

New South Wales.



ANNO SECUNDO

ELIZABETHIÆ II REGINÆ

\*\*\*\*\*

Act No. 34, 1953.

An Act to provide for the establishment and incorporation of a University at Armidale ; to vest in that University the property held by or vested in the University of Sydney in trust for or on behalf of the New England University College established under the University and University Colleges Act, 1900-1952 ; to dissolve that College ; to authorise the University so established and incorporated and the \* New South Wales University of Technology to co-operate in the provision of degree and diploma courses at Newcastle and other places in the State ; to amend the Superannuation Act, 1916, the Local Government Act, 1919, and certain other Acts in certain respects ; and for purposes connected therewith. [Assented to, 16th December, 1953.]

54237 A [1s.]

BE

\* Now University of New South Wales. See Act No. 11, 1949, s. 47A (1).

---

*University of New England.*

---

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title.      **1.** This Act may be cited as the "University of New England Act, 1953."

Commence-  
ment.      **\*2.** This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Definitions.      **3.** In this Act, unless the contrary intention appears—  
     "Advisory Council" means the Advisory Council constituted for and in respect of the New England University College.  
     "By-laws" means the By-laws of the University in force in pursuance of this Act.  
     "Council" means the Council of the University.  
     "New England University College" means the New England University College which immediately before the commencement of this Act was established under Part VII of the University and University Colleges Act, 1900-1952.  
     "Standing Committee" means the Standing Committee of the Council.  
     "University" means the University of New England.

Establish-  
ment and  
incorpora-  
tion of  
University.

**4.** (1) A University, consisting of a Council and Convocation and graduate and under-graduate members, shall be established at Armidale in the State of New South Wales.

(2) The University shall be a body corporate under the name of "The University of New England" with perpetual succession and a common seal, and shall be capable by that name of—

(a) suing and being sued;

(b)

---

\* Date of commencement, 1st February, 1954. See Gazette No. 7 of 22nd January, 1954, p. 151.

---

*University of New England.*

---

- (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);
- (c) granting, selling, alienating, assigning and demising real or personal property; and
- (d) doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

**5.** (1) The common seal of the University shall be kept in such custody as the Council directs, and shall not be used except upon the order of the Council. Common seal.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the University affixed to any document, and shall presume that it was duly affixed.

**6.** The functions of the University shall include the following:— Functions of the University.

- (a) To provide facilities for University education for persons who elect to avail themselves of those facilities and are eligible so to do; and
- (b) Subject to the By-laws, to award and confer degrees and diplomas.

**7.** The University may establish such Faculties, Schools and Departments as are deemed desirable, including— Faculties and Departments.

- (a) a Faculty of Arts;
- (b) a Faculty of Science;
- (c) a Faculty of Animal Husbandry; and
- (d) a Faculty of Agricultural Economics.

**8.** (1) There shall be a Council of the University which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act: The Council.

Provided that the provisions of sections thirteen, sixteen and seventeen of this Act shall not apply to or in respect of the first Council.

---

*University of New England.*

---

(2) The governing authority of the University shall be the Council.

Constitution  
of first  
Council.

**9.** (1) The first Council shall consist of—

- (a) the persons who immediately before the commencement of this Act held office as members of the Advisory Council constituted for and in respect of the New England University College; and
- (b) the persons who for the time being hold the offices of Director-General of Education of New South Wales and Principal of the Armidale Teachers' College.

(2) The members of the first Council shall, subject to this Act, hold office until the Council is duly constituted and appointed under section ten of this Act or until the expiration of one year from the commencement of this Act, whichever is the earlier.

(3) Where a casual vacancy occurs in the office of a member of the first Council the Governor may appoint a person to the vacant office. The person so appointed shall hold office for the residue of his predecessor's term of office.

(4) (a) The members of the first Council shall at their first meeting elect from their number a Chairman and Vice-Chairman.

(b) At every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall elect a person from their number to preside as chairman.

(5) A person who is a member of the first Council shall, unless otherwise disqualified, be eligible for appointment or election under section ten of this Act.

(6) Without prejudice to the generality of section eight of this Act, the first Council shall take all steps necessary to ensure that the Council is duly constituted and appointed under section ten of this Act as early as possible after the commencement of this Act.

---

*University of New England.*

---

**10.** (1) The Council, other than the first Council, shall be constituted in accordance with this section and shall consist of not more than twenty-four members.

Constitution  
of Council,  
other than  
first  
Council.

(2) Six members shall be appointed by the Governor.

(3) The Director-General of Education of New South Wales and the Principal of the Armidale Teachers' College shall be ex officio members of the Council.

(4) Four members shall be appointed or elected, in the manner provided by the By-laws, to represent the professorial and other teaching staff of the University.

(5) Six members shall be elected, in the manner provided by the By-laws, by Convocation.

(6) The Vice-Chancellor shall be ex officio a member of the Council.

(7) One member shall be appointed or elected, in the manner provided by the By-laws, to represent the undergraduate students of the University.

(8) Four members shall be appointed or elected, in the manner provided by the By-laws, by the members for the time being appointed or elected under subsections two to seven, both inclusive, of this section.

(9) The members of the Council appointed or elected under this section shall, subject to sections eleven and twelve of this Act, hold office for such period not exceeding three years as the By-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

(10) All retiring members shall, unless otherwise disqualified, be eligible for re-appointment or re-election.

(11) In the event of a casual vacancy in the Council, a member shall be appointed or elected in the same manner as that in which the member whose seat is vacant was appointed or elected, or, in such cases and in such circumstances as are specified in the By-laws, in such other manner as is prescribed by the By-laws, and the person so appointed or elected shall hold office for the residue of his predecessor's term of office.

---

*University of New England.*


---

Disqualifi-  
cations.**11.** No person who—

- (a) is not of the age of twenty-one years;
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors;
- (c) has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence; or
- (d) is an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1952,

shall be capable of being or continuing to be a member of the Council.

Vacation  
of office.**12.** A member of the Council shall be deemed to have vacated his office if he—

- (a) dies;
- (b) declines to act;
- (c) resigns his office;
- (d) is absent without leave of the Council from two consecutive meetings of the Council.

## Chairman.

**13.** (1) The Chancellor shall preside at all meetings of the Council and of the Standing Committee at which he is present.

(2) At any meeting of the Council or of the Standing Committee at which the Chancellor is not present, the Deputy Chancellor shall preside, and in the absence of both the Chancellor and the Deputy Chancellor, the member elected by the members present from among their number, shall preside.

Standing  
Committee  
of Council.**14.** (1) After the Council has been duly constituted and appointed under section ten of this Act there shall be a Standing Committee of the Council which shall consist of—

- (a) the Chancellor;
- (b) the Deputy Chancellor;

(c)

---

*University of New England.*


---

- (c) the Vice-Chancellor;
- (d) the member of the Council representing the undergraduate students of the University; and
- (e) eight other members appointed by the Council from among its number who shall, subject to this section, hold office for such period as the By-laws may provide.

(2) Of the members so appointed—

- (a) three shall be from among the members of the Council appointed by the Governor;
- (b) two shall be from among the members of the Council representing the professorial and other teaching staff of the University.

(3) The Standing Committee shall have and may exercise and discharge such powers, authorities, duties and functions as are conferred and imposed upon, or delegated to, it by the Council.

(4) An appointed member of the Standing Committee shall be deemed to have vacated his office if he is absent without leave of the Standing Committee from three consecutive meetings of the Standing Committee.

(5) Where a casual vacancy occurs in the office of an appointed member of the Standing Committee, the Council shall appoint one of its members to the vacant office. Where the vacancy occurs in the office of a member appointed from among the members of the Council appointed by the Governor or representing the professorial and other teaching staff of the University, the person appointed to the vacant office shall, as far as possible, be from among the members of the Council appointed by the Governor or, as the case may be, representing the professorial and other teaching staff of the University.

**15.** (1) Convocation shall consist of the following persons of or above the age of twenty-one years, namely— Convoca-  
tion.

- (a) all members and past members of the Council;
- (b) all graduates of the University;

(c)

---

*University of New England.*

---

- (c) all full-time members of the teaching staff of the University and such other members of the staff of the University as the By-laws may prescribe;
- (d) such graduates of other Universities, or other persons, as are, in accordance with the By-laws, admitted as members of Convocation; and
- (e) without prejudice to the generality of paragraph (d) of this subsection, graduates of the University of Sydney who, while under-graduates, spent at least three years as properly enrolled students of the New England University College.

(2) Meetings of Convocation shall be convened and the business at such meetings shall be conducted in the manner prescribed by the By-laws.

(3) A quorum at any meeting of Convocation shall be such number of members as the By-laws may prescribe.

(4) Convocation shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the By-laws.

(5) The Council may establish a Standing Committee and such other committees of Convocation as it considers necessary.

Election of  
Chancellor.

**16.** (1) The Council shall at its first meeting, and whenever a vacancy in the office of Chancellor occurs, elect one of its number to be Chancellor of the University.

(2) The Chancellor shall hold office for such period as is specified in the By-laws and on such conditions as are provided by the By-laws.

Deputy  
Chancellor.

**17.** (1) The Council shall at its first meeting, and thereafter annually, elect one of its number to be Deputy Chancellor of the University.

The Deputy Chancellor shall hold office for one year from the date of his election and on such conditions as are provided by the By-laws.

(2)



---

*University of New England.*

---

(2) In the absence of the Chancellor or during a vacancy in the office of Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor shall have all the powers and duties of the Chancellor.

**18.** (1) The first Vice-Chancellor of the University shall be the person who immediately before the commencement of this Act was the Warden of the New England University College and shall hold office, subject to good behaviour, for a period of five years. Appointment of Vice-Chancellor.

(2) Whenever a vacancy occurs in the office of Vice-Chancellor, the Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

(3) The Vice-Chancellor (other than the first Vice-Chancellor) shall be appointed for such period and on such conditions as the Council determines.

(4) The Vice-Chancellor shall be the chief executive officer of the University and shall possess such powers and perform such duties as the By-laws prescribe or, subject to the By-laws, the Council determines.

**19.** At any meeting of the Council or of the Standing Committee of the Council one half (or where one half is not a whole number the whole number next higher than one half) of the total number of members for the time being of the Council or of the Standing Committee, as the case may be, shall form a quorum. Quorum.

**20.** Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is otherwise capable, for the time being, of holding that office or place. Re-appointment or election.

**21.** (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any person acting pursuant to any direction of the Council shall be invalidated or prejudiced by reason only of the fact that at the Validity of acts and proceedings.

---

*University of New England.*

---

the time when such act or proceeding was done, taken or commenced there was a vacancy or vacancies in the office or offices of any member or members of the Council.

(2) All acts and proceedings of the Council or any committee of the Council, or of the Vice-Chancellor or any person acting pursuant to any direction of the Council shall, notwithstanding the subsequent discovery of any defect in the appointment, nomination or election of any member of the Council, or that any such member was disqualified from acting as or incapable of being a member of the Council, be as valid as if such member had been duly appointed, nominated or elected and was qualified to act as or capable of being a member and had acted as a member of the Council and as if the Council had been properly and fully constituted.

Powers of  
Council.

**22.** Subject to this Act and the By-laws, the Council may from time to time appoint deans, professors, lecturers, examiners and other officers and servants of the University, and shall have the entire control and management of the affairs and concerns of the University, and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests of the University.

Delegation  
by Council.

**23.** (1) The Council may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation and its powers in relation to the making of By-laws) to any member or to any committee of its members, or to any officer or officers of the University.

(2) Every delegation under this section shall be revocable by resolution of the Council, and no delegation shall prevent the exercise of any power or function by the Council.

Control and  
management  
of property.

**24.** (1) Subject to this section, the Council shall have the control and management of all real and personal property at any time vested in or acquired by the University, and may dispose of real or personal property in the name and on behalf of the University.

(2)

---

*University of New England.*

---

(2) The Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any lands of the University, except by way of lease for any term not exceeding twenty-one years from the time when the lease is made, in and by which there is reserved, during the whole of the term, the highest rent that can reasonably be obtained without fine.

**25.** (1) The Council may make By-laws, not inconsistent with this Act, with respect to all or any of the following matters :—

- (a) The management, good government and discipline of the University;
- (b) The use and custody of the common seal;
- (c) The method of election of members of the Council who are to be elected;
- (d) The method and time of convening, holding and adjourning the meetings of the Council, the Standing Committee and Convocation; the voting at such meetings (including postal or proxy voting); the appointment, powers and duties of the chairman thereof; the conduct and record of the business; the appointment of committees of the Council and Convocation; and the quorum powers and duties of such committees;
- (e) The resignation of members of the Council and of the Standing Committee and of the Chancellor, Deputy Chancellor or Vice-Chancellor;
- (f) The tenure of office, stipend and powers and duties of the Vice-Chancellor;
- (g) The number, stipend, manner of appointment and termination of the services of deans, professors, lecturers, examiners and other officers and servants of the University;
- (h) The matriculation and enrolment of students;
- (i) The times, places and manner of holding lectures, classes and examinations, and the number and character of such lectures, classes and examinations;
- (j)

---

*University of New England.*

---

- (j) The teaching and examination of external students;
- (k) The promotion and extension of University teaching;
- (l) The granting of degrees, diplomas, certificates and honours;
- (m) The granting of fellowships, scholarships, exhibitions, bursaries and prizes;
- (n) The admission of students of other Universities to any corresponding status or of graduates of other Universities to any corresponding degree or diploma without examination;
- (o) The admission of persons who were, immediately before the commencement of this Act, students of the New England University College to any corresponding status without examination;
- (p) The admission of members of Convocation;
- (q) The fees to be paid for examinations, for the granting of degrees, diplomas and certificates, for attendance at the lectures and classes of the University and for use of the facilities of the University including the facilities available through the Department of External Studies;
- (r) The establishment, management and control of libraries, laboratories and museums in connection with the University;
- (s) The establishment or affiliation of residential colleges within the University;
- (t) The affiliation or admission to the University of any educational or research establishment wheresoever situated;
- (u) The control and investment of the property of the University;
- (v) The provision of a scheme of superannuation for the professors of the University;

(w)

---

*University of New England.*


---

- (w) Academic costume; and
- (x) Generally, all other matters authorised by this Act, or necessary or convenient for giving effect to this Act.

(2) The By-laws may provide for empowering any authority (including the Council) or officer of the University to make regulations, rules or orders (not inconsistent with this Act or with any By-law) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which By-laws may be made) or for carrying out or giving effect to the By-laws, and any such regulation, rule or order shall have the same force and effect as a By-law.

(3) Every By-law made by the Council shall be sealed with the common seal of the University and shall be transmitted by the Chancellor for the consideration and approval of the Governor, and when so approved, shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the By-law.

(4) A copy of every such By-law shall be laid before each House of Parliament within fourteen sitting days after the publication thereof in the Gazette if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) Any such By-law may be proved in any court by the production of a verified copy under the common seal of the University or by the production of a document purporting to be a copy of such By-law and to be printed by the Government Printer.

**26.** (1) The Governor may, by proclamation published in the Gazette— Permanent endowment.

- (a) fix the sum which shall be paid to the University by way of permanent endowment in the year commencing upon the first day of January next following the day upon which the proclamation takes effect pursuant to this section and in each succeeding year;
- (b)

---

*University of New England.*

---

- (b) determine the terms and conditions, if any, subject to which the sum fixed under paragraph (a) of this subsection shall be paid to the University.

(2) The proclamation made under subsection one of this section shall—

- (a) be published in the Gazette;
- (b) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session;
- (c) subject to subsection three of this section, take effect upon the expiration of twenty-four sitting days after the proclamation has been laid before both Houses or where the proclamation is laid before the two Houses on different dates then upon the expiration of twenty-four sitting days from the later of such dates.

(3) If within fourteen sitting days after the proclamation has been laid before either House of Parliament such House passes a resolution of which notice has been given at any time within seven sitting days after the proclamation has been laid before such House disallowing the proclamation, the proclamation shall not take effect.

(4) If the proclamation made under subsection one of this section is disallowed pursuant to this section, the Governor may make a new proclamation under and in accordance with that subsection and the provisions of this section (including the provisions of this subsection) shall apply to and in respect of the new proclamation.

(5) Any moneys payable to the University under this section shall be paid out of the Consolidated Revenue Fund without further appropriation than this Act.

---

*University of New England.*


---

27. (1) The provisions of this section shall cease to have effect upon the first day of January next following the day upon which a proclamation under section twenty-six of this Act takes effect. Endowment —transitional provisions.

(2) The Colonial Treasurer shall, in the year commencing upon the commencement of this Act and in each succeeding year, pay to the University by way of endowment such sum as the Colonial Treasurer deems necessary to meet the expenses of the University in that year.

(3) Where the provisions of this section cease to have effect before the expiration of any such year there shall, notwithstanding anything contained in section twenty-six of this Act, be deducted from the first annual sum payable under the said section twenty-six such amount, if any, as the Colonial Treasurer, having regard to the sum paid under this section in respect of that year and to the portion of such year unexpired at the time when the provisions of this section cease to have effect, may determine.

(4) To enable the Colonial Treasurer to exercise and perform the powers and functions conferred upon him by subsection two of this section, the University shall, as soon as practicable after the commencement of each year referred to in that subsection, submit to the Colonial Treasurer estimates of the income and expenditure of the University for that year and such other information as the Colonial Treasurer may deem necessary.

(5) Any moneys payable by the Colonial Treasurer under this section shall be paid out of moneys provided by Parliament.

28. The Colonial Treasurer may for the temporary accommodation of the University advance such moneys to the Council as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon. Advance by Colonial Treasurer.

29.

---

*University of New England.*

---

Power of  
Council to  
borrow.

**29.** The Council may borrow money for—

- (a) the purpose of carrying out or performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans; or
- (c) the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank,

within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Colonial Treasurer may approve.

Payment  
of fees.

**30.** The Council may by By-law make provision for the payment by students of the University of fees for entrance to the University, attendance at lectures and classes, conferring of degrees and other University charges (including residence charges) except in the case of any student who is granted any fellowship, scholarship, exhibition, bursary or similar benefit, to the extent to which he is thereby exempted from payment of fees.

Department  
of External  
Studies.

**31.** Without prejudice to the generality of section seven of this Act the Council may, under and in accordance with By-laws made for the purpose, establish within the University a Department of External Studies for the purpose of providing appropriate tuition for students who are unable to attend lectures at the University and of enabling degrees to be conferred upon such of them as, by examination, satisfy the requirements of the University.

Special  
provision  
for Arts  
courses at  
Newcastle,  
etc.

**32.** (1) The University shall co-operate with the \* New South Wales University of Technology in the provision of degree courses in Arts, and of such other degree or diploma courses as may be agreed upon by the University and the \* New South Wales University of Technology, at Newcastle and at such other places as may be agreed upon by those Universities. The teaching of the students in such courses and the facilities therefor shall be provided by the \* New South

---

\* Now University of New South Wales. See Act No. 11, 1949, s. 47A (1).



---

*University of New England.*

---

South Wales University of Technology. The University shall provide for the examination of the students and the granting of degrees or diplomas to such of them as satisfy the requirements of the University.

(2) The University and the \* New South Wales University of Technology are hereby authorised to do and perform all acts and things necessary or convenient for giving effect to the provisions of this section.

**33.** (1) The Council shall allow such students of teachers' colleges established under the Public Instruction Act of 1880, such teachers in schools established under that Act and such other members of the public service of New South Wales as the Minister may approve to attend, for the purpose of proceeding to a first degree, University lectures or to enrol as external students and receive tuition for the period required for admission to that degree without the payment of lecture, class or tuition fees: Provided that all such students, teachers and members of the public service of New South Wales shall be qualified to be enrolled as matriculated students as prescribed by the By-laws: Provided further that the Minister shall not, without the consent of the Council, give approval under this section for more than one hundred and fifty persons to commence courses in any one year.

Teachers' college students and school teachers.

(2) Nothing in subsection one of this section shall exempt any person referred to in that subsection from the payment of such fees, other than lecture, class or tuition fees, as may be prescribed by the By-laws.

**34.** The Council shall cause to be kept proper books of account in relation to the funds of the University and shall, as soon as practicable after the thirty-first day of December in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the University.

Accounts to be rendered.

**35.**

---

\* Now University of New South Wales. See Act No. 11, 1949, s. 47(1).

---

*University of New England.*

---

Audit.      **35.** The accounts of the University shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and any Acts amending the same, shall apply to the members of the Council and to the officers and employees of the University in the same manner as it applies to accounting officers of public departments.

Report of Proceedings.      **36.** (1) As soon as practicable after the thirty-first day of December in each year, the Council shall prepare and furnish to the Minister a report upon the proceedings of the University during the period of twelve months immediately preceding that day. Such report shall include a summary of the work, researches and investigations carried out by the University during such period.

(2) A copy of such report shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

No religious test.      **37.** No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to enjoy any benefit, advantage or privilege thereof.

Provisions re New England University College.      **38.** (1) Upon the commencement of this Act the New England University College shall cease to exist.

(2) (a) All real and personal property which immediately before the commencement of this Act was held by or vested in the University of Sydney in trust for or on behalf of the New England University College shall by virtue of this Act be divested from the University of Sydney and shall, as from such commencement, vest in the University and shall, subject to paragraph (b) of this subsection, be applied by the University for the objects and purposes for which the University is established.

(b)

*University of New England.*

(b) All property vested in the University by this subsection shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting: Provided that any reference in any such conditions or trusts to the New England University College shall, as from the commencement of this Act, be read and construed as a reference to the University.

(c) All rights accruing or accrued to the University of Sydney in respect of any property vested in the University by operation of this subsection are hereby vested in the University and may be enforced by the University.

(d) All liabilities of the University of Sydney in respect of any property vested in the University by operation of this subsection may be enforced against the University.

**39.** (1) Every person who, immediately before the commencement of this Act, held any salaried office or employment in the New England University College shall become and be officers and employees of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment, but not including terms and conditions prescribing the title, duties or status of the office or employment) as the Council may determine, but not less favourable than those upon which he so held that office or employment:

Persons holding office in the New England University College.

Provided that this subsection shall not apply to or in respect of a person who immediately before the commencement of this Act held office in the New England University College as a part-time lecturer, temporary lecturer, temporary tutor or temporary demonstrator, or to or in respect of any other person who had not, before such commencement, been appointed by the Senate of the University of Sydney as a permanent member of the staff of the New England University College.

(2) A person referred to in subsection one of this section shall not have any right to damages or compensation in respect of the termination, in consequence of this Act coming into operation, of his tenure of any office or employment in the New England University College.

---

*University of New England.*

---

Amendment  
of Act No.  
41, 1919.  
Sec. 132.  
(Definition  
of ratable  
land.)

**40.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after paragraph (f) of subsection one of section one hundred and thirty-two the following new paragraph :—

- (fi) land which is vested in the University of New England or in a college thereof and is used or occupied by the University or college as the case may be solely for the purposes thereof; and.

Amendment  
of Act No.  
28, 1916.  
Sec. 3.  
(Interpreta-  
tion.)

**41.** The Superannuation Act, 1916-1952, is amended—

- (a) by inserting in the definition of "Employee" in subsection one of section three after the words "University of Sydney," the words "or a professor of the University of New England,";
- (b) by inserting at the end of Schedule Three the words—  
The University of New England.

Sch. III.

---

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1959

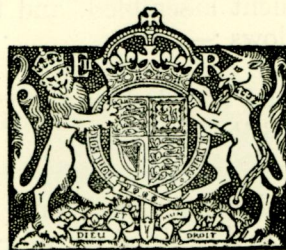
*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

H. ROBBINS,

*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 4 December, 1953.*

## New South Wales.



ANNO SECUNDO

# ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 34, 1953.

An Act to provide for the establishment and incorporation of a University at Armidale; to vest in that University the property held by or vested in the University of Sydney in trust for or on behalf of the New England University College established under the University and University Colleges Act, 1900-1952; to dissolve that College; to authorise the University so established and incorporated and the New South Wales University of Technology to co-operate in the provision of degree and diploma courses at Newcastle and other places in the State; to amend the Superannuation Act, 1916, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 16th December, 1953.]

BE

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

G. BOOTH,

*Chairman of Committees of the Legislative Assembly.*

---

*University of New England.*


---

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.     **1.** This Act may be cited as the "University of New England Act, 1953."

Commence-  
ment.           **2.** This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Definitions.   **3.** In this Act, unless the contrary intention appears—  
"Advisory Council" means the Advisory Council constituted for and in respect of the New England University College.

"By-laws" means the By-laws of the University in force in pursuance of this Act.

"Council" means the Council of the University.

"New England University College" means the New England University College which immediately before the commencement of this Act was established under Part VII of the University and University Colleges Act, 1900-1952.

"Standing Committee" means the Standing Committee of the Council.

"University" means the University of New England.

Establish-  
ment and  
incorpora-  
tion of  
University.   **4.** (1) A University, consisting of a Council and Convocation and graduate and under-graduate members, shall be established at Armidale in the State of New South Wales.

(2) The University shall be a body corporate under the name of "The University of New England" with perpetual succession and a common seal, and shall be capable by that name of—

(a) suing and being sued;

(b)

---

*University of New England.*

---

- (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);
- (c) granting, selling, alienating, assigning and demising real or personal property; and
- (d) doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

5. (1) The common seal of the University shall be kept in such custody as the Council directs, and shall not be used except upon the order of the Council. Common seal.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the University affixed to any document, and shall presume that it was duly affixed.

6. The functions of the University shall include the following:— Functions of the University.

- (a) To provide facilities for University education for persons who elect to avail themselves of those facilities and are eligible so to do; and
- (b) Subject to the By-laws, to award and confer degrees and diplomas.

7. The University may establish such Schools and Departments as are deemed desirable, including— Faculties and Departments.

- (a) a Faculty of Arts;
- (b) a Faculty of Science;
- (c) a Faculty of Animal Husbandry; and
- (d) a Faculty of Agricultural Economics.

8. (1) There shall be a Council of the University which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act: The Council.

Provided that the provisions of sections thirteen, sixteen and seventeen of this Act shall not apply to or in respect of the first Council.

(2)

---

*University of New England.*

---

(2) The governing authority of the University shall be the Council.

Constitution  
of first  
Council.

**9.** (1) The first Council shall consist of—

- (a) the persons who immediately before the commencement of this Act held office as members of the Advisory Council constituted for and in respect of the New England University College; and
- (b) the persons who for the time being hold the offices of Director-General of Education of New South Wales and Principal of the Armidale Teachers' College.

(2) The members of the first Council shall, subject to this Act, hold office until the Council is duly constituted and appointed under section ten of this Act or until the expiration of one year from the commencement of this Act, whichever is the earlier.

(3) Where a casual vacancy occurs in the office of a member of the first Council the Governor may appoint a person to the vacant office. The person so appointed shall hold office for the residue of his predecessor's term of office.

(4) (a) The members of the first Council shall at their first meeting elect from their number a Chairman and Vice-Chairman.

(b) At every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall elect a person from their number to preside as chairman.

(5) A person who is a member of the first Council shall, unless otherwise disqualified, be eligible for appointment or election under section ten of this Act.

(6) Without prejudice to the generality of section eight of this Act, the first Council shall take all steps necessary to ensure that the Council is duly constituted and appointed under section ten of this Act as early as possible after the commencement of this Act.

**10.**



---

*University of New England.*

---

**10.** (1) The Council, other than the first Council, shall be constituted in accordance with this section and shall consist of not more than twenty-four members.

Constitution  
of Council,  
other than  
first  
Council.

(2) Six members shall be appointed by the Governor.

(3) The Director-General of Education of New South Wales and the Principal of the Armidale Teachers' College shall be ex officio members of the Council.

(4) Four members shall be appointed or elected, in the manner provided by the By-laws, to represent the professorial and other teaching staff of the University.

(5) Six members shall be elected, in the manner provided by the By-laws, by Convocation.

(6) The Vice-Chancellor shall be ex officio a member of the Council.

(7) One member shall be appointed or elected, in the manner provided by the By-laws, to represent the under-graduate students of the University.

(8) Four members shall be appointed or elected, in the manner provided by the By-laws, by the members for the time being appointed or elected under subsections two to seven, both inclusive, of this section.

(9) The members of the Council appointed or elected under this section shall, subject to sections eleven and twelve of this Act, hold office for such period not exceeding three years as the By-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

(10) All retiring members shall, unless otherwise disqualified, be eligible for re-appointment or re-election.

(11) In the event of a casual vacancy in the Council, a member shall be appointed or elected in the same manner as that in which the member whose seat is vacant was appointed or elected, or, in such cases and in such circumstances as are specified in the By-laws, in such other manner as is prescribed by the By-laws, and the person so appointed or elected shall hold office for the residue of his predecessor's term of office.

**11.**

---

*University of New England.*


---

**Disqualifi-  
cations.****11.** No person who—

- (a) is not of the age of twenty-one years;
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors;
- (c) has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence; or
- (d) is an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1952,

shall be capable of being or continuing to be a member of the Council.

**Vacation  
of office.****12.** A member of the Council shall be deemed to have vacated his office if he—

- (a) dies;
- (b) declines to act;
- (c) resigns his office;
- (d) is absent without leave of the Council from two consecutive meetings of the Council.

**Chairman.**

**13.** (1) The Chancellor shall preside at all meetings of the Council and of the Standing Committee at which he is present.

(2) At any meeting of the Council or of the Standing Committee at which the Chancellor is not present, the Deputy Chancellor shall preside, and in the absence of both the Chancellor and the Deputy Chancellor, the member elected by the members present from among their number, shall preside.

**Standing  
Committee  
of Council.**

**14.** (1) After the Council has been duly constituted and appointed under section ten of this Act there shall be a Standing Committee of the Council which shall consist of—

- (a) the Chancellor;
- (b) the Deputy Chancellor;

(c)

---

*University of New England.*

---

- (c) the Vice-Chancellor;
- (d) the member of the Council representing the under-graduate students of the University; and
- (e) eight other members appointed by the Council from among its number who shall, subject to this section, hold office for such period as the By-laws may provide.

(2) Of the members so appointed—

- (a) three shall be from among the members of the Council appointed by the Governor;
- (b) two shall be from among the members of the Council representing the professorial and other teaching staff of the University.

(3) The Standing Committee shall have and may exercise and discharge such powers, authorities, duties and functions as are conferred and imposed upon, or delegated to, it by the Council.

(4) An appointed member of the Standing Committee shall be deemed to have vacated his office if he is absent without leave of the Standing Committee from three consecutive meetings of the Standing Committee.

(5) Where a casual vacancy occurs in the office of an appointed member of the Standing Committee, the Council shall appoint one of its members to the vacant office. Where the vacancy occurs in the office of a member appointed from among the members of the Council appointed by the Governor or representing the professorial and other teaching staff of the University, the person appointed to the vacant office shall, as far as possible, be from among the members of the Council appointed by the Governor or, as the case may be, representing the professorial and other teaching staff of the University.

**15.** (1) Convocation shall consist of the following persons of or above the age of twenty-one years, namely—<sup>Convoca-</sup><sub>tion.</sub>

- (a) all members and past members of the Council;
- (b) all graduates of the University;

(c)

---

*University of New England.*

---

- (c) all full-time members of the teaching staff of the University and such other members of the staff of the University as the By-laws may prescribe;
- (d) such graduates of other Universities, or other persons, as are, in accordance with the By-laws, admitted as members of Convocation; and
- (e) without prejudice to the generality of paragraph (d) of this subsection, graduates of the University of Sydney who, while undergraduates, spent at least three years as properly enrolled students of the New England University College.

(2) Meetings of Convocation shall be convened and the business at such meetings shall be conducted in the manner prescribed by the By-laws.

(3) A quorum at any meeting of Convocation shall be such number of members as the By-laws may prescribe.

(4) Convocation shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the By-laws.

(5) The Council may establish a Standing Committee and such other committees of Convocation as it considers necessary.

Election of  
Chancellor.

**16.** (1) The Council shall at its first meeting, and whenever a vacancy in the office of Chancellor occurs, elect one of its number to be Chancellor of the University.

(2) The Chancellor shall hold office for such period as is specified in the By-laws and on such conditions as are provided by the By-laws.

Deputy  
Chancellor.

**17.** (1) The Council shall at its first meeting, and thereafter annually, elect one of its number to be Deputy Chancellor of the University.

The Deputy Chancellor shall hold office for one year from the date of his election and on such conditions as are provided by the By-laws.

(2)

---

*University of New England.*

---

(2) In the absence of the Chancellor or during a vacancy in the office of Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor shall have all the powers and duties of the Chancellor.

**18.** (1) The first Vice-Chancellor of the University shall be the person who immediately before the commencement of this Act was the Warden of the New England University College and shall hold office, subject to good behaviour, for a period of five years. Appointment of Vice-Chancellor.

(2) Whenever a vacancy occurs in the office of Vice-Chancellor, the Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

(3) The Vice-Chancellor (other than the first Vice-Chancellor) shall be appointed for such period and on such conditions as the Council determines.

(4) The Vice-Chancellor shall be the chief executive officer of the University and shall possess such powers and perform such duties as the By-laws prescribe or, subject to the By-laws, the Council determines.

**19.** At any meeting of the Council or of the Standing Committee of the Council one half (or where one half is not a whole number the whole number next higher than one half) of the total number of members for the time being of the Council or of the Standing Committee, as the case may be, shall form a quorum. Quorum.

**20.** Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is otherwise capable, for the time being, of holding that office or place. Re-appointment or election.

**21.** (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any person acting pursuant to any direction of the Council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was Validity of acts and proceedings.

---

*University of New England.*

---

was done, taken or commenced there was a vacancy or vacancies in the office or offices of any member or members of the Council.

(2) All acts and proceedings of the Council or any committee of the Council, or of the Vice-Chancellor or any person acting pursuant to any direction of the Council shall, notwithstanding the subsequent discovery of any defect in the appointment, nomination or election of any member of the Council, or that any such member was disqualified from acting as or incapable of being a member of the Council, be as valid as if such member had been duly appointed, nominated or elected and was qualified to act as or capable of being a member and had acted as a member of the Council and as if the Council had been properly and fully constituted.

Powers of  
Council.

**22.** Subject to this Act and the By-laws, the Council may from time to time appoint deans, professors, lecturers, examiners and other officers and servants of the University, and shall have the entire control and management of the affairs and concerns of the University, and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests of the University.

Delegation  
by Council.

**23.** (1) The Council may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation and its powers in relation to the making of By-laws) to any member or to any committee of its members, or to any officer or officers of the University.

(2) Every delegation under this section shall be revocable by resolution of the Council, and no delegation shall prevent the exercise of any power or function by the Council.

Control and  
management  
of property.

**24.** (1) Subject to this section, the Council shall have the control and management of all real and personal property at any time vested in or acquired by the  
University,

---

*University of New England.*

---

University, and may dispose of real or personal property in the name and on behalf of the University.

(2) The Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any lands of the University, except by way of lease for any term not exceeding twenty-one years from the time when the lease is made, in and by which there is reserved, during the whole of the term, the highest rent that can reasonably be obtained without fine.

**25.** (1) The Council may make By-laws, not inconsistent with this Act, with respect to all or any of the following matters:—

- (a) The management, good government and discipline of the University;
- (b) The use and custody of the common seal;
- (c) The method of election of members of the Council who are to be elected;
- (d) The method and time of convening, holding and adjourning the meetings of the Council, the Standing Committee and Convocation; the voting at such meetings (including postal or proxy voting); the appointment, powers and duties of the chairman thereof; the conduct and record of the business; the appointment of committees of the Council and Convocation; and the quorum powers and duties of such committees;
- (e) The resignation of members of the Council and of the Standing Committee and of the Chancellor, Deputy Chancellor or Vice-Chancellor;
- (f) The tenure of office, stipend and powers and duties of the Vice-Chancellor;
- (g) The number, stipend, manner of appointment and termination of the services of deans, professors, lecturers, examiners and other officers and servants of the University;
- (h) The matriculation and enrolment of students;
  - (i)

---

*University of New England.*

---

- (i) The times, places and manner of holding lectures, classes and examinations, and the number and character of such lectures, classes and examinations;
- (j) The teaching and examination of external students;
- (k) The promotion and extension of University teaching;
- (l) The granting of degrees, diplomas, certificates and honours;
- (m) The granting of fellowships, scholarships, exhibitions, bursaries and prizes;
- (n) The admission of students of other Universities to any corresponding status or of graduates of other Universities to any corresponding degree or diploma without examination;
- (o) The admission of persons who were, immediately before the commencement of this Act, students of the New England University College to any corresponding status without examination;
- (p) The admission of members of Convocation;
- (q) The fees to be paid for examinations, for the granting of degrees, diplomas and certificates, for attendance at the lectures and classes of the University and for use of the facilities of the University including the facilities available through the Department of External Studies;
- (r) The establishment, management and control of libraries, laboratories and museums in connection with the University;
- (s) The establishment or affiliation of residential colleges within the University;
- (t) The affiliation or admission to the University of any educational or research establishment wheresoever situated;
- (u) The control and investment of the property of the University;

(v)



---

*University of New England.*

---

- (v) The provision of a scheme of superannuation for the professors of the University;
- (w) Academic costume; and
- (x) Generally, all other matters authorised by this Act, or necessary or convenient for giving effect to this Act.

(2) The By-laws may provide for empowering any authority (including the Council) or officer of the University to make regulations, rules or orders (not inconsistent with this Act or with any By-law) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which By-laws may be made) or for carrying out or giving effect to the By-laws, and any such regulation, rule or order shall have the same force and effect as a By-law.

(3) Every By-law made by the Council shall be sealed with the common seal of the University and shall be transmitted by the Chancellor for the consideration and approval of the Governor, and when so approved, shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the By-law.

(4) A copy of every such By-law shall be laid before each House of Parliament within fourteen sitting days after the publication thereof in the Gazette if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) Any such By-law may be proved in any court by the production of a verified copy under the common seal of the University or by the production of a document purporting to be a copy of such By-law and to be printed by the Government Printer.

**26.** (1) The Governor may, by proclamation published in the Gazette— Permanent endowment.

- (a) fix the sum which shall be paid to the University by way of permanent endowment in the year commencing

---

*University of New England.*

---

commencing upon the first day of January next following the day upon which the proclamation takes effect pursuant to this section and in each succeeding year;

- (b) determine the terms and conditions, if any, subject to which the sum fixed under paragraph (a) of this subsection shall be paid to the University.

(2) The proclamation made under subsection one of this section shall—

- (a) be published in the Gazette;
- (b) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session;
- (c) subject to subsection three of this section, take effect upon the expiration of twenty-four sitting days after the proclamation has been laid before both Houses or where the proclamation is laid before the two Houses on different dates then upon the expiration of twenty-four sitting days from the later of such dates.

(3) If within fourteen sitting days after the proclamation has been laid before either House of Parliament such House passes a resolution of which notice has been given at any time within seven sitting days after the proclamation has been laid before such House disallowing the proclamation, the proclamation shall not take effect.

(4) If the proclamation made under subsection one of this section is disallowed pursuant to this section, the Governor may make a new proclamation under and in accordance with that subsection and the provisions of this section (including the provisions of this subsection) shall apply to and in respect of the new proclamation.

(5) Any moneys payable to the University under this section shall be paid out of the Consolidated Revenue Fund without further appropriation than this Act.

---

*University of New England.*

---

**27.** (1) The provisions of this section shall cease to have effect upon the first day of January next following the day upon which a proclamation under section twenty-six of this Act takes effect. Endowment —transitional provisions.

(2) The Colonial Treasurer shall, in the year commencing upon the commencement of this Act and in each succeeding year, pay to the University by way of endowment such sum as the Colonial Treasurer deems necessary to meet the expenses of the University in that year.

(3) Where the provisions of this section cease to have effect before the expiration of any such year there shall, notwithstanding anything contained in section twenty-six of this Act, be deducted from the first annual sum payable under the said section twenty-six such amount, if any, as the Colonial Treasurer, having regard to the sum paid under this section in respect of that year and to the portion of such year unexpired at the time when the provisions of this section cease to have effect, may determine.

(4) To enable the Colonial Treasurer to exercise and perform the powers and functions conferred upon him by subsection two of this section, the University shall, as soon as practicable after the commencement of each year referred to in that subsection, submit to the Colonial Treasurer estimates of the income and expenditure of the University for that year and such other information as the Colonial Treasurer may deem necessary.

(5) Any moneys payable by the Colonial Treasurer under this section shall be paid out of moneys provided by Parliament.

**28.** The Colonial Treasurer may for the temporary accommodation of the University advance such moneys to the Council as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon. Advance by Colonial Treasurer.

---

*University of New England.*

---

Power of  
Council to  
borrow.

**29.** The Council may borrow money for—

- (a) the purpose of carrying out or performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans; or
- (c) the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank,

within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Colonial Treasurer may approve.

Payment  
of fees.

**30.** The Council may by By-law make provision for the payment by students of the University of fees for entrance to the University, attendance at lectures and classes, conferring of degrees and other University charges (including residence charges) except in the case of any student who is granted any fellowship, scholarship, exhibition, bursary or similar benefit, to the extent to which he is thereby exempted from payment of fees.

Department  
of External  
Studies.

**31.** Without prejudice to the generality of section seven of this Act the Council may, under and in accordance with By-laws made for the purpose, establish within the University a Department of External Studies for the purpose of providing appropriate tuition for students who are unable to attend lectures at the University and of enabling degrees to be conferred upon such of them as, by examination, satisfy the requirements of the University.

Special  
provision  
for Arts  
courses at  
Newcastle,  
etc.

**32.** (1) The University shall co-operate with the New South Wales University of Technology in the provision of degree courses in Arts, and of such other degree or diploma courses as may be agreed upon by the University and the New South Wales University of Technology, at Newcastle and at such other places as may be agreed upon by those Universities. The teaching of the students in such courses and the facilities therefor shall be provided

---

*University of New England.*


---

provided by the New South Wales University of Technology. The University shall provide for the examination of the students and the granting of degrees or diplomas to such of them as satisfy the requirements of the University.

(2) The University and the New South Wales University of Technology are hereby authorised to do and perform all acts and things necessary or convenient for giving effect to the provisions of this section.

**33.** (1) The Council shall allow such students of teachers' colleges established under the Public Instruction Act of 1880, such teachers in schools established under that Act and such other members of the public service of New South Wales as the Minister may approve to attend, for the purpose of proceeding to a first degree, University lectures or to enrol as external students and receive tuition for the period required for admission to that degree without the payment of lecture, class or tuition fees: Provided that all such students, teachers and members of the public service of New South Wales shall be qualified to be enrolled as matriculated students as prescribed by the By-laws: Provided further that the Minister shall not, without the consent of the Council, give approval under this section for more than one hundred and fifty persons to commence courses in any one year.

Teachers'  
college  
students and  
school  
teachers.

(2) Nothing in subsection one of this section shall exempt any person referred to in that subsection from the payment of such fees, other than lecture, class or tuition fees, as may be prescribed by the By-laws.

**34.** The Council shall cause to be kept proper books of account in relation to the funds of the University and shall, as soon as practicable after the thirty-first day of December in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the University.

Accounts  
to be  
rendered.

**35.**

---

*University of New England.*

---

Audit.

**35.** The accounts of the University shall be audited by the Auditor-General who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and any Acts amending the same, shall apply to the members of the Council and to the officers and employees of the University in the same manner as it applies to accounting officers of public departments.

Report of  
Proceedings.

**36.** (1) As soon as practicable after the thirty-first day of December in each year, the Council shall prepare and furnish to the Minister a report upon the proceedings of the University during the period of twelve months immediately preceding that day. Such report shall include a summary of the work, researches and investigations carried out by the University during such period.

(2) A copy of such report shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

No  
religious  
test.

**37.** No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to enjoy any benefit, advantage or privilege thereof.

Provisions  
re New  
England  
University  
College.

**38.** (1) Upon the commencement of this Act the New England University College shall cease to exist.

(2) (a) All real and personal property which immediately before the commencement of this Act was held by or vested in the University of Sydney in trust for or on behalf of the New England University College shall by virtue of this Act be divested from the University of Sydney and shall, as from such commencement, vest in the University and shall, subject to paragraph (b) of this subsection, be applied by the University for the objects and purposes for which the University is established.

(b)

---

*University of New England.*

---

(b) All property vested in the University by this subsection shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting: Provided that any reference in any such conditions or trusts to the New England University College shall, as from the commencement of this Act, be read and construed as a reference to the University.

(c) All rights accruing or accrued to the University of Sydney in respect of any property vested in the University by operation of this subsection are hereby vested in the University and may be enforced by the University.

(d) All liabilities of the University of Sydney in respect of any property vested in the University by operation of this subsection may be enforced against the University.

**39.** (1) Every person who, immediately before the commencement of this Act, held any salaried office or employment in the New England University College shall become and be officers and employees of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment, but not including terms and conditions prescribing the title, duties or status of the office or employment) as the Council may determine, but not less favourable than those upon which he so held that office or employment:

Persons holding office in the New England University College.

Provided that this subsection shall not apply to or in respect of a person who immediately before the commencement of this Act held office in the New England University College as a part-time lecturer, temporary lecturer, temporary tutor or temporary demonstrator, or to or in respect of any other person who had not, before such commencement, been appointed by the Senate of the University of Sydney as a permanent member of the staff of the New England University College.

(2) A person referred to in subsection one of this section shall not have any right to damages or compensation in respect of the termination, in consequence of

---

*University of New England.*

---

of this Act coming into operation, of his tenure of any office or employment in the New England University College.

Amendment of  
Act No. 41,  
1919.  
Sec. 132.  
(Definition  
of ratable  
land.)

**40.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after paragraph (f) of subsection one of section one hundred and thirty-two the following new paragraph:—

- (fi) land which is vested in the University of New England or in a college thereof and is used or occupied by the University or college as the case may be solely for the purposes thereof; and.

Amendment  
of Act No. 28,  
1916.

Sec. 3  
(Interpreta-  
tion.)

**41.** The Superannuation Act, 1916-1952, is amended—

- (a) by inserting in the definition of "Employee" in subsection one of section three after the words "University of Sydney," the words "or a professor of the University of New England,";
- (b) by inserting at the end of Schedule Three the words—

The University of New England.

Sch. III.

*In the name and on behalf of Her Majesty I assent to this Act.*

J. NORTHCOTT,  
Governor.

*Government House,  
Sydney, 16th December, 1953.*



*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 3 December, 1953.*

## New South Wales.



ANNO SECUNDO

# ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. , 1953.

An Act to provide for the establishment and incorporation of a University at Armidale; to vest in that University the property held by or vested in the University of Sydney in trust for or on behalf of the New England University College established under the University and University Colleges Act, 1900-1952; to dissolve that College; to authorise the University so established and incorporated and the New South Wales University of Technology to co-operate in the provision of degree and diploma courses at Newcastle and other places in the State; to amend the Superannuation Act, 1916, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

*University of New England.*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
5 the same, as follows:—

1. This Act may be cited as the "University of New England Act, 1953." Short title.
2. This Act shall commence upon a day to be appointed Commence-  
by the Governor and notified by proclamation published ment.  
10 in the Gazette.
3. In this Act, unless the contrary intention appears— Definitions.
  - "Advisory Council" means the Advisory Council constituted for and in respect of the New England University College.
  - 15 "By-laws" means the By-laws of the University in force in pursuance of this Act.
  - "Council" means the Council of the University.
  - "New England University College" means the New England University College which immediately  
20 before the commencement of this Act was established under Part VII of the University and University Colleges Act, 1900-1952.
  - "Standing Committee" means the Standing Committee of the Council.
  - 25 "University" means the University of New England.
4. (1) A University, consisting of a Council and Establish-  
Convocation and graduate and under-graduate members, ment and  
shall be established at Armidale in the State of New incorpora-  
South Wales. tion of  
University.
- 30 (2) The University shall be a body corporate under the name of "The University of New England" with perpetual succession and a common seal, and shall be capable by that name of—
  - (a) suing and being sued;
  - (b)

---

*University of New England.*

---

- 5 (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);
- (c) granting, selling, alienating, assigning and demising real or personal property; and
- (d) doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

10 **5.** (1) The common seal of the University shall be kept in such custody as the Council directs, and shall not be used except upon the order of the Council. Common seal.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the University affixed to any document, and shall presume that it was duly affixed.

**6.** The functions of the University shall include the following:— Functions of the University.

- 20 (a) To provide facilities for University education for persons who elect to avail themselves of those facilities and are eligible so to do; and
- (b) Subject to the By-laws, to award and confer degrees and diplomas.

**7.** The University may establish such Schools and Departments as are deemed desirable, including— Faculties and Departments.

- (a) a Faculty of Arts;
- (b) a Faculty of Science;
- (c) a Faculty of Animal Husbandry; and
- (d) a Faculty of Agricultural Economics.

30 **8.** (1) There shall be a Council of the University which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act: The Council.

35 Provided that the provisions of sections thirteen, sixteen and seventeen of this Act shall not apply to or in respect of the first Council.

---

*University of New England.*

---

(2) The governing authority of the University shall be the Council.

9. (1) The first Council shall consist of—

Constitution  
of first  
Council.

5

(a) the persons who immediately before the commencement of this Act held office as members of the Advisory Council constituted for and in respect of the New England University College; and

10

(b) the persons who for the time being hold the offices of Director-General of Education of New South Wales and Principal of the Armidale Teachers' College.

(2) The members of the first Council shall, subject to this Act, hold office until the Council is duly constituted and appointed under section ten of this Act or until the expiration of one year from the commencement of this Act, whichever is the earlier.

(3) Where a casual vacancy occurs in the office of a member of the first Council the Governor may appoint a person to the vacant office. The person so appointed shall hold office for the residue of his predecessor's term of office.

(4) (a) The members of the first Council shall at their first meeting elect from their number a Chairman and Vice-Chairman.

(b) At every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall elect a person from their number to preside as chairman.

(5) A person who is a member of the first Council shall, unless otherwise disqualified, be eligible for appointment or election under section ten of this Act.

(6) Without prejudice to the generality of section eight of this Act, the first Council shall take all steps necessary to ensure that the Council is duly constituted and appointed under section ten of this Act as early as possible after the commencement of this Act.

*University of New England.*

**10.** (1) The Council, other than the first Council, shall be constituted in accordance with this section and shall consist of not more than twenty-four members.

Constitution  
of Council,  
other than  
first  
Council.

(2) Six members shall be appointed by the  
5 Governor.

(3) The Director-General of Education of New South Wales and the Principal of the Armidale Teachers' College shall be ex officio members of the Council.

**10** (4) Four members shall be appointed or elected, in the manner provided by the By-laws, to represent the professorial and other teaching staff of the University.

(5) Six members shall be elected, in the manner provided by the By-laws, by Convocation.

**15** (6) The Vice-Chancellor shall be ex officio a member of the Council.

(7) One member shall be appointed or elected, in the manner provided by the By-laws, to represent the under-graduate students of the University.

**20** (8) Four members shall be appointed or elected, in the manner provided by the By-laws, by the members for the time being appointed or elected under subsections two to seven, both inclusive, of this section.

(9) The members of the Council appointed or  
**25** elected under this section shall, subject to sections eleven and twelve of this Act, hold office for such period not exceeding three years as the By-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

**30** (10) All retiring members shall, unless otherwise disqualified, be eligible for re-appointment or re-election.

(11) In the event of a casual vacancy in the Council, a member shall be appointed or elected in the same manner as that in which the member whose seat  
**35** is vacant was appointed or elected, or, in such cases and in such circumstances as are specified in the By-laws, in such other manner as is prescribed by the By-laws, and the person so appointed or elected shall hold office for the residue of his predecessor's term of office.

---

*University of New England.*

---

**11.** No person who—

Disqualifications.

- 5 (a) is not of the age of twenty-one years;
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors;
- (c) has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence; or
- 10 (d) is an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1952,

shall be capable of being or continuing to be a member of the Council.

**12.** A member of the Council shall be deemed to have vacated his office if he—

Vacation of office.

- (a) dies;
- (b) declines to act;
- (c) resigns his office;
- 20 (d) is absent without leave of the Council from two consecutive meetings of the Council.

**13.** (1) The Chancellor shall preside at all meetings of the Council and of the Standing Committee at which he is present.

Chairman.

25 (2) At any meeting of the Council or of the Standing Committee at which the Chancellor is not present, the Deputy Chancellor shall preside, and in the absence of both the Chancellor and the Deputy Chancellor, the member elected by the members present from among their number, shall preside.

30 **14.** (1) After the Council has been duly constituted and appointed under section ten of this Act there shall be a Standing Committee of the Council which shall consist of—

Standing Committee of Council.

- (a) the Chancellor;
- 35 (b) the Deputy Chancellor;

(c)

---

*University of New England.*

---

- (c) the Vice-Chancellor;
  - (d) the member of the Council representing the under-graduate students of the University; and
  - 5 (e) eight other members appointed by the Council from among its number who shall, subject to this section, hold office for such period as the By-laws may provide.
- (2) Of the members so appointed—
- 10 (a) three shall be from among the members of the Council appointed by the Governor;
  - (b) two shall be from among the members of the Council representing the professorial and other teaching staff of the University.
- (3) The Standing Committee shall have and may 15 exercise and discharge such powers, authorities, duties and functions as are conferred and imposed upon, or delegated to, it by the Council.
- (4) An appointed member of the Standing Committee shall be deemed to have vacated his office if 20 he is absent without leave of the Standing Committee from three consecutive meetings of the Standing Committee.
- (5) Where a casual vacancy occurs in the office of an appointed member of the Standing Committee, the 25 Council shall appoint one of its members to the vacant office. Where the vacancy occurs in the office of a member appointed from among the members of the Council appointed by the Governor or representing the professorial and other teaching staff of the University, the 30 person appointed to the vacant office shall, as far as possible, be from among the members of the Council appointed by the Governor or, as the case may be, representing the professorial and other teaching staff of the University.
- 35 **15.** (1) Convocation shall consist of the following Convoca- persons of or above the age of twenty-one years, namely—tion.
- (a) all members and past members of the Council;
  - (b) all graduates of the University;
  - (c)

---

*University of New England.*

---

- (c) all full-time members of the teaching staff of the University and such other members of the staff of the University as the By-laws may prescribe;
- 5 (d) such graduates of other Universities, or other persons, as are, in accordance with the By-laws, admitted as members of Convocation; and
- 10 (e) without prejudice to the generality of paragraph (d) of this subsection, graduates of the University of Sydney who, while undergraduates, spent at least three years as properly enrolled students of the New England University College.
- (2) Meetings of Convocation shall be convened and the business at such meetings shall be conducted in 15 the manner prescribed by the By-laws.
- (3) A quorum at any meeting of Convocation shall be such number of members as the By-laws may prescribe.
- 20 (4) Convocation shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the By-laws.
- (5) The Council may establish a Standing Committee and such other committees of Convocation as it considers necessary.
- 25 **16.** (1) The Council shall at its first meeting, and whenever a vacancy in the office of Chancellor occurs, elect one of its number to be Chancellor of the University. Election of  
Chancellor.
- 30 (2) The Chancellor shall hold office for such period as is specified in the By-laws and on such conditions as are provided by the By-laws.
- 17.** (1) The Council shall at its first meeting, and thereafter annually, elect one of its number to be Deputy Chancellor of the University. Deputy  
Chancellor.
- 35 The Deputy Chancellor shall hold office for one year from the date of his election and on such conditions as are provided by the By-laws.

(2)



*University of New England.*

(2) In the absence of the Chancellor or during a vacancy in the office of Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor shall have all the powers and duties of the Chancellor.

5 **18.** (1) The first Vice-Chancellor of the University shall be the person who immediately before the commencement of this Act was the Warden of the New England University College and shall hold office, subject to good behaviour, for a period of five years. Appoint-  
ment of  
Vice-  
Chancellor.

10 (2) Whenever a vacancy occurs in the office of Vice-Chancellor, the Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

15 (3) The Vice-Chancellor (other than the first Vice-Chancellor) shall be appointed for such period and on such conditions as the Council determines.

(4) The Vice-Chancellor shall be the chief executive officer of the University and shall possess such powers and perform such duties as the By-laws prescribe or, subject to the By-laws, the Council determines.

20 **19.** At any meeting of the Council or of the Standing Committee of the Council one half (or where one half is not a whole number the whole number next higher than one half) of the total number of members for the time being of the Council or of the Standing Committee, as the case may be, shall form a quorum. Quorum.

25 **20.** Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is otherwise capable, for the time being, of holding that office or place. Re-appoint-  
ment or  
election.

30 **21.** (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any person acting pursuant to any direction of the Council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was Validity of  
acts and  
proceedings.

was

*University of New England.*

was done, taken or commenced there was a vacancy or vacancies in the office or offices of any member or members of the Council.

(2) All acts and proceedings of the Council or  
 5 any committee of the Council, or of the Vice-Chancellor or any person acting pursuant to any direction of the Council shall, notwithstanding the subsequent discovery of any defect in the appointment, nomination or election of any member of the Council, or that any such member  
 10 was disqualified from acting as or incapable of being a member of the Council, be as valid as if such member had been duly appointed, nominated or elected and was qualified to act as or capable of being a member and had acted as a member of the Council and as if the Council had been  
 15 properly and fully constituted.

**22.** Subject to this Act and the By-laws, the Council <sup>Powers of Council.</sup> may from time to time appoint deans, professors, lecturers, examiners and other officers and servants of the University, and shall have the entire control and  
 20 management of the affairs and concerns of the University, and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests of the University.

**23.** (1) The Council may, in relation to any matter <sup>Delegation by Council.</sup> or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation and its powers in relation to the making of By-laws) to any member or to any committee of its members, or to any officer or officers of  
 25  
 30 the University.

(2) Every delegation under this section shall be revocable by resolution of the Council, and no delegation shall prevent the exercise of any power or function by  
 35 the Council.

**24.** (1) Subject to this section, the Council shall have <sup>Control and management of property.</sup> the control and management of all real and personal property at any time vested in or acquired by the  
 University,

---

*University of New England.*


---

University, and may dispose of real or personal property in the name and on behalf of the University.

(2) The Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise  
 5 any lands of the University, except by way of lease for any term not exceeding twenty-one years from the time when the lease is made, in and by which there is reserved, during the whole of the term, the highest rent that can reasonably be obtained without fine.

10 **25.** (1) The Council may make By-laws, not incon- By-laws.  
 sistent with this Act, with respect to all or any of the following matters:—

- (a) The management, good government and discipline of the University;
- 15 (b) The use and custody of the common seal;
- (c) The method of election of members of the Council who are to be elected;
- (d) The method and time of convening, holding and  
 20 adjourning the meetings of the Council, the Standing Committee and Convocation; the voting at such meetings (including postal or proxy voting); the appointment, powers and duties of the chairman thereof; the conduct and record of the business; the appointment of committees  
 25 of the Council and Convocation; and the quorum powers and duties of such committees;
- (e) The resignation of members of the Council and of the Standing Committee and of the Chancellor, Deputy Chancellor or Vice-Chancellor;
- 30 (f) The tenure of office, stipend and powers and duties of the Vice-Chancellor;
- (g) The number, stipend, manner of appointment and termination of the services of deans, professors, lecturers, examiners and other officers  
 35 and servants of the University;
- (h) The matriculation and enrolment of students;
  - (i)

---

*University of New England.*

---

- (i) The times, places and manner of holding lectures, classes and examinations, and the number and character of such lectures, classes and examinations;
- 5 (j) The teaching and examination of external students;
- (k) The promotion and extension of University teaching;
- 10 (l) The granting of degrees, diplomas, certificates and honours;
- (m) The granting of fellowships, scholarships, exhibitions, bursaries and prizes;
- (n) The admission of students of other Universities to any corresponding status or of graduates of other Universities to any corresponding degree or diploma without examination;
- 15 (o) The admission of persons who were, immediately before the commencement of this Act, students of the New England University College to any corresponding status without examination;
- 20 (p) The admission of members of Convocation;
- (q) The fees to be paid for examinations, for the granting of degrees, diplomas and certificates, for attendance at the lectures and classes of the University and for use of the facilities of the University including the facilities available through the Department of External Studies;
- 25 (r) The establishment, management and control of libraries, laboratories and museums in connection with the University;
- 30 (s) The establishment or affiliation of residential colleges within the University;
- (t) The affiliation or admission to the University of any educational or research establishment wheresoever situated;
- 35 (u) The control and investment of the property of the University;

(v)

*University of New England.*

- (v) The provision of a scheme of superannuation for the professors of the University;
- (w) Academic costume; and
- 5 (x) Generally, all other matters authorised by this Act, or necessary or convenient for giving effect to this Act.

(2) The By-laws may provide for empowering any authority (including the Council) or officer of the University to make regulations, rules or orders (not 10 inconsistent with this Act or with any By-law) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which By-laws may be made) or for carrying out or giving effect to the By-laws, and any such regulation, rule or order shall 15 have the same force and effect as a By-law.

(3) Every By-law made by the Council shall be sealed with the common seal of the University and shall be transmitted by the Chancellor for the consideration and approval of the Governor, and when so approved, 20 shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the By-law.

(4) A copy of every such By-law shall be laid 25 before each House of Parliament within fourteen sitting days after the publication thereof in the Gazette if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) Any such By-law may be proved in any court 30 by the production of a verified copy under the common seal of the University or by the production of a document purporting to be a copy of such By-law and to be printed by the Government Printer.

26. (1) The Governor may, by proclamation published in the Gazette— Permanent endowment,

- (a) fix the sum which shall be paid to the University by way of permanent endowment in the year commencing

---

*University of New England.*

---

commencing upon the first day of January next following the day upon which the proclamation takes effect pursuant to this section and in each succeeding year;

- 5 (b) determine the terms and conditions, if any, subject to which the sum fixed under paragraph (a) of this subsection shall be paid to the University.

(2) The proclamation made under subsection one  
10 of this section shall—

- (a) be published in the Gazette;
- (b) be laid before both Houses of Parliament within fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting  
15 days after the commencement of the next session;
- (c) subject to subsection three of this section, take effect upon the expiration of twenty-four sitting days after the proclamation has been laid before  
20 both Houses or where the proclamation is laid before the two Houses on different dates then upon the expiration of twenty-four sitting days from the later of such dates.

(3) If within fourteen sitting days after the  
25 proclamation has been laid before either House of Parliament such House passes a resolution of which notice has been given at any time within seven sitting days after the proclamation has been laid before such House disallowing the proclamation, the proclamation  
30 shall not take effect.

(4) If the proclamation made under subsection one of this section is disallowed pursuant to this section, the Governor may make a new proclamation under and in accordance with that subsection and the provisions of  
35 this section (including the provisions of this subsection) shall apply to and in respect of the new proclamation.

(5) Any moneys payable to the University under this section shall be paid out of the Consolidated Revenue Fund without further appropriation than this Act.

*University of New England.*

**27.** (1) The provisions of this section shall cease to have effect upon the first day of January next following the day upon which a proclamation under section twenty-six of this Act takes effect. Endowment —transitional provisions.

**5** (2) The Colonial Treasurer shall, in the year commencing upon the commencement of this Act and in each succeeding year, pay to the University by way of endowment such sum as the Colonial Treasurer deems necessary to meet the expenses of the University in that **10** year.

(3) Where the provisions of this section cease to have effect before the expiration of any such year there shall, notwithstanding anything contained in section twenty-six of this Act, be deducted from the first annual **15** sum payable under the said section twenty-six such amount, if any, as the Colonial Treasurer, having regard to the sum paid under this section in respect of that year and to the portion of such year unexpired at the time when the provisions of this section cease to have effect, **20** may determine.

(4) To enable the Colonial Treasurer to exercise and perform the powers and functions conferred upon him by subsection two of this section, the University shall, as soon as practicable after the commencement of each **25** year referred to in that subsection, submit to the Colonial Treasurer estimates of the income and expenditure of the University for that year and such other information as the Colonial Treasurer may deem necessary.

(5) Any moneys payable by the Colonial **30** Treasurer under this section shall be paid out of moneys provided by Parliament.

**28.** The Colonial Treasurer may for the temporary accommodation of the University advance such moneys to the Council as the Governor may approve upon such **35** terms and conditions as to repayment and interest as may be agreed upon. Advance by Colonial Treasurer.

*University of New England.*

**29.** The Council may borrow money for—

Power of  
Council to  
borrow.

- (a) the purpose of carrying out or performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans; or
- 5 (c) the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank,

within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon  
10 the recommendation of the Colonial Treasurer may approve.

**30.** The Council may by By-law make provision for the payment by students of the University of fees for  
15 entrance to the University, attendance at lectures and classes, conferring of degrees and other University charges (including residence charges) except in the case of any student who is granted any fellowship, scholarship, exhibition, bursary or similar benefit, to the extent to which he is thereby exempted from payment of fees.

Payment  
of fees.

**31.** Without prejudice to the generality of section seven of this Act the Council may, under and in accordance with By-laws made for the purpose, establish within  
20 the University a Department of External Studies for the purpose of providing appropriate tuition for students  
25 who are unable to attend lectures at the University and of enabling degrees to be conferred upon such of them as, by examination, satisfy the requirements of the University.

Department  
of External  
Studies.

**32.** (1) The University shall co-operate with the New  
30 South Wales University of Technology in the provision of degree courses in Arts, and of such other degree or diploma courses as may be agreed upon by the University and the New South Wales University of Technology, at  
35 Newcastle and at such other places as may be agreed upon by those Universities. The teaching of the students in such courses and the facilities therefor shall be provided

Special  
provision  
for Arts  
courses at  
Newcastle,  
etc.



*University of New England.*

provided by the New South Wales University of Technology. The University shall provide for the examination of the students and the granting of degrees or diplomas to such of them as satisfy the requirements of the  
5 University.

(2) The University and the New South Wales University of Technology are hereby authorised to do and perform all acts and things necessary or convenient for giving effect to the provisions of this section.

10 **33.** (1) The Council shall allow such students of Teachers' college students and school teachers.  
teachers' colleges established under the Public Instruction Act of 1880, such teachers in schools established under that Act and such other members of the public service of New South Wales as the Minister may approve  
15 to attend, for the purpose of proceeding to a first degree, University lectures or to enrol as external students and receive tuition for the period required for admission to that degree without the payment of lecture, class or tuition fees: Provided that all such students, teachers  
20 and members of the public service of New South Wales shall be qualified to be enrolled as matriculated students as prescribed by the By-laws: Provided further that the Minister shall not, without the consent of the Council, give approval under this section for more than one hundred and fifty persons to commence courses in any  
25 one year.

(2) Nothing in subsection one of this section shall exempt any person referred to in that subsection from the payment of such fees, other than lecture, class or tuition fees, as may be prescribed by the By-laws.

30 **34.** The Council shall cause to be kept proper books of account in relation to the funds of the University and shall, as soon as practicable after the thirty-first day of December in each year, prepare and transmit to the Minister for presentation to Parliament a statement of  
35 accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the University.

Accounts to be rendered.

*University of New England.*

- 35.** The accounts of the University shall be audited Audit. by the Auditor-General who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of **5** public accounts; and the Audit Act, 1902, and any Acts amending the same, shall apply to the members of the Council and to the officers and employees of the University in the same manner as it applies to accounting officers of public departments.
- 10** **36.** (1) As soon as practicable after the thirty-first Report of day of December in each year, the Council shall prepare Proceedings. and furnish to the Minister a report upon the proceedings of the University during the period of twelve months immediately preceding that day. Such report shall **15** include a summary of the work, researches and investigations carried out by the University during such period.
- (2) A copy of such report shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.
- 20** **37.** No religious test shall be administered to any No person in order to entitle him to be admitted as a student religious of the University, or to hold office therein, or to graduate test. thereat, or to enjoy any benefit, advantage or privilege thereof.
- 25** **38.** (1) Upon the commencement of this Act the New Provisions England University College shall cease to exist. re New England University College.
- (2) (a) All real and personal property which immediately before the commencement of this Act was held by or vested in the University of Sydney in trust **30** for or on behalf of the New England University College shall by virtue of this Act be divested from the University of Sydney and shall, as from such commencement, vest in the University and shall, subject to paragraph (b) of this subsection, be applied by the University for the **35** objects and purposes for which the University is established.

(b)

---

*University of New England.*

---

(b) All property vested in the University by this subsection shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting: Provided that any reference in any such  
5 conditions or trusts to the New England University College shall, as from the commencement of this Act, be read and construed as a reference to the University.

(c) All rights accruing or accrued to the University of Sydney in respect of any property vested  
10 in the University by operation of this subsection are hereby vested in the University and may be enforced by the University.

(d) All liabilities of the University of Sydney in respect of any property vested in the University by  
15 operation of this subsection may be enforced against the University.

**39.** (1) Every person who, immediately before the commencement of this Act, held any salaried office or employment in the New England University College shall  
20 become and be officers and employees of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment, but not including terms and conditions prescribing the title, duties or status of the office or employment) as the  
25 Council may determine, but not less favourable than those upon which he so held that office or employment:

Provided that this subsection shall not apply to or in respect of a person who immediately before the commencement of this Act held office in the New England  
30 University College as a part-time lecturer, temporary lecturer, temporary tutor or temporary demonstrator, or to or in respect of any other person who had not, before such commencement, been appointed by the Senate of the University of Sydney as a permanent member of the  
35 staff of the New England University College.

(2) A person referred to in subsection one of this section shall not have any right to damages or compensation in respect of the termination, in consequence  
of

---

*University of New England.*

---

of this Act coming into operation, of his tenure of any office or employment in the New England University College.

**40.** The Local Government Act, 1919, as amended by Amendment of Act No. 41, 1919. subsequent Acts, is amended by inserting next after Sec. 132. (Definition of ratable land.) paragraph (f) of subsection one of section one hundred and thirty-two the following new paragraph:—

**10** (fi) land which is vested in the University of New England or in a college thereof and is used or occupied by the University or college as the case may be solely for the purposes thereof; and.

**41.** The Superannuation Act, 1916-1952, is amended— Amendment of Act No. 28, 1916.

**15** (a) by inserting in the definition of "Employee" in subsection one of section three after the words "University of Sydney," the words "or a professor of the University of New England,"; Sec. 3 (Interpretation.)

(b) by inserting at the end of Schedule Three the words— Sch. III.

**20** The University of New England.

## UNIVERSITY OF NEW ENGLAND BILL, 1953.

---

### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to establish and incorporate a University at Armidale under the corporate name of The University of New England;
- (b) to provide that upon the commencement of the Act to give effect to this Bill the New England University College established under the University and University Colleges Act, 1900-1952, shall cease to exist;
- (c) to vest in the University of New England property held by the University of Sydney in trust for or on behalf of the New England University College;
- (d) to authorise the University of New England and the New South Wales University of Technology to co-operate in the provision of degree courses in Arts at Newcastle and at such other places as may be agreed upon by the two Universities;
- (e) to make certain other provisions ancillary to, or connected with, the above objects.

The first part of the report is devoted to a general  
 description of the country and its resources. It  
 is followed by a detailed account of the  
 various tribes and their customs. The  
 author then discusses the trade and  
 commerce of the region, and finally  
 concludes with a summary of the  
 findings of the expedition.

EXHIBITION OF

UNIVERSITY OF NEW ENGLAND 1823

No. , 1953.

---

---

## A BILL

To provide for the establishment and incorporation of a University at Armidale; to vest in that University the property held by or vested in the University of Sydney in trust for or on behalf of the New England University College established under the University and University Colleges Act, 1900-1952; to dissolve that College; to authorise the University so established and incorporated and the New South Wales University of Technology to co-operate in the provision of degree courses in Arts at Newcastle and other places in the State; to amend the Superannuation Act, 1916, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. HEFFRON;—2 December, 1953.]

---

---

---

*University of New England.*

---

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of  
 5 the same, as follows:—

**1.** This Act may be cited as the "University of New Short title.  
 England Act, 1953."

**2.** This Act shall commence upon a day to be appointed Commence-  
 by the Governor and notified by proclamation published ment.  
 10 in the Gazette.

**3.** In this Act, unless the contrary intention appears— Definitions.

"Advisory Council" means the Advisory Council constituted for and in respect of the New England University College.

15 "By-laws" means the By-laws of the University in force in pursuance of this Act.

"Council" means the Council of the University.

20 "New England University College" means the New England University College which immediately before the commencement of this Act was established under Part VII of the University and University Colleges Act, 1900-1952.

"Standing Committee" means the Standing Committee of the Council.

25 "University" means the University of New England.

**4.** (1) A University, consisting of a Council and Convocation and graduate and under-graduate members, shall be established at Armidale in the State of New South Wales. Establishment and incorporation of University.

30 (2) The University shall be a body corporate under the name of "The University of New England" with perpetual succession and a common seal, and shall be capable by that name of—

(a) suing and being sued;

(b)



---

*University of New England.*

---

- 5 (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);
- (c) granting, selling, alienating, assigning and demising real or personal property; and
- (d) doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

10 **5.** (1) The common seal of the University shall be <sup>Common</sup> kept in such custody as the Council directs, and shall not <sup>seal.</sup> be used except upon the order of the Council.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the University affixed to any document, and shall presume  
15 that it was duly affixed.

**6.** The functions of the University shall include the following:— <sup>Functions of the University.</sup>

- 20 (a) To provide facilities for University education for persons who elect to avail themselves of those facilities and are eligible so to do; and
- (b) Subject to the By-laws, to award and confer degrees and diplomas.

**7.** The University may establish such <sup>Faculties</sup> Faculties, <sup>and De-</sup> Schools and Departments as are deemed desirable, in- <sup>partments.</sup>  
25 cluding—

- (a) a Faculty of Arts;
- (b) a Faculty of Science;
- (c) a Faculty of Animal Husbandry; and
- (d) a Faculty of Agricultural Economics.

30 **8.** (1) There shall be a Council of the University <sup>The Council.</sup> which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act:

35 Provided that the provisions of sections thirteen, sixteen and seventeen of this Act shall not apply to or in respect of the first Council.

(2)

---

*University of New England.*

---

(2) The governing authority of the University shall be the Council.

9. (1) The first Council shall consist of—

Constitution  
of first  
Council.

5 (a) the persons who immediately before the commencement of this Act held office as members of the Advisory Council constituted for and in respect of the New England University College; and

10 (b) the persons who for the time being hold the offices of Director-General of Education of New South Wales and Principal of the Armidale Teachers' College.

(2) The members of the first Council shall, subject to this Act, hold office until the Council is duly constituted  
15 and appointed under section ten of this Act or until the expiration of one year from the commencement of this Act, whichever is the earlier.

(3) Where a casual vacancy occurs in the office of a member of the first Council the Governor may appoint  
20 a person to the vacant office. The person so appointed shall hold office for the residue of his predecessor's term of office.

(4) (a) The members of the first Council shall at their first meeting elect from their number a Chairman  
25 and Vice-Chairman.

(b) At every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall  
30 elect a person from their number to preside as chairman.

(5) A person who is a member of the first Council shall, unless otherwise disqualified, be eligible for appointment or election under section ten of this Act.

(6) Without prejudice to the generality of section  
35 eight of this Act, the first Council shall take all steps necessary to ensure that the Council is duly constituted and appointed under section ten of this Act as early as possible after the commencement of this Act.

---

*University of New England.*

---

**10.** (1) The Council, other than the first Council, shall be constituted in accordance with this section and shall consist of not more than twenty-four members.

Constitution  
of Council,  
other than  
first  
Council.

5 (2) Six members shall be appointed by the Governor.

(3) The Director-General of Education of New South Wales and the Principal of the Armidale Teachers' College shall be ex officio members of the Council.

10 (4) Four members shall be appointed or elected, in the manner provided by the By-laws, to represent the professorial and other teaching staff of the University.

(5) Six members shall be elected, in the manner provided by the By-laws, by Convocation.

15 (6) The Vice-Chancellor shall be ex officio a member of the Council.

(7) One member shall be appointed or elected, in the manner provided by the By-laws, to represent the under-graduate students of the University.

20 (8) Four members shall be appointed or elected, in the manner provided by the By-laws, by the members for the time being appointed or elected under subsections two to seven, both inclusive, of this section.

25 (9) The members of the Council appointed or elected under this section shall, subject to sections eleven and twelve of this Act, hold office for such period not exceeding three years as the By-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

30 (10) All retiring members shall, unless otherwise disqualified, be eligible for re-appointment or re-election.

(11) In the event of a casual vacancy in the Council, a member shall be appointed or elected in the same manner as that in which the member whose seat is vacant was appointed or elected, or, in such cases and in such circumstances as are specified in the By-laws, in such other manner as is prescribed by the By-laws, and the person so appointed or elected shall hold office for the residue of his predecessor's term of office.

*University of New England.*

**11.** No person who—

Disqualifications.

- (a) is not of the age of twenty-one years;
- 5 (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors;
- (c) has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence; or
- 10 (d) is an insane person or patient or an incapable person within the meaning of the Lunacy Act, 1898-1952,

shall be capable of being or continuing to be a member of the Council.

**12.** A member of the Council shall be deemed to have vacated his office if he— Vacation of office.

- (a) dies;
- (b) declines to act;
- (c) resigns his office;
- 20 (d) is absent without leave of the Council from two consecutive meetings of the Council.

**13.** (1) The Chancellor shall preside at all meetings of the Council and of the Standing Committee at which he is present. Chairman.

(2) At any meeting of the Council or of the Standing Committee at which the Chancellor is not present, the Deputy Chancellor shall preside, and in the absence of both the Chancellor and the Deputy Chancellor, the member elected by the members present from among their number, shall preside.

**14.** (1) After the Council has been duly constituted and appointed under section ten of this Act there shall be a Standing Committee of the Council which shall consist of— Standing Committee of Council.

- 35 (a) the Chancellor;
- (b) the Deputy Chancellor;

(c)

---

*University of New England.*

---

- (c) the Vice-Chancellor;
  - (d) the member of the Council representing the under-graduate students of the University; and
  - 5 (e) eight other members appointed by the Council from among its number who shall, subject to this section, hold office for such period as the By-laws may provide.
- (2) Of the members so appointed—
- 10 (a) three shall be from among the members of the Council appointed by the Governor;
  - (b) two shall be from among the members of the Council representing the professorial and other teaching staff of the University.
- (3) The Standing Committee shall have and may
- 15 exercise and discharge such powers, authorities, duties and functions as are conferred and imposed upon, or delegated to, it by the Council.
- (4) An appointed member of the Standing Committee shall be deemed to have vacated his office if
- 20 he is absent without leave of the Standing Committee from three consecutive meetings of the Standing Committee.
- (5) Where a casual vacancy occurs in the office of an appointed member of the Standing Committee, the
- 25 Council shall appoint one of its members to the vacant office. Where the vacancy occurs in the office of a member appointed from among the members of the Council appointed by the Governor or representing the professorial and other teaching staff of the University, the
- 30 person appointed to the vacant office shall, as far as possible, be from among the members of the Council appointed by the Governor or, as the case may be, representing the professorial and other teaching staff of the University.
- 35 **15.** (1) Convocation shall consist of the following persons of or above the age of twenty-one years, namely—<sup>Convoca-</sup><sub>tion.</sub>
- (a) all members and past members of the Council;
  - (b) all graduates of the University;
  - (c)

---

*University of New England.*

---

- (c) all full-time members of the teaching staff of the University and such other members of the staff of the University as the By-laws may prescribe;
- 5 (d) such graduates of other Universities, or other persons, as are, in accordance with the By-laws, admitted as members of Convocation; and
- 10 (e) without prejudice to the generality of paragraph (d) of this subsection, graduates of the University of Sydney who, while undergraduates, spent at least three years as properly enrolled students of the New England University College.
- (2) Meetings of Convocation shall be convened and the business at such meetings shall be conducted in 15 the manner prescribed by the By-laws.
- (3) A quorum at any meeting of Convocation shall be such number of members as the By-laws may prescribe.
- (4) Convocation shall have and may exercise and 20 discharge such powers, authorities, duties and functions as may be prescribed by the By-laws.
- (5) The Council may establish a Standing Committee and such other committees of Convocation as it considers necessary.
- 25 **16.** (1) The Council shall at its first meeting, and whenever a vacancy in the office of Chancellor occurs, <sup>Election of</sup> elect one of its number to be Chancellor of the <sub>Chancellor.</sub> University.
- 30 (2) The Chancellor shall hold office for such period as is specified in the By-laws and on such conditions as are provided by the By-laws.
- 17.** (1) The Council shall at its first meeting, and thereafter annually, elect one of its number to be Deputy <sup>Deputy</sup> Chancellor of the University. <sub>Chancellor.</sub>
- 35 The Deputy Chancellor shall hold office for one year from the date of his election and on such conditions as are provided by the By-laws.

(2)

---

*University of New England.*

---

(2) In the absence of the Chancellor or during a vacancy in the office of Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor shall have all the powers and duties of the Chancellor.

5 **18.** (1) The first Vice-Chancellor of the University shall be the person who immediately before the commencement of this Act was the Warden of the New England University College and shall hold office, subject to good behaviour, for a period of five years. Appoint-  
ment of  
Vice-  
Chancellor.

10 (2) Whenever a vacancy occurs in the office of Vice-Chancellor, the Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

15 (3) The Vice-Chancellor (other than the first Vice-Chancellor) shall be appointed for such period and on such conditions as the Council determines.

20 (4) The Vice-Chancellor shall be the chief executive officer of the University and shall possess such powers and perform such duties as the By-laws prescribe or, subject to the By-laws, the Council determines.

**19.** At any meeting of the Council or of the Standing Committee of the Council one half (or where one half is not a whole number the whole number next higher than one half) of the total number of members for the time being of the Council or of the Standing Committee, as the case may be, shall form a quorum. Quorum.

30 **20.** Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is otherwise capable, for the time being, of holding that office or place. Re-appoint-  
ment or  
election.

35 **21.** (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any person acting pursuant to any direction of the Council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was Validity of  
acts and  
proceedings.

---

*University of New England.*

---

was done, taken or commenced there was a vacancy or vacancies in the office or offices of any member or members of the Council.

(2) All acts and proceedings of the Council or  
5 any committee of the Council, or of the Vice-Chancellor or any person acting pursuant to any direction of the Council shall, notwithstanding the subsequent discovery of any defect in the appointment, nomination or election of any member of the Council, or that any such member  
10 was disqualified from acting as or incapable of being a member of the Council, be as valid as if such member had been duly appointed, nominated or elected and was qualified to act as or capable of being a member and had acted as a member of the Council and as if the Council had been  
15 properly and fully constituted.

**22.** Subject to this Act and the By-laws, the Council <sup>Powers of Council.</sup> may from time to time appoint deans, professors, lecturers, examiners and other officers and servants of the University, and shall have the entire control and  
20 management of the affairs and concerns of the University, and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests of the University.

**23.** (1) The Council may, in relation to any matter <sup>Delegation by Council.</sup> or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation and its powers in relation to the making of By-laws) to any member or to any committee of its members, or to any officer or officers of  
25 the University.  
30

(2) Every delegation under this section shall be revocable by resolution of the Council, and no delegation shall prevent the exercise of any power or function by  
35 the Council.

**24.** (1) Subject to this section, the Council shall have <sup>Control and management of property.</sup> the control and management of all real and personal property at any time vested in or acquired by the  
University,



---

*University of New England.*

---

University, and may dispose of real or personal property in the name and on behalf of the University.

(2) The Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any lands of the University, except by way of lease for any term not exceeding twenty-one years from the time when the lease is made, in and by which there is reserved, during the whole of the term, the highest rent that can reasonably be obtained without fine.

10 **25.** (1) The Council may make By-laws, not incon- By-laws.  
sistent with this Act, with respect to all or any of the following matters:—

- (a) The management, good government and discipline of the University;
- 15 (b) The use and custody of the common seal;
- (c) The method of election of members of the Council who are to be elected;
- 20 (d) The method and time of convening, holding and adjourning the meetings of the Council, the Standing Committee and Convocation; the voting at such meetings (including postal or proxy voting); the appointment, powers and duties of the chairman thereof; the conduct and record of the business; the appointment of committees of the Council and Convocation; and the quorum powers and duties of such committees;
- 25 (e) The resignation of members of the Council and of the Standing Committee and of the Chancellor, Deputy Chancellor or Vice-Chancellor;
- 30 (f) The tenure of office, stipend and powers and duties of the Vice-Chancellor;
- (g) The number, stipend, manner of appointment and termination of the services of deans, professors, lecturers, examiners and other officers and servants of the University;
- 35 (h) The matriculation and enrolment of students;
  - (i)

---

*University of New England.*

---

- (i) The times, places and manner of holding lectures, classes and examinations, and the number and character of such lectures, classes and examinations;
- 5 (j) The teaching and examination of external students;
- (k) The promotion and extension of University teaching;
- 10 (l) The granting of degrees, diplomas, certificates and honours;
- (m) The granting of fellowships, scholarships, exhibitions, bursaries and prizes;
- (n) The admission of students of other Universities to any corresponding status or of graduates of other Universities to any corresponding degree or diploma without examination;
- 15 (o) The admission of persons who were, immediately before the commencement of this Act, students of the New England University College to any corresponding status without examination;
- 20 (p) The admission of members of Convocation;
- (q) The fees to be paid for examinations, for the granting of degrees, diplomas and certificates, for attendance at the lectures and classes of the University and for use of the facilities of the University including the facilities available through the Department of External Studies;
- 25 (r) The establishment, management and control of libraries, laboratories and museums in connection with the University;
- 30 (s) The establishment or affiliation of residential colleges within the University;
- (t) The affiliation or admission to the University of any educational or research establishment wheresoever situated;
- 35 (u) The control and investment of the property of the University;
- (v)

*University of New England.*

- (v) The provision of a scheme of superannuation for the professors of the University;
- (w) Academic costume; and
- 5 (x) Generally, all other matters authorised by this Act, or necessary or convenient for giving effect to this Act.

(2) The By-laws may provide for empowering any authority (including the Council) or officer of the University to make regulations, rules or orders (not  
10 inconsistent with this Act or with any By-law) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which By-laws may be made) or for carrying out or giving effect to the  
15 By-laws, and any such regulation, rule or order shall have the same force and effect as a By-law.

(3) Every By-law made by the Council shall be sealed with the common seal of the University and shall be transmitted by the Chancellor for the consideration and approval of the Governor, and when so approved,  
20 shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the By-law.

(4) A copy of every such By-law shall be laid  
25 before each House of Parliament within fourteen sitting days after the publication thereof in the Gazette if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) Any such By-law may be proved in any court  
30 by the production of a verified copy under the common seal of the University or by the production of a document purporting to be a copy of such By-law and to be printed by the Government Printer.

26. (1) The Governor may, by proclamation pub-  
35 lished in the Gazette— Permanent endowment.

- (a) fix the sum which shall be paid to the University by way of permanent endowment in the year commencing

---

*University of New England.*

---

commencing upon the first day of January next following the day upon which the proclamation takes effect pursuant to this section and in each succeeding year;

- 5 (b) determine the terms and conditions, if any, subject to which the sum fixed under paragraph (a) of this subsection shall be paid to the University.

(2) The proclamation made under subsection one  
10 of this section shall—

- (a) be published in the Gazette;
- (b) be laid before both Houses of Parliament within  
15 fourteen sitting days if Parliament is then in session, and if not, then within fourteen sitting days after the commencement of the next session;
- (c) subject to subsection three of this section, take  
20 effect upon the expiration of twenty-four sitting days after the proclamation has been laid before both Houses or where the proclamation is laid before the two Houses on different dates then upon the expiration of twenty-four sitting days from the later of such dates.

(3) If within fourteen sitting days after the  
25 proclamation has been laid before either House of Parliament such House passes a resolution of which notice has been given at any time within seven sitting days after the proclamation has been laid before such House disallowing the proclamation, the proclamation  
30 shall not take effect.

(4) If the proclamation made under subsection one of this section is disallowed pursuant to this section, the Governor may make a new proclamation under and in accordance with that subsection and the provisions of  
35 this section (including the provisions of this subsection) shall apply to and in respect of the new proclamation.

(5) Any moneys payable to the University under this section shall be paid out of the Consolidated Revenue Fund without further appropriation than this Act.

---

*University of New England.*

---

**27.** (1) The provisions of this section shall cease to have effect upon the first day of January next following the day upon which a proclamation under section twenty-six of this Act takes effect. Endowment —transitional provisions.

5 (2) The Colonial Treasurer shall, in the year commencing upon the commencement of this Act and in each succeeding year, pay to the University by way of endowment such sum as the Colonial Treasurer deems necessary to meet the expenses of the University in that 10 year.

(3) Where the provisions of this section cease to have effect before the expiration of any such year there shall, notwithstanding anything contained in section twenty-six of this Act, be deducted from the first annual 15 sum payable under the said section twenty-six such amount, if any, as the Colonial Treasurer, having regard to the sum paid under this section in respect of that year and to the portion of such year unexpired at the time when the provisions of this section cease to have effect, 20 may determine.

(4) To enable the Colonial Treasurer to exercise and perform the powers and functions conferred upon him by subsection two of this section, the University shall, as soon as practicable after the commencement of each 25 year referred to in that subsection, submit to the Colonial Treasurer estimates of the income and expenditure of the University for that year and such other information as the Colonial Treasurer may deem necessary.

(5) Any moneys payable by the Colonial 30 Treasurer under this section shall be paid out of moneys provided by Parliament.

**28.** The Colonial Treasurer may for the temporary accommodation of the University advance such moneys to the Council as the Governor may approve upon such 35 terms and conditions as to repayment and interest as may be agreed upon. Advance by Colonial Treasurer.

*University of New England.*

- 29.** The Council may borrow money for— Power of Council to borrow.
- (a) the purpose of carrying out or performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans; or
- 5 (c) the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank,
- within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon
- 10 the recommendation of the Colonial Treasurer may approve.
- 30.** The Council may by By-law make provision for Payment of fees. the payment by students of the University of fees for entrance to the University, attendance at lectures and
- 15 classes, conferring of degrees and other University charges (including residence charges) except in the case of any student who is granted any fellowship, scholarship, exhibition, bursary or similar benefit, to the extent to which he is thereby exempted from payment of fees.
- 20 **31.** Without prejudice to the generality of section Department of External Studies. seven of this Act the Council may, under and in accordance with By-laws made for the purpose, establish within the University a Department of External Studies for the purpose of providing appropriate tuition for students
- 25 who are unable to attend lectures at the University and of enabling degrees to be conferred upon such of them as, by examination, satisfy the requirements of the University.
- 32.** (1) The University shall co-operate with the New Special provision for Arts courses at Newcastle, etc. South Wales University of Technology in the provision of degree courses in Arts at Newcastle and at such other places as may be agreed upon by the University and the New South Wales University of Technology. The teaching of the students in such courses and the facilities
- 30 therefor shall be provided by the New South Wales University of Technology. The University shall provide
- 35 for

*University of New England.*

for the examination of the students and the granting of degrees to such of them as satisfy the requirements of the University.

(2) The University and the New South Wales  
5 University of Technology are hereby authorised to do and perform all acts and things necessary or convenient for giving effect to the provisions of this section.

**33.** (1) The Council shall allow such students of Teachers' college students and school teachers.  
10 teachers' colleges established under the Public Instruction Act of 1880, such teachers in schools established under that Act and such other members of the public service of New South Wales as the Minister may approve to attend, for the purpose of proceeding to a first degree,  
15 University lectures or to enrol as external students and receive tuition for the period required for admission to that degree without the payment of lecture, class or tuition fees: Provided that all such students, teachers and members of the public service of New South Wales  
20 shall be qualified to be enrolled as matriculated students as prescribed by the By-laws: Provided further that the Minister shall not, without the consent of the Council, give approval under this section for more than one hundred and fifty persons to commence courses in any one year.

25 (2) Nothing in subsection one of this section shall exempt any person referred to in that subsection from the payment of such fees, other than lecture, class or tuition fees, as may be prescribed by the By-laws.

**34.** The Council shall cause to be kept proper books Accounts to be rendered.  
30 of account in relation to the funds of the University and shall, as soon as practicable after the thirty-first day of December in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General  
35 exhibiting a true and correct view of the financial position and transactions of the University.

*University of New England.*

- 35.** The accounts of the University shall be audited Audit. by the Auditor-General who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and any Acts amending the same, shall apply to the members of the Council and to the officers and employees of the University in the same manner as it applies to accounting officers of public departments.
- 36.** (1) As soon as practicable after the thirty-first day of December in each year, the Council shall prepare and furnish to the Minister a report upon the proceedings of the University during the period of twelve months immediately preceding that day. Such report shall include a summary of the work, researches and investigations carried out by the University during such period. Report of Proceedings.
- (2) A copy of such report shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.
- 37.** No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to enjoy any benefit, advantage or privilege thereof. No religious test.
- 38.** (1) Upon the commencement of this Act the New England University College shall cease to exist. Provisions re New England University College.
- (2) (a) All real and personal property which immediately before the commencement of this Act was held by or vested in the University of Sydney in trust for or on behalf of the New England University College shall by virtue of this Act be divested from the University of Sydney and shall, as from such commencement, vest in the University and shall, subject to paragraph (b) of this subsection, be applied by the University for the objects and purposes for which the University is established.

(b)



---

*University of New England.*

---

(b) All property vested in the University by this subsection shall be held by it subject to the conditions or trusts on which it was held immediately before such vesting: Provided that any reference in any such  
5 conditions or trusts to the New England University College shall, as from the commencement of this Act, be read and construed as a reference to the University.

(c) All rights accruing or accrued to the University of Sydney in respect of any property vested  
10 in the University by operation of this subsection are hereby vested in the University and may be enforced by the University.

(d) All liabilities of the University of Sydney in respect of any property vested in the University by  
15 operation of this subsection may be enforced against the University.

**39.** (1) Every person who, immediately before the commencement of this Act, held any salaried office or employment in the New England University College shall  
20 become and be officers and employees of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment, but not including terms and conditions prescribing the title, duties or status of the office or employment) as the  
25 Council may determine, but not less favourable than those upon which he so held that office or employment:

Persons holding office in the New England University College.

Provided that this subsection shall not apply to or in respect of a person who immediately before the commencement of this Act held office in the New England  
30 University College as a part-time lecturer, temporary lecturer, temporary tutor or temporary demonstrator, or to or in respect of any other person who had not, before such commencement, been appointed by the Senate of the University of Sydney as a permanent member of the  
35 staff of the New England University College.

(2) A person referred to in subsection one of this section shall not have any right to damages or compensation in respect of the termination, in consequence  
of

---

*University of New England.*

---

of this Act coming into operation, of his tenure of any office or employment in the New England University College.

**40.** The Local Government Act, 1919, as amended by  
 5 subsequent Acts, is amended by inserting next after  
 paragraph (f) of subsection one of section one hundred  
 and thirty-two the following new paragraph:—

Amendment of  
 Act No. 41,  
 1919.  
 Sec. 132.  
 (Definition  
 of ratable  
 land.)

10 (fi) land which is vested in the University of New  
 England or in a college thereof and is used or  
 occupied by the University or college as the  
 case may be solely for the purposes thereof;  
 and.

**41.** The Superannuation Act, 1916-1952, is amended—

Amendment  
 of Act No. 28,  
 1916.

15 (a) by inserting in the definition of "Employee"  
 in subsection one of section three after the  
 words "University of Sydney," the words "or  
 a professor of the University of New England,";  
 (b) by inserting at the end of Schedule Three the  
 words—

Sec. 3  
 (Interpreta-  
 tion.)

Sch. III.

20 The University of New England.