

West Scholarships Act 1930 No 19

[1930-19]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
[Statute Law \(Miscellaneous Provisions\) Act 2012 No 42](#) (not commenced — to commence on 6.7.2012)

Authorisation

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West Scholarships Act 1930 No 19



New South Wales

An Act to dissolve the West Scholarship Scheme; to provide for the appointment of three persons to be known as the West Scholarships Trustees; to vest the moneys and securities held by or on behalf of the Trustees of the West Scholarship Scheme in the West Scholarships Trustees upon certain trusts; to provide for the award of scholarships to persons attending schools within the Cooma-Bega School Inspectorate; to amend the *Trustees Audit Act 1912*, and certain other Acts; and for purposes connected therewith.

1 Name of Act and commencement

- (1) This Act may be cited as the *West Scholarships Act 1930*.
- (2) This Act shall commence upon a date to be appointed by the Governor and notified by proclamation published in the Gazette.

2 Interpretation

- (1) In this Act, unless the context or subject-matter otherwise indicates or requires:

Cooma-Bega School Inspectorate means that portion of New South Wales which is comprised within the South Coast territory from Milton to the Victorian border, and the Southern Tableland from Bunyan, Numeralla, and Kiandra to the Victorian border, with such further adjacent area as shall be necessary to be included to comply with the conditions of any endowment made to the fund.

Prescribed means prescribed by this Act or by by-laws made thereunder.

The Fund means all moneys including securities for moneys and interest accrued at the commencement of this Act, which are, immediately prior to such commencement, held by or on behalf of the Trustees of the West Scholarship Scheme in their capacity as such trustees.

West Scholarship Scheme means the scheme for the provision of scholarships in the Monaro-South Coast District of New South Wales inaugurated at a public meeting held at Bega in the State of New South Wales on the twenty-fifth day of September, one thousand nine hundred and twenty-four, and embodied in certain rules and regulations adopted at the said public meeting.

- (2) A reference in this Act to “Trustees of the West Scholarship Scheme” shall be construed as a reference to persons who before the commencement of this Act were trustees of the West Scholarship scheme.

3 Appointment of trustees

- (1) The Governor shall by notification published in the Gazette appoint three persons to be trustees for the purposes of this Act.
- (2) The trustees shall be known as the West Scholarships Trustees.
- (3) One of the persons so appointed shall be an officer of the Department of Education, and shall in and by the notification of his appointment be constituted the chairman of the West Scholarships Trustees.
- (4) Each of the remaining persons so appointed shall be a bona fide resident of the Cooma-Bega School Inspectorate.
- (5) The Governor may by notification published in the Gazette remove any trustee appointed under this section.

4 New trustees

- (1) The Governor may by notification published in the Gazette appoint a new trustee in the place of any trustee in any of the following cases:
- (a) where a trustee is dead,
 - (b) where a trustee remains out of New South Wales for more than two years,
 - (c) where a trustee desires to be discharged from all or any of the trusts or powers reposed in or conferred on him, or resigns his office by letter addressed to the Minister for Education,
 - (d) where a trustee refuses or is unfit to act in such trusts or powers, or is incapable of acting therein,
 - (e) where a trustee is removed in pursuance of the power conferred by subsection five of section three of this Act,
 - (f) where a trustee ceases to hold the qualification in respect of which he was appointed.
- (2) Upon the appointment of a new trustee, the fund shall by virtue of this Act vest in the new trustee so appointed jointly with the continuing trustees.

5 Vesting of fund

- (1) The fund is hereby vested in the West Scholarships Trustees and shall be transferred

by the persons who at the commencement of this Act hold the moneys and securities comprising the same to the account of the West Scholarships Trustees at a bank or banks to be nominated by such trustees.

The receipt of the bank shall be a good discharge for the amount of the moneys and securities expressed therein to be received.

- (2) The trustees may in their discretion determine the proportions of the fund so vested in them which may properly be regarded as capital moneys and as accrued interest respectively.
- (3) The West Scholarships Trustees shall invest the capital moneys so determined, together with any further moneys or securities (other than interest on investments) which may hereafter be acquired by them as trustees, in any of the securities authorised by the *Trustee Act 1925*.

6 Application of revenue

- (1) Subject to this Act the interest arising from such investments, together with the amount determined as accrued interest, in pursuance of subsection two of section five of this Act shall, after payment therefrom of any expenses reasonably incurred by the West Scholarships Trustees in the discharge of their duties and authorities under this Act, be applied by such trustees in the provision and maintenance of scholarships in accordance with this Act, including the payment of such moneys as may be necessary for giving effect to section seven of this Act.
- (2) Every pupil who attends a prescribed school situate within the Cooma-Bega School Inspectorate shall, if he possesses the prescribed qualifications and complies with the terms and conditions prescribed, be eligible to compete for a scholarship under this Act.
- (3) The scholarships shall be tenable at:
 - (a) a public school, or a school registered under the *Bursary Endowment Act 1912*, as amended by subsequent Acts, within the State,
 - (b) a school maintained by or on behalf of the Commonwealth, or a school certified under the *Education Ordinance 1937-1964* of the Australian Capital Territory or any provisions amending or replacing that Ordinance, within that Territory, or
 - (c) a University or technical or agricultural college within the State or that Territory.

Where the holder of a scholarship elects to be apprenticed to a trade the trustees may direct that the benefits of the scholarship shall be applied towards increasing his efficiency as an apprentice in that trade.

- (4) The maximum annual amount payable to any person by way of scholarship, the maximum period during which scholarships shall be tenable, and the terms and

conditions to be observed by persons to whom scholarships have been awarded shall be as prescribed.

(5) The trustees may by resolution from time to time determine:

- (a) the amount (not exceeding the maximum annual amount prescribed) payable by way of scholarship in any year to each of the persons holding scholarships under this Act,
- (b) the period (not exceeding the prescribed maximum period) during which a scholarship shall be tenable.

7 Saving of existing holders of scholarships

Every person who at the commencement of this Act is the holder of a scholarship awarded to him before such commencement under the West Scholarship Scheme shall, so long as he observes such terms and conditions (if any) as may be prescribed, be entitled to continue to hold and enjoy the scholarship and to receive payments in respect thereof as if this Act had not been passed.

8 Endowments

The West Scholarships Trustees shall observe any conditions imposed by a person endowing the fund, whether such endowment was made before or after the commencement of this Act.

9 Transfer of records

Every person who at the commencement of this Act has in his possession any official books, documents, correspondence, accounts, or records relating to the administration of the West Scholarship Scheme, or to the proceedings of the trustees of the West Scholarship Scheme shall, on demand made in writing by the West Scholarships Trustees, transfer the same to such trustees within the period specified in the demand.

Any person who without lawful excuse fails to comply with the provisions of this section shall be liable, on summary conviction, to a penalty not exceeding forty dollars.

10 Information as to previous working of scheme

Any trustee of the West Scholarship Scheme who without lawful excuse refuses to comply with a request in writing by the West Scholarships Trustees to furnish information relating to the administration of the West Scholarship Scheme or to the proceedings or accounts of the trustees of the West Scholarship Scheme shall be liable, on summary conviction, to a penalty not exceeding forty dollars.

11 (Repealed)

12 Audit of accounts

- (1) The West Scholarships Trustees shall cause to be kept proper accounts and records in relation to the Fund and the administration of the West Scholarship Scheme.
- (2) The accounts and records of financial transactions of, or relating to, the Fund and the administration of the West Scholarship Scheme, and the records of, or relating to, assets of or in the custody of the West Scholarships Trustees, may, if a registered company auditor (within the meaning of the *Corporations Act 2001* of the Commonwealth) is appointed by the Minister for the purpose, be inspected and audited by the auditor.
- (3) The auditor shall report to the Minister as to the result of any such inspection and audit and as to such irregularities or other matters as in the judgment of the auditor call for special notice.
- (4) The West Scholarships Trustees shall pay the costs and expenses of any such inspection and audit.

13 By-laws

- (1) The West Scholarships Trustees may make by-laws not inconsistent with this Act prescribing all matters which are permitted or required to be prescribed by this Act, or which are necessary or convenient to be prescribed for carrying this Act into effect, and without limiting the generality of the foregoing power may make by-laws:
 - (a) prescribing the terms and conditions upon which scholarships shall be awarded,
 - (b) prescribing the qualifications necessary to render a person eligible to receive a scholarship,
 - (c) prescribing generally or particularly the schools the pupils from which shall be eligible to compete for scholarships under this Act and the conditions, if any, to be observed and complied with by such schools,
 - (d) prescribing the terms and conditions upon which payments shall be made to the holders of scholarships, and the maximum annual amount of such payments,
 - (e) regulating the conduct of their own proceedings, including the times, places, and conduct of their meetings,
 - (f) prescribing the manner in which accounts shall be kept.
- (2) The by-laws shall:
 - (a) be submitted for the approval of the Governor,
 - (b) after such approval be published in the Gazette,

- (c) take effect from the date of publication or from a later date to be specified in the by-laws,
- (d) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the by-laws have been laid before such House disallowing any by-law or part thereof, the by-law or part shall thereupon cease to have effect.

14 West Scholarship Scheme dissolved

- (1) The West Scholarship Scheme is hereby dissolved.
- (2) The rules and regulations for the West Scholarship Scheme adopted at the public meeting held in Bega, in the State of New South Wales, for the inauguration of that scheme on the twenty-fifth day of September, one thousand nine hundred and twenty-four, shall cease to have force or effect.