

*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 30 April, 1964.*

## New South Wales



ANNO TERTIO DECIMO

**ELIZABETHÆ II REGINÆ**

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Act No. , 1964.

An Act to provide for the establishment and incorporation of a University at Ryde; to constitute a Council of the University and define its powers, authorities, duties and functions; to amend the Superannuation Act, 1916-1963, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

**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 : —

1. This Act may be cited as the "Macquarie University Short title. Act, 1964".



*Macquarie University.*

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

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

- 5     "By-laws" means the by-laws of the University in force in pursuance of this Act.  
        "Council" means the Council of the University.  
        "University" means the Macquarie University.

4. (1) A University, consisting of a Council and Con- Establish-  
ment and  
incorpora-  
tion of  
University.  
 10 vocation and graduate and undergraduate members, shall be established at Ryde in the State of New South Wales.

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

- (a) suing and being sued;  
        (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);  
 20       (c) granting, alienating, assigning, charging, selling 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 Common  
seal.  
 25 in such custody as the Council directs, and shall not 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 that it was duly  
 30 affixed.

6. The functions of the University shall, within the limits Functions  
of  
University.  
 of its resources, include—

- (a) the provision of educational facilities at University standards for persons who being eligible to enrol  
 35 seek the benefits of such facilities;

(b)



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- (b) the establishment of such facilities as the University deems desirable for—
- (i) the provision of courses of study, whether at Ryde within the University or elsewhere, for evening students;
  - (ii) giving instruction to and the examination of external students;
  - (iii) providing courses of study or instruction at such levels of attainment as the Council deems appropriate to meet the special requirements of industry, commerce or any other section of the community;
- (c) the dissemination of knowledge and the promotion of scholarship otherwise than as hereinbefore provided.

7. The University—

- (a) shall, as soon as convenient after the commencement of this Act, proceed to provide facilities for study in the disciplines of Arts, Science and Economics; and
- (b) may, for the purpose of discharging its functions, provide such facilities for its undergraduates and students and other persons as it deems desirable.

For the purpose of this section the University may establish such Faculties, Schools and Departments as it sees fit.

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 :

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

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



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9. (1) The first Council shall consist of the persons who immediately before the commencement of this Act held office as members of the Interim Council constituted for and in respect of the University to be established at Ryde and, unless he is appointed from among those persons, the Vice-Chancellor.

Constitu-  
tion of  
first  
Council.

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section ten of this Act assumes office.

10 (3) Where a casual vacancy occurs in the office of a member of the first Council the Council may appoint a person to the vacant 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, fifteen, sixteen or seventeen of this Act.

25 (6) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section ten of this Act so as to take office on or before the first day of January, one thousand nine hundred and sixty-seven, or such extended time as the Minister may determine.

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-one members.

Constitu-  
tion of  
Council  
other than  
first  
Council.

The Council constituted in accordance with this section shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

(2)



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(2) Three members shall be appointed by the Minister.

(3) One member shall be elected by the members of the Legislative Council.

5 (4) One member shall be elected by the members of the Legislative Assembly.

(5) Five members, two of whom shall not be persons having professorial rank, shall be appointed or elected, in the manner provided by the by-laws, to represent the profes-  
10 sorial and other members of the teaching staff of the University.

(6) Five members shall be elected, in the manner provided by the by-laws, by Convocation or such classes of members of Convocation as may be prescribed by the  
15 by-laws.

(7) One member shall be appointed or elected, in the manner provided by the by-laws, by the undergraduates of the University.

(8) The person who was Vice-Chancellor immediately before the day referred to in subsection one of this section and any person subsequently appointed as Vice-Chancellor shall, unless he is a member of the Council by virtue of any other provision of this section, be ex officio a member thereof.

25 (9) Three members shall be appointed or elected, in the manner provided by the by-laws, by the members for the time being referred to in subsections two to eight, both inclusive, of this section, and where there is for the time being a Chancellor elected as hereinafter provided, by the  
30 members for the time being referred to in the said subsections and the Chancellor.

(10) The person elected as Chancellor shall, where such person is not a member of the Council by virtue of any other provision of this section, be ex officio a member  
35 of the Council.

(11) The members of the Council other than the Vice-Chancellor and Chancellor shall, subject to sections eleven and twelve of this Act, hold office for such period  
not



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not exceeding three years as the by-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

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

(13) (a) In the event of a casual vacancy in the office of any member, not being a member elected under subsection six of this section, a member shall be appointed or elected in the same manner as that in which the member  
10 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.

(b) A casual vacancy occurring amongst the members appointed under subsection six of this section shall  
15 be filled by the Council appointing some person in the place of that member.

(c) Any member of the Council appointed or elected under this subsection to fill a casual vacancy shall hold office for the residue of the term of office of the member  
20 whose place he has filled.

**11.** No person who—

Disqualifi-  
cations.

- (a) is under the age of twenty-one years;
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors;
- 25 (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 a mentally ill person, a protected person or an incapable person within the meaning of the Mental  
30 Health Act, 1958, as amended by subsequent Acts, 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.

- 35 (a) dies;
- (b) resigns his office by notice in writing addressed to the Vice-Chancellor;

(c)



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- (c) is absent without leave of the Council from three consecutive meetings of the Council;
- (d) being a member of the Legislative Council or Legislative Assembly ceases to be such a member.

5   **13.** (1) The Chancellor shall preside at all meetings of Chairman.  
the Council and of all committees at which he is present.

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

**14.** (1) Convocation shall consist of the following Convoca-  
persons, namely— tion.

- (a) all members and past members of the Council;
- 15   (b) all graduates of the University;
- (c) all professors and 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;
- 20   (d) such graduates of other Universities, or other  
persons, as are, in accordance with the by-laws,  
admitted as members of Convocation.

(2) Meetings of Convocation shall be convened and  
the business at such meetings shall be conducted in the manner  
25 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  
30 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.



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15 **15.** (1) There shall be a Chancellor of the University and the first Chancellor shall be elected by the persons referred to in subsections two to nine, both inclusive, of section ten of this Act, and subsequent Chancellors shall be elected by the Council. The Chancellor may be elected from amongst the members of the Council or otherwise.

Election of  
Chancellor.

(2) The Chancellor shall, subject to sections eleven and twelve of this Act, hold office for three years and on such conditions as are provided by the by-laws.

10 **16.** (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.

(2) 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.

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

20 **17.** (1) The Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

Appointment  
of Vice-  
Chancellor.

(2) The Vice-Chancellor shall hold office for such period and on such conditions as the Council determines.

25 (3) 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 and, subject to the by-laws, as the Council determines.

30 **18.** At any meeting 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 shall form a quorum.

Quorum.

**19.** 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.



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20. (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  
5 at 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.

Validity  
of acts  
and pro-  
ceedings.

(2) All acts and proceedings of the Council or any committee of the Council, or of the Vice-Chancellor or any  
10 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  
15 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.

21. (1) Subject to this Act and the by-laws the Council— Powers of Council.

- 20 (a) may provide courses in Arts, Science and Economics, and such other courses as it deems fit and may confer the several degrees of Bachelor, Master and Doctor, and such other degrees and  
25 grant and issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- (c) shall have the entire control and management of the affairs and concerns of the University and may act  
30 in all matters concerning the University in such manner as appears to it best calculated to promote its objects and interests;
- (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to  
35 carry out the conditions of any such gift, bequest or devise;

(e)



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5 (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, the renewal of loans or the discharge or partial discharge of any indebtedness to the 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 Treasurer may approve;

10 (f) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and

15 (g) 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 :

20 Provided however that 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 (2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the University has agreed.

30 **22.** (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. Delegation  
by Council.

35 (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.

**23.**



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

- 5 (a) all matters under this Act for which provision is to be made or which are to be prescribed by by-law or are otherwise necessary or convenient for giving effect to this Act;
- (b) the management, good government and discipline of the University;
- 10 (c) the use and custody of the common seal;
- (d) the method of election or appointment of members of the Council who are to be elected or appointed;
- (e) the procedure for convening and holding meetings of the Council;
- 15 (f) the convening and holding of meetings of any committee and the conduct of proceedings of any committee;
- (g) the matriculation and enrolment of students;
- 20 (h) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and the conferring of degrees and diplomas;
- (i) the exemption from payment of fees and charges;
- (j) the courses of lectures for such degrees and diplomas as the University confers and the terms and conditions upon which degrees, diplomas, 25 scholarships and prizes may be conferred or awarded;
- (k) the establishment and conduct of external teaching;
- (l) the number, stipend, manner of appointment and termination of services of academic and other staff 30 of the University;
- (m) the establishment or affiliation of residential colleges and halls of residence within the University and their conduct ;
- 35 (n) the affiliation with or admission to the University of any educational or research establishment where-soever situated :

(o)



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(o) the provision of a scheme of superannuation for the professors of the University;

(p) the form and use of academic costume;

5 (q) the form and use of arms or armorial bearings of the University or of any college within or associated with the University.

(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  
10 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.

15 (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;

20 (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  
25 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 purport-  
30 ing to be a copy of such by-law and to be printed by the Government Printer.

24. (1) There shall be paid to the University in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, and in  
35 respect of each succeeding year, such sum as the Treasurer may determine. In making any such determination the Treasurer shall take into consideration the University's estimated  
Permanent endowment.



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estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements.

(2) To enable the Treasurer to exercise and perform  
5 the powers and functions conferred upon him by subsection  
one of this section, the University shall, in respect of the year  
commencing upon the first day of January next preceding the  
date of commencement of this Act, as soon as practicable  
after such commencement, and in respect of each succeeding  
10 year either before or as soon as practicable after the com-  
mencement of such year, submit to the Treasurer estimates  
of the expenditure and income of the University for such year  
and such other information as the Treasurer may deem  
necessary.

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

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

26. The Council shall cause to be kept proper books of Accounts  
account in relation to the funds of the University and shall, to be  
as soon as practicable after the thirty-first day of December rendered.  
in each year, prepare and transmit to the Minister for presenta-  
25 tion 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.

27. The accounts of the University shall be audited by the Audit.  
Auditor-General who shall have, in respect thereof, all the  
30 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  
35 to accounting officers of public departments.

28.



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28. (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.

29. 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 and no person shall be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof by reason of his political views or beliefs.

No religious  
test or  
political  
discrimina-  
tion.

30. The Governor of New South Wales shall be the visitor of the University with full authority and jurisdiction to do all such things and entertain such causes as may pertain to or be exercised by visitors as often as he deems meet.

Visitor.

31. (1) The Council shall allow such students of teachers' colleges established under the Public Instruction Act of 1880, as amended by subsequent Acts, 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 shall be qualified to enrol as matriculated students as prescribed by the by-laws.

Teachers'  
college  
students  
and school  
teachers.

(2)



*Macquarie University.*

(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.

- 5   **32.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after paragraph (fi) 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       (fii) land which is vested in the Macquarie University, 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.

- 15   **33.** (1) The Metropolitan Water, Sewerage, and Drainage Act, 1924-1963, is amended by inserting next after paragraph (f) of subsection one of section eighty-eight the following new paragraph :—

Amendment  
of Act No.  
50, 1924.  
Sec. 88.  
(Lands  
exempted  
from rates.)

- 20       (f1) land which is vested in the Macquarie University, 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.

(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1964.

- 25   **34.** (1) The Superannuation Act, 1916-1963, is amended—

Amendment  
of Act No.  
28, 1916.

- 30       (a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of New England" the words "or a professor of the Macquarie University";
- (ii) by inserting next after paragraph (f) of the same subsection the following new paragraph :—

Sec. 3.  
(Interpreta-  
tion.)

- 35       (g) The provisions of this subsection shall apply, mutatis mutandis, to and in respect of professors of the Macquarie University.

(b)



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- (b) (i) by inserting next after paragraph (c) of sub- Sec. 11.  
section one of section eleven the following (When to  
new paragraph :— commence.)

5 (d) any person, other than a professor,  
who is a full-time member of the teach-  
ing staff of the Macquarie University  
and who satisfies the Board that he is  
a party to a scheme or arrangement  
to which that University is also a party  
10 and under which he is or may become  
entitled to any pension or annuity or  
retiring allowance upon retirement.

- 15 (ii) by inserting in the same subsection after the  
figures "1948" where lastly occurring the  
following new paragraph :—

20 In the case of a person referred to in para-  
graph (d) of this proviso the application shall  
be made within three months from the date on  
which such person enters the service of the  
Macquarie University, but no such exemption  
shall be granted by the Board except upon  
the recommendation of the Council of that  
University.

- 25 (c) by inserting at the end of Schedule III the following Sch. III.  
words :—

The Macquarie University.

(2) The Superannuation Act, 1916, as amended by  
subsequent Acts, by the Governor pursuant to section ninety-  
two of that Act, as so amended, and by this Act, may be  
30 cited as the Superannuation Act, 1916-1964.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964  
[1s. 4d.]



No. , 1964.

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## A BILL

To provide for the establishment and incorporation of a University at Ryde; to constitute a Council of the University and define its powers, authorities, duties and functions; to amend the Superannuation Act, 1916-1963, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. WETHERELL;—29 April, 1964.]

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**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 :—

1. This Act may be cited as the "Macquarie University Short title. Act, 1964".



*Macquarie University.*

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

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

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

"Council" means the Council of the University.

"University" means the Macquarie University.

4. (1) A University, consisting of a Council and Con- Establish-  
ment and  
incorpora-  
tion of  
University.

10 vocation and graduate and undergraduate members, shall be established at Ryde in the State of New South Wales.

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

15 name of—

- (a) suing and being sued;
- (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);
- 20 (c) granting, alienating, assigning, charging, selling 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 Common  
seal.

25 in such custody as the Council directs, and shall not 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 that it was duly

30 affixed.

6. The functions of the University shall, within the limits Functions  
of  
University.

of its resources, include—

- (a) the provision of educational facilities at University standards for persons who being eligible to enrol
- 35 seek the benefits of such facilities;

(b)



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- (b) the establishment of such facilities as the University deems desirable for—
- (i) the provision of courses of study, whether at Ryde within the University or elsewhere, for evening students;
  - (ii) giving instruction to and the examination of external students;
  - (iii) providing courses of study or instruction at such levels of attainment as the Council deems appropriate to meet the special requirements of industry, commerce or any other section of the community;
- (c) the dissemination of knowledge and the promotion of scholarship otherwise than as hereinbefore provided.

7. The University—

- (a) shall, as soon as convenient after the commencement of this Act, proceed to provide facilities for study in the disciplines of Arts, Science and Economics; and
- (b) may, for the purpose of discharging its functions, provide such facilities for its undergraduates and students and other persons as it deems desirable.

For the purpose of this section the University may establish such Faculties, Schools and Departments as it sees fit.

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 :

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

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



*Macquarie University.*

9. (1) The first Council shall consist of the persons who immediately before the commencement of this Act held office as members of the Interim Council constituted for and in respect of the University to be established at Ryde and, unless he is appointed from among those persons, the Vice-Chancellor.

Constitu-  
tion of  
first  
Council.

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section ten of this Act assumes office.

10 (3) Where a casual vacancy occurs in the office of a member of the first Council the Council may appoint a person to the vacant office.

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

20 (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, fifteen, sixteen or seventeen of this Act.

25 (6) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section ten of this Act so as to take office on or before the first day of January, one thousand nine hundred and sixty-seven, or such extended time as the Minister may determine.

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-one members.

Constitu-  
tion of  
Council  
other than  
first  
Council.

35 The Council constituted in accordance with this section shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

(2)



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*Macquarie University.*

---

(2) Three members shall be appointed by the Minister.

(3) One member shall be elected by the members of the Legislative Council.

5 (4) One member shall be elected by the members of the Legislative Assembly.

(5) Five members, two of whom shall not be persons having professorial rank, shall be appointed or elected, in the manner provided by the by-laws, to represent the profes-  
10 sorial and other members of the teaching staff of the University.

(6) Five members shall be elected, in the manner provided by the by-laws, by Convocation or such classes of members of Convocation as may be prescribed by the  
15 by-laws.

(7) One member shall be appointed or elected, in the manner provided by the by-laws, by the undergraduates of the University.

(8) The person who was Vice-Chancellor immedi-  
20 ately before the day referred to in subsection one of this section and any person subsequently appointed as Vice-Chancellor shall, unless he is a member of the Council by virtue of any other provision of this section, be ex officio a member thereof.

25 (9) Three members shall be appointed or elected, in the manner provided by the by-laws, by the members for the time being referred to in subsections two to eight, both inclusive, of this section, and where there is for the time being a Chancellor elected as hereinafter provided, by the  
30 members for the time being referred to in the said subsections and the Chancellor.

(10) The person elected as Chancellor shall, where such person is not a member of the Council by virtue of any other provision of this section, be ex officio a member  
35 of the Council.

(11) The members of the Council other than the Vice-Chancellor and Chancellor shall, subject to sections eleven and twelve of this Act, hold office for such period  
not



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not exceeding three years as the by-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

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

(13) (a) In the event of a casual vacancy in the office of any member, not being a member elected under subsection six of this section, a member shall be appointed or elected in the same manner as that in which the member  
10 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.

(b) A casual vacancy occurring amongst the members appointed under subsection six of this section shall  
15 be filled by the Council appointing some person in the place of that member.

(c) Any member of the Council appointed or elected under this subsection to fill a casual vacancy shall hold office for the residue of the term of office of the member  
20 whose place he has filled.

**11. No person who—**

Disqualifications.

- (a) is under the age of twenty-one years;
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors;
- 25 (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 a mentally ill person, a protected person or an incapable person within the meaning of the Mental  
30 Health Act, 1958, as amended by subsequent Acts, 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.

- 35 (a) dies;
- (b) resigns his office by notice in writing addressed to the Vice-Chancellor;

(c)



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(c) is absent without leave of the Council from three consecutive meetings of the Council;

(d) being a member of the Legislative Council or Legislative Assembly ceases to be such a member.

5   **13.** (1) The Chancellor shall preside at all meetings of Chairman.  
the Council and of all committees at which he is present.

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

**14.** (1) Convocation shall consist of the following Convoca-  
persons, namely— tion.

(a) all members and past members of the Council;

15   (b) all graduates of the University;

(c) all professors and 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;

20   (d) such graduates of other Universities, or other persons, as are, in accordance with the by-laws, admitted as members of Convocation.

(2) Meetings of Convocation shall be convened and the business at such meetings shall be conducted in the manner  
25 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  
30 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.



*Macquarie University.*

15. (1) There shall be a Chancellor of the University and the first Chancellor shall be elected by the persons referred to in subsections two to nine, both inclusive, of section ten of this Act, and subsequent Chancellors shall be elected by the Council. The Chancellor may be elected from amongst the members of the Council or otherwise.

Election of  
Chancellor.

(2) The Chancellor shall, subject to sections eleven and twelve of this Act, hold office for three years and on such conditions as are provided by the by-laws.

10 16. (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.

(2) 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.

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

20 17. (1) The Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

Appointment  
of Vice-  
Chancellor.

(2) The Vice-Chancellor shall hold office for such period and on such conditions as the Council determines.

25 (3) 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 and, subject to the by-laws, as the Council determines.

18. At any meeting 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 shall form a quorum.

Quorum.

19. 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.



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20. (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  
5 at 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.

Validity  
of acts  
and pro-  
ceedings.

(2) All acts and proceedings of the Council or any committee of the Council, or of the Vice-Chancellor or any  
10 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  
15 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.

21. (1) Subject to this Act and the by-laws the Council— Powers of Council.

- 20 (a) may provide courses in Arts, Science and Economics, and such other courses as it deems fit and may confer the several degrees of Bachelor, Master and Doctor, and such other degrees and  
25 grant and issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- (c) shall have the entire control and management of the affairs and concerns of the University and may act  
30 in all matters concerning the University in such manner as appears to it best calculated to promote its objects and interests;
- (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to  
35 carry out the conditions of any such gift, bequest or devise;

(e)



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(e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, the renewal of loans or the discharge or partial discharge of any indebtedness to the 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 Treasurer may approve;

(f) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and

(g) 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 :

Provided however that 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.

(2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the University has agreed.

**22.** (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.

Delegation  
by Council.

(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.

**23.**



*Macquarie University.*

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

- 5 (a) all matters under this Act for which provision is to be made or which are to be prescribed by by-law or are otherwise necessary or convenient for giving effect to this Act;
- (b) the management, good government and discipline of the University;
- 10 (c) the use and custody of the common seal;
- (d) the method of election or appointment of members of the Council who are to be elected or appointed;
- (e) the procedure for convening and holding meetings of the Council;
- 15 (f) the convening and holding of meetings of any committee and the conduct of proceedings of any committee;
- (g) the matriculation and enrolment of students;
- 20 (h) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and the conferring of degrees and diplomas;
- (i) the exemption from payment of fees and charges;
- 25 (j) the courses of lectures for such degrees and diplomas as the University confers and the terms and conditions upon which degrees, diplomas, scholarships and prizes may be conferred or awarded;
- (k) the establishment and conduct of external teaching;
- 30 (l) the number, stipend, manner of appointment and termination of services of academic and other staff of the University;
- (m) the establishment or affiliation of residential colleges and halls of residence within the University and their conduct ;
- 35 (n) the affiliation with or admission to the University of any educational or research establishment where-soever situated :

(o)



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- (o) the provision of a scheme of superannuation for the professors of the University;
- (p) the form and use of academic costume;
- (q) the form and use of arms or armorial bearings of the University or of any college within or associated with the University.

(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.

24. (1) There shall be paid to the University in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, and in respect of each succeeding year, such sum as the Treasurer may determine. In making any such determination the Treasurer shall take into consideration the University's estimated Permanent endowment.



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estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection one of this section, the University shall, in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, as soon as practicable after such commencement, and in respect of each succeeding year either before or as soon as practicable after the commencement of such year, submit to the Treasurer estimates of the expenditure and income of the University for such year and such other information as the Treasurer may deem necessary.

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

25. The 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  
Treasurer.

26. 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.

27. 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. Audit.

28.



*Macquarie University.*

28. (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.

29. 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 and no person shall be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof by reason of his political views or beliefs.

No religious  
test or  
political  
discrimina-  
tion.

30. The Governor of New South Wales shall be the visitor of the University with full authority and jurisdiction to do all such things and entertain such causes as may pertain to or be exercised by visitors as often as he deems meet.

Visitor.

31. (1) The Council shall allow such students of teachers' colleges established under the Public Instruction Act of 1880, as amended by subsequent Acts, 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 shall be qualified to enrol as matriculated students as prescribed by the by-laws.

Teachers'  
college  
students  
and school  
teachers.



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(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.

5 **32.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after paragraph (fi) 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 (fii) land which is vested in the Macquarie University,  
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.

**33.** (1) The Metropolitan Water, Sewerage, and Drain-  
age Act, 1924-1963, is amended by inserting next after  
15 paragraph (f) of subsection one of section eighty-eight the  
following new paragraph :—

Amendment  
of Act No.  
50, 1924.  
Sec. 88.  
(Lands  
exempted  
from rates.)

20 (fi) land which is vested in the Macquarie University,  
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.

(2) The Metropolitan Water, Sewerage, and Drain-  
age Act, 1924, as amended by subsequent Acts and by this  
Act, may be cited as the Metropolitan Water, Sewerage, and  
Drainage Act, 1924-1964.

25 **34.** (1) The Superannuation Act, 1916-1963, is amended—

Amendment  
of Act No.  
28, 1916.

30 (a) (i) by inserting in the definition of "Employee" in  
subsection one of section three after the words  
"University of New England" the words "or a  
professor of the Macquarie University";

Sec. 3.  
(Interpreta-  
tion.)

(ii) by inserting next after paragraph (f) of the  
same subsection the following new para-  
graph :—

35 (g) The provisions of this subsection shall  
apply, mutatis mutandis, to and in respect of  
professors of the Macquarie University.

(b)



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- (b) (i) by inserting next after paragraph (c) of sub- Sec. 11.  
section one of section eleven the following (When to  
new paragraph :— commence.)

5 (d) any person, other than a professor,  
who is a full-time member of the teach-  
ing staff of the Macquarie University  
and who satisfies the Board that he is  
10 a party to a scheme or arrangement  
to which that University is also a party  
and under which he is or may become  
entitled to any pension or annuity or  
retiring allowance upon retirement.

- 15 (ii) by inserting in the same subsection after the  
figures "1948" where lastly occurring the  
following new paragraph :—

20 In the case of a person referred to in para-  
graph (d) of this proviso the application shall  
be made within three months from the date on  
which such person enters the service of the  
Macquarie University, but no such exemption  
shall be granted by the Board except upon  
the recommendation of the Council of that  
University.

- 25 (c) by inserting at the end of Schedule III the following Sch. III.  
words :—

The Macquarie University.

(2) The Superannuation Act, 1916, as amended by  
subsequent Acts, by the Governor pursuant to section ninety-  
two of that Act, as so amended, and by this Act, may be  
30 cited as the Superannuation Act, 1916-1964.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964  
[1s. 4d.]



## MACQUARIE UNIVERSITY BILL, 1964.

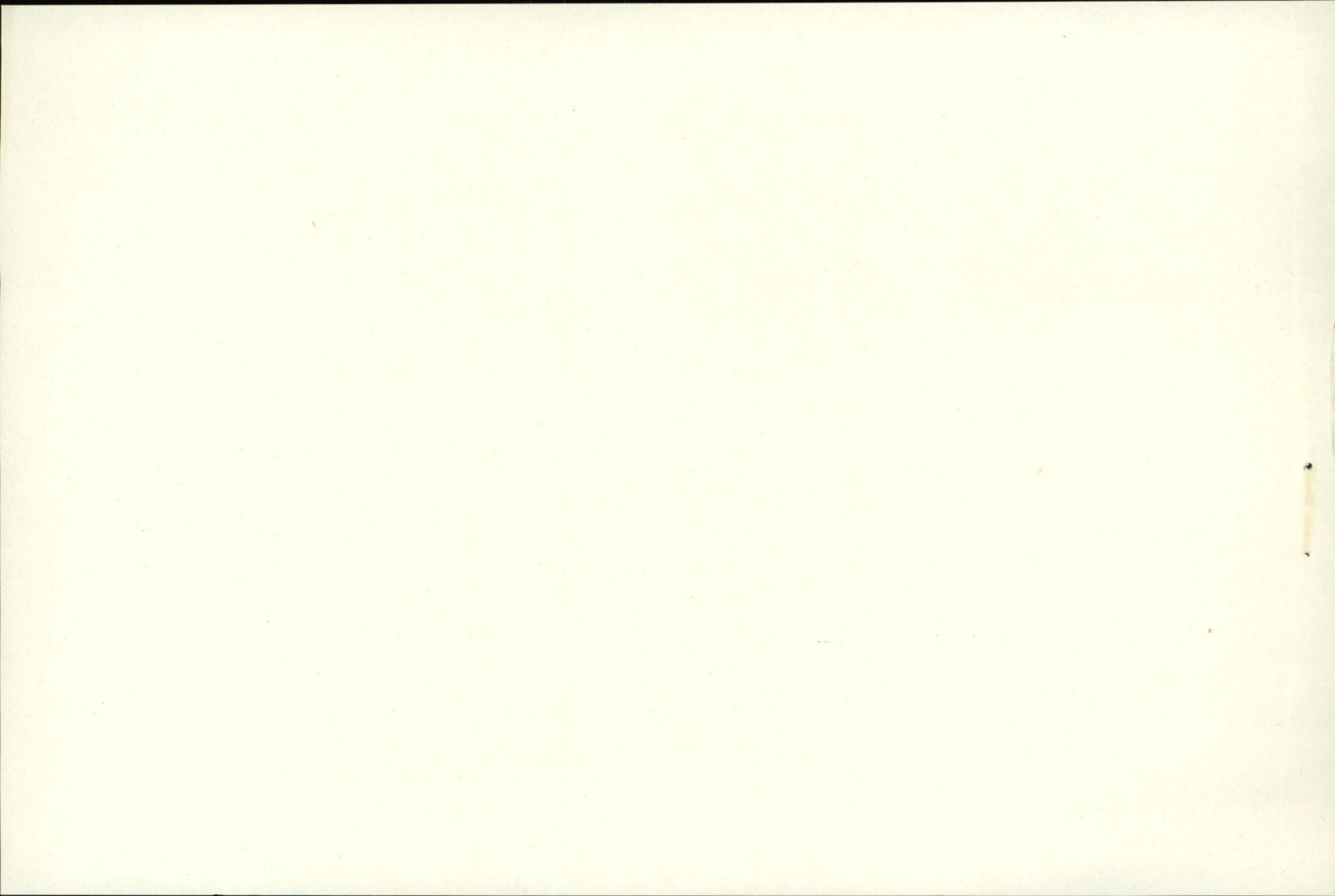
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### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to establish and incorporate a University at Ryde under the corporate name of The Macquarie University;
- (b) to provide for the constitution of a Council of the University and to define its powers, authorities, duties and functions;
- (c) to make certain other provisions ancillary to, or connected with, the above objects.







PROOF

No. , 1964.

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## A BILL

To provide for the establishment and incorporation of a University at Ryde; to constitute a Council of the University and define its powers, authorities, duties and functions; to amend the Superannuation Act, 1916-1963, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. WETHERELL;—29 April, 1964.]

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**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 :—

1. This Act may be cited as the "Macquarie University Short title. Act, 1964".

59997 428—

2.



*Macquarie University.*

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

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

- 5     "By-laws" means the by-laws of the University in force  
      in pursuance of this Act.  
      "Council" means the Council of the University.  
      "University" means the Macquarie University.

10    4. (1) A University, consisting of a Council and Con- Establish-  
ment and  
incorpora-  
tion of  
University.  
      vocation and graduate and undergraduate members, shall be  
      established at Ryde in the State of New South Wales.

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

- (a) suing and being sued;  
      (b) taking, purchasing and holding real and personal  
          property (including property devised, bequeathed  
          or given to the University);  
20    (c) granting, alienating, assigning, charging, selling 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.

25    5. (1) The common seal of the University shall be kept Common  
seal.  
      in such custody as the Council directs, and shall not be used  
      except upon the order of the Council.

30    (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, within the limits Functions  
of  
University.  
of its resources, include—

- 35    (a) the provision of educational facilities at University  
      standards for persons who being eligible to enrol  
      seek the benefits of such facilities;

(b)



*Macquarie University.*

- (b) the establishment of such facilities as the University deems desirable for—
- (i) the provision of courses of study, whether at Ryde within the University or elsewhere, for evening students;
  - (ii) giving instruction to and the examination of external students;
  - (iii) providing courses of study or instruction at such levels of attainment as the Council deems appropriate to meet the special requirements of industry, commerce or any other section of the community;
- (c) the dissemination of knowledge and the promotion of scholarship otherwise than as hereinbefore provided.

7. The University—

- (a) shall, as soon as convenient after the commencement of this Act, proceed to provide facilities for study in the disciplines of Arts, Science and Economics; and
- (b) may, for the purpose of discharging its functions, provide such facilities for its undergraduates and students and other persons as it deems desirable.

For the purpose of this section the University may establish such Faculties, Schools and Departments as it sees fit.

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 :

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

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



*Macquarie University.*

9. (1) The first Council shall consist of the persons who immediately before the commencement of this Act held office as members of the Interim Council constituted for and in respect of the University to be established at Ryde and, unless he is appointed from among those persons, the Vice-Chancellor.

Constitu-  
tion of  
first  
Council.

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section ten of this Act assumes office.

10 (3) Where a casual vacancy occurs in the office of a member of the first Council the Council may appoint a person to the vacant office.

15 (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, fifteen, sixteen or seventeen of this Act.

25 (6) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section ten of this Act so as to take office on or before the first day of January, one thousand nine hundred and sixty-seven, or such extended time as the Minister may  
30 determine.

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-one members.

Constitu-  
tion of  
Council  
other than  
first  
Council.

35 The Council constituted in accordance with this section shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

(2)



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*Macquarie University.*

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(2) Three members shall be appointed by the Minister.

(3) One member shall be elected by the members of the Legislative Council.

5 (4) One member shall be elected by the members of the Legislative Assembly.

(5) Five members, two of whom shall not be persons having professorial rank, shall be appointed or elected, in the manner provided by the by-laws, to represent the profes-  
10 sorial and other members of the teaching staff of the University.

(6) Five members shall be elected, in the manner provided by the by-laws, by Convocation or such classes of members of Convocation as may be prescribed by the  
15 by-laws.

(7) One member shall be appointed or elected, in the manner provided by the by-laws, by the undergraduates of the University.

(8) The person who was Vice-Chancellor immediately before the day referred to in subsection one of this section and any person subsequently appointed as Vice-Chancellor shall, unless he is a member of the Council by virtue of any other provision of this section, be ex officio a member thereof.

25 (9) Three members shall be appointed or elected, in the manner provided by the by-laws, by the members for the time being referred to in subsections two to eight, both inclusive, of this section, and where there is for the time being a Chancellor elected as hereinafter provided, by the  
30 members for the time being referred to in the said subsections and the Chancellor.

(10) The person elected as Chancellor shall, where such person is not a member of the Council by virtue of any other provision of this section, be ex officio a member  
35 of the Council.

(11) The members of the Council other than the Vice-Chancellor and Chancellor shall, subject to sections eleven and twelve of this Act, hold office for such period  
not



*Macquarie University.*

not exceeding three years as the by-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

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

(13) (a) In the event of a casual vacancy in the office of any member, not being a member elected under subsection six of this section, a member shall be appointed or elected in the same manner as that in which the member  
10 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.

(b) A casual vacancy occurring amongst the members appointed under subsection six of this section shall  
15 be filled by the Council appointing some person in the place of that member.

(c) Any member of the Council appointed or elected under this subsection to fill a casual vacancy shall hold office for the residue of the term of office of the member  
20 whose place he has filled.

**11. No person who—**

- (a) is under the age of twenty-one years;
  - (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors;
  - 25 (c) has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence; or
  - 30 (d) is a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,
- shall be capable of being or continuing to be a member of the Council.

Disqualifications.

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

- 35 (a) dies;
- (b) resigns his office by notice in writing addressed to the Vice-Chancellor;

Vacation of office.

(c)



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*Macquarie University.*

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(c) is absent without leave of the Council from three consecutive meetings of the Council;

(d) being a member of the Legislative Council or Legislative Assembly ceases to be such a member.

5   **13.** (1) The Chancellor shall preside at all meetings of **Chairman.**  
the Council and of all committees at which he is present.

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

**14.** (1) Convocation shall consist of the following **Convoca-**  
persons, namely— **tion.**

(a) all members and past members of the Council;

15   (b) all graduates of the University;

(c) all professors and 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;

20   (d) such graduates of other Universities, or other  
persons, as are, in accordance with the by-laws,  
admitted as members of Convocation.

(2) Meetings of Convocation shall be convened and  
the business at such meetings shall be conducted in the manner  
25 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  
30 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.



*Macquarie University.*

15. (1) There shall be a Chancellor of the University and the first Chancellor shall be elected by the persons referred to in subsections two to nine, both inclusive, of section ten of this Act, and subsequent Chancellors shall be elected by the Council. The Chancellor may be elected from amongst the members of the Council or otherwise.

Election of  
Chancellor.

(2) The Chancellor shall, subject to sections eleven and twelve of this Act, hold office for three years and on such conditions as are provided by the by-laws.

10 16. (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.

(2) 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.

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

20 17. (1) The Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

Appointment  
of Vice-  
Chancellor.

(2) The Vice-Chancellor shall hold office for such period and on such conditions as the Council determines.

(3) 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 and, subject to the by-laws, as the Council determines.

18. At any meeting 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 shall form a quorum.

Quorum.

19. 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.



*Macquarie University.*

20. (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  
 5 at 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.

Validity  
of acts  
and pro-  
ceedings.

(2) All acts and proceedings of the Council or any committee of the Council, or of the Vice-Chancellor or any  
 10 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  
 15 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.

21. (1) Subject to this Act and the by-laws the Council— Powers of Council.

- 20 (a) may provide courses in Arts, Science and Economics, and such other courses as it deems fit and may confer the several degrees of Bachelor, Master and Doctor, and such other degrees and grant and issue such certificates in the nature of  
 25 degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- (c) shall have the entire control and management of the affairs and concerns of the University and may act  
 30 in all matters concerning the University in such manner as appears to it best calculated to promote its objects and interests;
- (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to  
 35 carry out the conditions of any such gift, bequest or devise;

(e)



*Macquarie University.*

- 5 (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, the renewal of loans or the discharge or partial discharge of any indebtedness to the 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 Treasurer may approve;
- 10 (f) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
- 15 (g) 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 :

20 Provided however that 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 (2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the University has agreed.

30 **22.** (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. Delegation  
by Council.

- 35 (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.



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*Macquarie University.*

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

- 5       (a) all matters under this Act for which provision is to  
be made or which are to be prescribed by by-law  
or are otherwise necessary or convenient for giving  
effect to this Act;
- (b) the management, good government and discipline  
of the University;
- 10       (c) the use and custody of the common seal;
- (d) the method of election or appointment of members  
of the Council who are to be elected or appointed;
- (e) the procedure for convening and holding meetings  
of the Council;
- 15       (f) the convening and holding of meetings of any com-  
mittee and the conduct of proceedings of any  
committee;
- (g) the matriculation and enrolment of students;
- 20       (h) the fees and charges to be paid including fees and  
charges for entrance, tuition, lectures, residence and  
the conferring of degrees and diplomas;
- (i) the exemption from payment of fees and charges;
- (j) the courses of lectures for such degrees and  
diplomas as the University confers and the terms  
25       and conditions upon which degrees, diplomas,  
scholarships and prizes may be conferred or  
awarded;
- (k) the establishment and conduct of external teaching;
- (l) the number, stipend, manner of appointment and  
30       termination of services of academic and other staff  
of the University;
- (m) the establishment or affiliation of residential col-  
leges and halls of residence within the University  
and their conduct ;
- 35       (n) the affiliation with or admission to the University  
of any educational or research establishment where-  
soever situated :

(o)



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- (o) the provision of a scheme of superannuation for the professors of the University;
- (p) the form and use of academic costume;
- (q) the form and use of arms or armorial bearings of the University or of any college within or associated with the University.

(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.

24. (1) There shall be paid to the University in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, and in respect of each succeeding year, such sum as the Treasurer may determine. In making any such determination the Treasurer shall take into consideration the University's estimated Permanent endowment.



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*Macquarie University.*

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estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements.

(2) To enable the Treasurer to exercise and perform  
5 the powers and functions conferred upon him by subsection  
one of this section, the University shall, in respect of the year  
commencing upon the first day of January next preceding the  
date of commencement of this Act, as soon as practicable  
after such commencement, and in respect of each succeeding  
10 year either before or as soon as practicable after the com-  
mencement of such year, submit to the Treasurer estimates  
of the expenditure and income of the University for such year  
and such other information as the Treasurer may deem  
necessary.

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

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

26. The Council shall cause to be kept proper books of Accounts  
account in relation to the funds of the University and shall, to be  
as soon as practicable after the thirty-first day of December rendered.  
in each year, prepare and transmit to the Minister for presenta-  
25 tion 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.

27. The accounts of the University shall be audited by the Audit.  
Auditor-General who shall have, in respect thereof, all the  
30 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  
35 to accounting officers of public departments.

28.



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28. (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 5 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 10 received by the Minister.

29. 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 and no 15 person shall be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof by reason of his political views or beliefs.

No religious  
test or  
political  
discrimina-  
tion.

30. The Governor of New South Wales shall be the Visitor. 20 visitor of the University with full authority and jurisdiction to do all such things and entertain such causes as may pertain to or be exercised by visitors as often as he deems meet.

31. (1) The Council shall allow such students of teachers' colleges established under the Public Instruction Act 25 of 1880, as amended by subsequent Acts, 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 30 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 shall be qualified to enrol as matriculated students as prescribed by the by-laws.

Teachers'  
college  
students  
and school  
teachers.

(2)



*Macquarie University.*

(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.

5 32. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after paragraph (fi) 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 (fii) land which is vested in the Macquarie University, 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.

15 33. (1) The Metropolitan Water, Sewerage, and Drainage Act, 1924-1963, is amended by inserting next after paragraph (f) of subsection one of section eighty-eight the following new paragraph :—

Amendment  
of Act No.  
50, 1924.  
Sec. 88.  
(Lands  
exempted  
from rates.)

20 (f1) land which is vested in the Macquarie University, 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.

(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1964.

25 34. (1) The Superannuation Act, 1916-1963, is amended—

Amendment  
of Act No.  
28, 1916.

30 (a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of New England" the words "or a professor of the Macquarie University";

Sec. 3.  
(Interpreta-  
tion.)

(ii) by inserting next after paragraph (f) of the same subsection the following new paragraph :—

35 (g) The provisions of this subsection shall apply, mutatis mutandis, to and in respect of professors of the Macquarie University.

(b)



*Macquarie University.*

- (b) (i) by inserting next after paragraph (c) of sub- Sec. 11.  
section one of section eleven the following (When to  
new paragraph : — commence.)

5 (d) any person, other than a professor,  
who is a full-time member of the teach-  
ing staff of the Macquarie University  
and who satisfies the Board that he is  
10 a party to a scheme or arrangement  
to which that University is also a party  
and under which he is or may become  
entitled to any pension or annuity or  
retiring allowance upon retirement.

- 15 (ii) by inserting in the same subsection after the  
figures "1948" where lastly occurring the  
following new paragraph : —

20 In the case of a person referred to in para-  
graph (d) of this proviso the application shall  
be made within three months from the date on  
which such person enters the service of the  
Macquarie University, but no such exemption  
shall be granted by the Board except upon  
the recommendation of the Council of that  
University.

- 25 (c) by inserting at the end of Schedule III the following Sch. III.  
words : —

The Macquarie University.

(2) The Superannuation Act, 1916, as amended by  
subsequent Acts, by the Governor pursuant to section ninety-  
two of that Act, as so amended, and by this Act, may be  
30 cited as the Superannuation Act, 1916-1964.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964



# New South Wales



ANNO TERTIO DECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 29, 1964.

An Act to provide for the establishment and incorporation of a University at Ryde; to constitute a Council of the University and define its powers, authorities, duties and functions; to amend the Superannuation Act, 1916-1963, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 21st May, 1964.]

**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 :—

1. This Act may be cited as the "Macquarie University Short title. Act, 1964".

2.



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*Macquarie University.*

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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—

“By-laws” means the by-laws of the University in force in pursuance of this Act.

“Council” means the Council of the University.

“University” means the Macquarie University.

Establish-  
ment and  
incorpora-  
tion of  
University.

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

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

- (a) suing and being sued;
- (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);
- (c) granting, alienating, assigning, charging, selling 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.

Common  
seal.

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.

(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.

Functions  
of  
University.

6. The functions of the University shall, within the limits of its resources, include—

- (a) the provision of educational facilities at University standards for persons who being eligible to enrol seek the benefits of such facilities;

(b)



*Macquarie University.*

- (b) the establishment of such facilities as the University deems desirable for—
  - (i) the provision of courses of study, whether at Ryde within the University or elsewhere, for evening students;
  - (ii) giving instruction to and the examination of external students;
  - (iii) providing courses of study or instruction at such levels of attainment as the Council deems appropriate to meet the special requirements of industry, commerce or any other section of the community;
- (c) the dissemination of knowledge and the promotion of scholarship otherwise than as hereinbefore provided.

7. The University—

- (a) shall, as soon as convenient after the commencement of this Act, proceed to provide facilities for study in the disciplines of Arts, Science and Economics; and
- (b) may, for the purpose of discharging its functions, provide such facilities for its undergraduates and students and other persons as it deems desirable.

Faculties,  
Schools  
and Depart-  
ments.

For the purpose of this section the University may establish such Faculties, Schools and Departments as it sees fit.

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, fifteen and sixteen of this Act shall not apply to or in respect of the first Council.

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



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*Macquarie University.*

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Constitu-  
tion of  
first  
Council.

9. (1) The first Council shall consist of the persons who immediately before the commencement of this Act held office as members of the Interim Council constituted for and in respect of the University to be established at Ryde and, unless he is appointed from among those persons, the Vice-Chancellor.

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section ten of this Act assumes office.

(3) Where a casual vacancy occurs in the office of a member of the first Council the Council may appoint a person to the vacant 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, fifteen, sixteen or seventeen of this Act.

(6) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section ten of this Act so as to take office on or before the first day of January, one thousand nine hundred and sixty-seven, or such extended time as the Minister may determine.

Constitu-  
tion of  
Council  
other than  
first  
Council.

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-one members.

The Council constituted in accordance with this section shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.



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*Macquarie University.*

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(2) Three members shall be appointed by the Minister.

(3) One member shall be elected by the members of the Legislative Council.

(4) One member shall be elected by the members of the Legislative Assembly.

(5) Five members, two of whom shall not be persons having professorial rank, shall be appointed or elected, in the manner provided by the by-laws, to represent the professorial and other members of the teaching staff of the University.

(6) Five members shall be elected, in the manner provided by the by-laws, by Convocation or such classes of members of Convocation as may be prescribed by the by-laws.

(7) One member shall be appointed or elected, in the manner provided by the by-laws, by the undergraduates of the University.

(8) The person who was Vice-Chancellor immediately before the day referred to in subsection one of this section and any person subsequently appointed as Vice-Chancellor shall, unless he is a member of the Council by virtue of any other provision of this section, be ex officio a member thereof.

(9) Three members shall be appointed or elected, in the manner provided by the by-laws, by the members for the time being referred to in subsections two to eight, both inclusive, of this section, and where there is for the time being a Chancellor elected as hereinafter provided, by the members for the time being referred to in the said subsections and the Chancellor.

(10) The person elected as Chancellor shall, where such person is not a member of the Council by virtue of any other provision of this section, be ex officio a member of the Council.

(11) The members of the Council other than the Vice-Chancellor and Chancellor shall, subject to sections eleven and twelve of this Act, hold office for such period  
not



*Macquarie University.*

not exceeding three years as the by-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

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

(13) (a) In the event of a casual vacancy in the office of any member, not being a member elected under subsection six of this section, 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.

(b) A casual vacancy occurring amongst the members appointed under subsection six of this section shall be filled by the Council appointing some person in the place of that member.

(c) Any member of the Council appointed or elected under this subsection to fill a casual vacancy shall hold office for the residue of the term of office of the member whose place he has filled.

**Disqualifications.****11. No person who—**

- (a) is under 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 a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,

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) resigns his office by notice in writing addressed to the Vice-Chancellor;

(c)



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*Macquarie University.*

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- (c) is absent without leave of the Council from three consecutive meetings of the Council;
- (d) being a member of the Legislative Council or Legislative Assembly ceases to be such a member.

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

(2) At any meeting of the Council or of a 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) Convocation shall consist of the following **Convoca-**  
persons, namely—**tion.**

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

(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.

**15.**



*Macquarie University.*

Election of  
Chancellor.

**15.** (1) There shall be a Chancellor of the University and the first Chancellor shall be elected by the persons referred to in subsections two to nine, both inclusive, of section ten of this Act, and subsequent Chancellors shall be elected by the Council. The Chancellor may be elected from amongst the members of the Council or otherwise.

(2) The Chancellor shall, subject to sections eleven and twelve of this Act, hold office for three years and on such conditions as are provided by the by-laws.

Deputy  
Chancellor.

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

(2) 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.

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

Appointment  
of Vice-  
Chancellor.

**17.** (1) The Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

(2) The Vice-Chancellor shall hold office for such period and on such conditions as the Council determines.

(3) 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 and, subject to the by-laws, as the Council determines.

Quorum.

**18.** At any meeting 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 shall form a quorum.

Re-appoint-  
ment or  
election.

**19.** 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.



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*Macquarie University.*

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

Validity  
of acts  
and pro-  
ceedings.

(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.

21. (1) Subject to this Act and the by-laws the Council—

Powers of  
Council.

- (a) may provide courses in Arts, Science and Economics, and such other courses as it deems fit and may confer the several degrees of Bachelor, Master and Doctor, and such other degrees and grant and issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- (c) 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 its objects and interests;
- (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to carry out the conditions of any such gift, bequest or devise;

(e)



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*Macquarie University.*

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- (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, the renewal of loans or the discharge or partial discharge of any indebtedness to the 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 Treasurer may approve;
- (f) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
- (g) 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 :

Provided however that 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.

(2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the University has agreed.

Delegation  
by Council.

**22.** (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.

**23.**



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*Macquarie University.*

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

- (a) all matters under this Act for which provision is to be made or which are to be prescribed by by-law or are otherwise necessary or convenient for giving effect to this Act;
- (b) the management, good government and discipline of the University;
- (c) the use and custody of the common seal;
- (d) the method of election or appointment of members of the Council who are to be elected or appointed;
- (e) the procedure for convening and holding meetings of the Council;
- (f) the convening and holding of meetings of any committee and the conduct of proceedings of any committee;
- (g) the matriculation and enrolment of students;
- (h) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and the conferring of degrees and diplomas;
- (i) the exemption from payment of fees and charges;
- (j) the courses of lectures for such degrees and diplomas as the University confers and the terms and conditions upon which degrees, diplomas, scholarships and prizes may be conferred or awarded;
- (k) the establishment and conduct of external teaching;
- (l) the number, stipend, manner of appointment and termination of services of academic and other staff of the University;
- (m) the establishment or affiliation of residential colleges and halls of residence within the University and their conduct ;
- (n) the affiliation with or admission to the University of any educational or research establishment where-soever situated ;

(o)



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*Macquarie University.*

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- (o) the provision of a scheme of superannuation for the professors of the University;
- (p) the form and use of academic costume;
- (q) the form and use of arms or armorial bearings of the University or of any college within or associated with the University.

(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.

Permanent  
endowment.

24. (1) There shall be paid to the University in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, and in respect of each succeeding year, such sum as the Treasurer may determine. In making any such determination the Treasurer shall take into consideration the University's estimated



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*Macquarie University.*

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estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection one of this section, the University shall, in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, as soon as practicable after such commencement, and in respect of each succeeding year either before or as soon as practicable after the commencement of such year, submit to the Treasurer estimates of the expenditure and income of the University for such year and such other information as the Treasurer may deem necessary.

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

25. The 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  
Treasurer.

26. 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.

27. 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. Audit.

28.



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Report of  
proceedings.

**28.** (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 or  
political  
discrimina-  
tion.

**29.** 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 and no person shall be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof by reason of his political views or beliefs.

Visitor.

**30.** The Governor of New South Wales shall be the visitor of the University with full authority and jurisdiction to do all such things and entertain such causes as may pertain to or be exercised by visitors as often as he deems meet.

Teachers'  
college  
students  
and school  
teachers.

**31.** (1) The Council shall allow such students of teachers' colleges established under the Public Instruction Act of 1880, as amended by subsequent Acts, 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 shall be qualified to enrol as matriculated students as prescribed by the by-laws.

(2)



*Macquarie University.*

(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.

32. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after paragraph (fi) 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.)

(fii) land which is vested in the Macquarie University, 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.

33. (1) The Metropolitan Water, Sewerage, and Drainage Act, 1924-1963, is amended by inserting next after paragraph (f) of subsection one of section eighty-eight the following new paragraph :—

Amendment  
of Act No.  
50, 1924.  
Sec. 88.  
(Lands  
exempted  
from rates.)

(fi) land which is vested in the Macquarie University, 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.

(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1964.

34. (1) The Superannuation Act, 1916-1963, is amended—

Amendment  
of Act No.  
28, 1916.

(a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of New England" the words "or a professor of the Macquarie University";

Sec. 3.  
(Interpreta-  
tion.)

(ii) by inserting next after paragraph (f) of the same subsection the following new paragraph :—

(g) The provisions of this subsection shall apply, mutatis mutandis, to and in respect of professors of the Macquarie University.

(b)



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*Macquarie University.*

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Sec. 11.  
(When to  
commence.)

(b) (i) by inserting next after paragraph (c) of subsection one of section eleven the following new paragraph :—

(d) any person, other than a professor, who is a full-time member of the teaching staff of the Macquarie University and who satisfies the Board that he is a party to a scheme or arrangement to which that University is also a party and under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement.

(ii) by inserting in the same subsection after the figures "1948" where lastly occurring the following new paragraph :—

In the case of a person referred to in paragraph (d) of this proviso the application shall be made within three months from the date on which such person enters the service of the Macquarie University, but no such exemption shall be granted by the Board except upon the recommendation of the Council of that University.

Sch. III.

(c) by inserting at the end of Schedule III the following words :—

The Macquarie University.

(2) The Superannuation Act, 1916, as amended by subsequent Acts, by the Governor pursuant to section ninety-two of that Act, as so amended, and by this Act, may be cited as the Superannuation Act, 1916-1964.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1965



*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 19 May, 1964.*

## New South Wales



ANNO TERTIO DECIMO

## ELIZABETHÆ II REGINÆ

\*\*\*\*\*

### Act No. 29, 1964.

An Act to provide for the establishment and incorporation of a University at Ryde; to constitute a Council of the University and define its powers, authorities, duties and functions; to amend the Superannuation Act, 1916-1963, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 21st May, 1964.]

**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 :—

1. This Act may be cited as the "Macquarie University Short title. Act, 1964".

2.

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

HOWARD T. FOWLES,  
*Chairman of Committees of the Legislative Assembly.*



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*Macquarie University.*

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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—

“By-laws” means the by-laws of the University in force in pursuance of this Act.

“Council” means the Council of the University.

“University” means the Macquarie University.

Establish-  
ment and  
incorpora-  
tion of  
University.

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

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

- (a) suing and being sued;
- (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);
- (c) granting, alienating, assigning, charging, selling 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.

Common  
seal.

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.

(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.

Functions  
of  
University.

6. The functions of the University shall, within the limits of its resources, include—

- (a) the provision of educational facilities at University standards for persons who being eligible to enrol seek the benefits of such facilities;

(b)



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*Macquarie University.*

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- (b) the establishment of such facilities as the University deems desirable for—
  - (i) the provision of courses of study, whether at Ryde within the University or elsewhere, for evening students;
  - (ii) giving instruction to and the examination of external students;
  - (iii) providing courses of study or instruction at such levels of attainment as the Council deems appropriate to meet the special requirements of industry, commerce or any other section of the community;
- (c) the dissemination of knowledge and the promotion of scholarship otherwise than as hereinbefore provided.

7. The University—

- (a) shall, as soon as convenient after the commencement of this Act, proceed to provide facilities for study in the disciplines of Arts, Science and Economics; and
- (b) may, for the purpose of discharging its functions, provide such facilities for its undergraduates and students and other persons as it deems desirable.

Faculties,  
Schools  
and Depart-  
ments.

For the purpose of this section the University may establish such Faculties, Schools and Departments as it sees fit.

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, fifteen and sixteen of this Act shall not apply to or in respect of the first Council.

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



*Macquarie University.*

Constitu-  
tion of  
first  
Council.

**9.** (1) The first Council shall consist of the persons who immediately before the commencement of this Act held office as members of the Interim Council constituted for and in respect of the University to be established at Ryde and, unless he is appointed from among those persons, the Vice-Chancellor.

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section ten of this Act assumes office.

(3) Where a casual vacancy occurs in the office of a member of the first Council the Council may appoint a person to the vacant 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, fifteen, sixteen or seventeen of this Act.

(6) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section ten of this Act so as to take office on or before the first day of January, one thousand nine hundred and sixty-seven, or such extended time as the Minister may determine.

Constitu-  
tion of  
Council  
other than  
first  
Council.

**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-one members.

The Council constituted in accordance with this section shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

(2)



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*Macquarie University.*

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(2) Three members shall be appointed by the Minister.

(3) One member shall be elected by the members of the Legislative Council.

(4) One member shall be elected by the members of the Legislative Assembly.

(5) Five members, two of whom shall not be persons having professorial rank, shall be appointed or elected, in the manner provided by the by-laws, to represent the professorial and other members of the teaching staff of the University.

(6) Five members shall be elected, in the manner provided by the by-laws, by Convocation or such classes of members of Convocation as may be prescribed by the by-laws.

(7) One member shall be appointed or elected, in the manner provided by the by-laws, by the undergraduates of the University.

(8) The person who was Vice-Chancellor immediately before the day referred to in subsection one of this section and any person subsequently appointed as Vice-Chancellor shall, unless he is a member of the Council by virtue of any other provision of this section, be ex officio a member thereof.

(9) Three members shall be appointed or elected, in the manner provided by the by-laws, by the members for the time being referred to in subsections two to eight, both inclusive, of this section, and where there is for the time being a Chancellor elected as hereinafter provided, by the members for the time being referred to in the said subsections and the Chancellor.

(10) The person elected as Chancellor shall, where such person is not a member of the Council by virtue of any other provision of this section, be ex officio a member of the Council.

(11) The members of the Council other than the Vice-Chancellor and Chancellor shall, subject to sections eleven and twelve of this Act, hold office for such period  
not



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not exceeding three years as the by-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

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

(13) (a) In the event of a casual vacancy in the office of any member, not being a member elected under subsection six of this section, 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.

(b) A casual vacancy occurring amongst the members appointed under subsection six of this section shall be filled by the Council appointing some person in the place of that member.

(c) Any member of the Council appointed or elected under this subsection to fill a casual vacancy shall hold office for the residue of the term of office of the member whose place he has filled.

**Disqualifications.****11. No person who—**

- (a) is under 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 a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,

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) resigns his office by notice in writing addressed to the Vice-Chancellor;

(c)



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*Macquarie University.*

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- (c) is absent without leave of the Council from three consecutive meetings of the Council;
- (d) being a member of the Legislative Council or Legislative Assembly ceases to be such a member.

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

(2) At any meeting of the Council or of a 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) Convocation shall consist of the following Convoca-  
persons, namely—  
tion.

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

(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.

**15.**



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*Macquarie University.*

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**Election of  
Chancellor.**

**15.** (1) There shall be a Chancellor of the University and the first Chancellor shall be elected by the persons referred to in subsections two to nine, both inclusive, of section ten of this Act, and subsequent Chancellors shall be elected by the Council. The Chancellor may be elected from amongst the members of the Council or otherwise.

(2) The Chancellor shall, subject to sections eleven and twelve of this Act, hold office for three years and on such conditions as are provided by the by-laws.

**Deputy  
Chancellor.**

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

(2) 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.

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

**Appointment  
of Vice-  
Chancellor.**

**17.** (1) The Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

(2) The Vice-Chancellor shall hold office for such period and on such conditions as the Council determines.

(3) 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 and, subject to the by-laws, as the Council determines.

**Quorum.**

**18.** At any meeting 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 shall form a quorum.

**Re-appoint-  
ment or  
election.**

**19.** 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.



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*Macquarie University.*

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

Validity  
of acts  
and pro-  
ceedings.

(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.

21. (1) Subject to this Act and the by-laws the Council—

Powers of  
Council.

- (a) may provide courses in Arts, Science and Economics, and such other courses as it deems fit and may confer the several degrees of Bachelor, Master and Doctor, and such other degrees and grant and issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- (c) 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 its objects and interests;
- (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to carry out the conditions of any such gift, bequest or devise;

(e)



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*Macquarie University.*

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- (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, the renewal of loans or the discharge or partial discharge of any indebtedness to the 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 Treasurer may approve;
- (f) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
- (g) 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 :

Provided however that 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.

(2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the University has agreed.

Delegation  
by Council.

**22.** (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.

**23.**



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*Macquarie University.*

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

- (a) all matters under this Act for which provision is to be made or which are to be prescribed by by-law or are otherwise necessary or convenient for giving effect to this Act;
- (b) the management, good government and discipline of the University;
- (c) the use and custody of the common seal;
- (d) the method of election or appointment of members of the Council who are to be elected or appointed;
- (e) the procedure for convening and holding meetings of the Council;
- (f) the convening and holding of meetings of any committee and the conduct of proceedings of any committee;
- (g) the matriculation and enrolment of students;
- (h) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and the conferring of degrees and diplomas;
- (i) the exemption from payment of fees and charges;
- (j) the courses of lectures for such degrees and diplomas as the University confers and the terms and conditions upon which degrees, diplomas, scholarships and prizes may be conferred or awarded;
- (k) the establishment and conduct of external teaching;
- (l) the number, stipend, manner of appointment and termination of services of academic and other staff of the University;
- (m) the establishment or affiliation of residential colleges and halls of residence within the University and their conduct ;
- (n) the affiliation with or admission to the University of any educational or research establishment where-soever situated;

(o)



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- (o) the provision of a scheme of superannuation for the professors of the University;
- (p) the form and use of academic costume;
- (q) the form and use of arms or armorial bearings of the University or of any college within or associated with the University.

(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.

Permanent  
endowment.

**24.** (1) There shall be paid to the University in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, and in respect of each succeeding year, such sum as the Treasurer may determine. In making any such determination the Treasurer shall take into consideration the University's estimated



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*Macquarie University.*

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estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection one of this section, the University shall, in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, as soon as practicable after such commencement, and in respect of each succeeding year either before or as soon as practicable after the commencement of such year, submit to the Treasurer estimates of the expenditure and income of the University for such year and such other information as the Treasurer may deem necessary.

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

**25.** The 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  
Treasurer.

**26.** 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.

**27.** 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. Audit.

**28.**



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Report of  
proceedings.

**28.** (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 or  
political  
discrimina-  
tion.

**29.** 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 and no person shall be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof by reason of his political views or beliefs.

Visitor.

**30.** The Governor of New South Wales shall be the visitor of the University with full authority and jurisdiction to do all such things and entertain such causes as may pertain to or be exercised by visitors as often as he deems meet.

Teachers'  
college  
students  
and school  
teachers.

**31.** (1) The Council shall allow such students of teachers' colleges established under the Public Instruction Act of 1880, as amended by subsequent Acts, 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 shall be qualified to enrol as matriculated students as prescribed by the by-laws.

(2)



*Macquarie University.*

(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.

**32.** The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after paragraph (fi) 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.)

- (fii) land which is vested in the Macquarie University, 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.

**33.** (1) The Metropolitan Water, Sewerage, and Drainage Act, 1924-1963, is amended by inserting next after paragraph (f) of subsection one of section eighty-eight the following new paragraph :—

Amendment  
of Act No.  
50, 1924.  
Sec. 88.  
(Lands  
exempted  
from rates.)

- (f1) land which is vested in the Macquarie University, 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.

(2) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1964.

**34.** (1) The Superannuation Act, 1916-1963, is amended—

Amendment  
of Act No.  
28, 1916.

- (a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of New England" the words "or a professor of the Macquarie University";

Sec. 3.  
(Interpreta-  
tion.)

- (ii) by inserting next after paragraph (f) of the same subsection the following new paragraph :—

(g) The provisions of this subsection shall apply, mutatis mutandis, to and in respect of professors of the Macquarie University.

(b)



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*Macquarie University.*

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Sec. 11.  
(When to  
commence.)

(b) (i) by inserting next after paragraph (c) of subsection one of section eleven the following new paragraph : —

(d) any person, other than a professor, who is a full-time member of the teaching staff of the Macquarie University and who satisfies the Board that he is a party to a scheme or arrangement to which that University is also a party and under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement.

(ii) by inserting in the same subsection after the figures "1948" where lastly occurring the following new paragraph : —

In the case of a person referred to in paragraph (d) of this proviso the application shall be made within three months from the date on which such person enters the service of the Macquarie University, but no such exemption shall be granted by the Board except upon the recommendation of the Council of that University.

Sch. III.

(c) by inserting at the end of Schedule III the following words : —

The Macquarie University.

(2) The Superannuation Act, 1916, as amended by subsequent Acts, by the Governor pursuant to section ninety-two of that Act, as so amended, and by this Act, may be cited as the Superannuation Act, 1916-1964.

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

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 21st May, 1964.*