection committee appointed under this By-law.