

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 19 September, 1968.*

## New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

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Act No. , 1968.

An Act to consolidate, with amendments, the statutory provisions relating to The University of New South Wales; to make certain consequential amendments to certain Acts; 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. (1) This Act may be cited as the "University of New South Wales Act, 1968".

Short title  
and com-  
mencement.

(2)

*University of New South Wales.*

(2) This Act shall commence upon a day (in this Act referred to as the "appointed day") to be appointed by the Governor and notified by proclamation published in the Gazette.

5    2. (1) The Acts specified in the Schedule to this Act are, Repeals and savings.  
to the extent therein expressed, hereby repealed.

(2) The repeals effected by subsection one of this section and otherwise by this Act shall not—

10        (a) prejudice or affect the continuity of the body corporate continued under the amendments made by the University of New South Wales Act, 1958, and that body corporate shall continue, subject to this Act, notwithstanding those repeals; or

15        (b) except to the extent that there would be an inconsistency with this Act, prejudice or affect—

(i) any property of the University; or

(ii) any right, privilege or legal proceeding that, but for those repeals, might have been enforced, enjoyed, instituted or continued,

20        and, except to the extent of any such inconsistency, any such right, privilege or legal proceeding may be enforced, enjoyed, instituted or continued as if it had been conferred by, or had arisen under, this Act.

25        (3) A reference in any Act, by-law, regulation or other statutory instrument or in any certificate evidencing a degree or in any other instrument whatsoever to The New South Wales University of Technology shall be read as a reference to The University of New South Wales.

30        (4) A branch, department or college established by the University and being maintained by the University immediately before the appointed day may be maintained by the University as if this Act had been in force when it was so established.

(5)



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(5) All regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall, so far as they could have been made under this Act had it been in force at the relevant time, be deemed to have been made under this Act and may be amended, repealed or replaced by regulations or, as the case may require, by by-laws, made under this Act.

(6) Any delegation made by the Council under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall be deemed to be a delegation by the Council made under this Act.

3. (1) This section shall have effect notwithstanding any repeal effected by, or anything contained in, this Act and notwithstanding any repeal or amendment of the regulations or by-laws that takes effect after the appointed day.

Transitional provisions relating to Council.

(2) Until the thirtieth day of June, one thousand nine hundred and sixty-nine—

(a) the Council shall continue to be constituted; and

(b) the persons who, immediately before the appointed day, were members of the Council shall continue in office as such members,

as if this Act had not been enacted and shall so continue to be constituted, or to hold office, subject to the regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day.

(3) On and from the first day of July, one thousand nine hundred and sixty-nine, the Council shall be constituted, and the members thereof shall hold office as such members, as is provided by and under this Act, subsections one and two of this section excepted.

(4) A retiring member of the Council holding office under subsection two of this section shall not, by reason of that membership, be disqualified from again becoming a member of the Council.

(5)

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(5) Nothing in this section shall be construed as affecting the continuation in office on and after the first day of July, one thousand nine hundred and sixty-nine, of the members of the Council elected by the Houses of Parliament and holding office immediately before that day and they shall, subject to this Act, continue in office accordingly.

4. In this Act, unless the context or subject-matter otherwise indicates or requires—

Definitions.  
Act No. 11,  
1949, s. 15.

“by-laws” means by-laws made under this Act;

10 “Chancellor” means the Chancellor of the University;

“Council” means the Council of the University;

“Deputy Chancellor” means the Deputy Chancellor of the University;

15 “prescribed” means prescribed by this Act or by the regulations or by the by-laws;

“regulations” means regulations made under this Act;

“the University” means The University of New South Wales;

20 “Vice-Chancellor” means the Vice-Chancellor of the University.

5. (1) The University of New South Wales is the body corporate continued by this Act and shall consist of the Council, the professors, such other classes of persons giving instruction within the University as may be prescribed by the by-laws, such superior officers within the University as may be so prescribed and the graduates and undergraduates of the University.

The  
University  
of New  
South Wales.  
Act No. 11,  
1949, s. 16,  
Act No. 24,  
1958, s. 2 (a)  
and Act No.  
49, 1961,  
s. 2 (1) (a).

(2) The University shall have perpetual succession and a common seal, and shall by its corporate name of “The University of New South Wales” be capable of suing and of being sued, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3)



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(3) The University shall, subject to this Act and the regulations, have power to take, purchase, hold, grant, alienate, demise, or otherwise dispose of real and personal property :

- 5     Provided that the University shall not, except with the approval of the Governor, grant, alienate, mortgage, charge or demise any real property 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  
10 whole of the term, the highest rent that can reasonably be obtained without fine.

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

Common  
seal.  
Act No. 11,  
1949, s. 17.

- 15     (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.

7. The objects of the University shall include—

- 20     (a) the provision of facilities for higher specialised instruction and advanced training in the various branches of technology and science in their application to industry and commerce ;  
25     (b) aiding, by research and other suitable means, the advancement, development, and practical application of science to industry and commerce ; and  
30     (c) the provision of instruction and the carrying out of research in the disciplines of humane studies and medicine and in such other disciplines as the Council may from time to time determine.

Objects  
of the  
University.  
Act No. 11,  
1949, s. 18.

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

The Council.  
Act No. 11,  
1949, s. 19.

(2)



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(2) Subject to section three of this Act, the Council shall consist of—

- (a) parliamentary members;
- (b) official members;
- 5 (c) elected members; and
- (d) nominated members.

(3) The parliamentary members of the Council shall be—

- 10 (a) a member of the Legislative Council elected by that Council; and
- (b) a member of the Legislative Assembly elected by that Assembly.

(4) The official members of the Council shall be—

- 15 (a) the person for the time being holding the office of Chancellor, where he is not otherwise a member of the Council;
- (b) the person for the time being holding the office of Vice-Chancellor; and
- 20 (c) the person for the time being holding the office of Chairman of the Professorial Board of the University.

(5) The elected members of the Council shall be qualified and elected as in each case or for each class may be prescribed by this subsection and the by-laws and shall 25 comprise—

- (a) one person so elected by the undergraduates within the University;
- (b) seven persons so elected by the graduates of the University;
- 30 (c) one person so elected by the professors and such other persons, being persons giving instruction within the University and superior officers within the University, as may be prescribed by the by-laws; and

(d)

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- 5 (d) four persons, of whom one has been so elected by each faculty that the Council has, not less than one month before the closing of nominations for the election of those persons, determined to be one of the four principal faculties within the University.

For the purposes of this subsection "graduate" means person whose name appears on the list, prepared in accordance with the by-laws, of graduate electors.

- 10 (6) The nominated members of the Council shall be appointed by the Governor and, subject to subsection seven of this section, shall comprise—

- (a) six persons nominated in accordance with that subsection as being persons who are practising, or who have practised, in the professions;
- 15 (b) five persons nominated in accordance with that subsection as being persons experienced in industry or commerce;
- (c) three persons nominated in accordance with that subsection as being persons associated with trade unions or other organisations of employees;
- 20 (d) two persons nominated in accordance with that subsection as being experienced in agricultural, pastoral or other rural affairs; and
- (e) seven persons nominated by the Minister.

- 25 (7) For the purposes of paragraphs (a), (b), (c) and (d) of subsection six of this section—

- (a) nominations may be submitted to the Minister in accordance with regulations prescribing, in relation to each such paragraph—
- 30 (i) the person or persons, or the class or classes of persons, who may submit nominations;
- (ii) the number of nominations that may be submitted by each such person or class of persons; and

(iii)

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- (iii) the time within which nominations may be so submitted; or
- 5 (b) where, in respect of any such paragraph, a prescribed person or class of persons has failed to comply with the regulations relating to nominations, the Minister may, unless he is satisfied that sufficient nominations have otherwise been received, make such nominations as he thinks fit in order to complete the prescribed number thereof and any
- 10 nomination so made by the Minister shall be deemed to be a valid nomination for the purposes of that paragraph.

The regulations may provide in respect of any such paragraph for the nomination of a number of persons in excess

15 of the number to be appointed.

(8) Subject to this Act, a member of the Council shall hold office—

- 20 (a) in the case of a parliamentary member, until a member of the House of Parliament that elected him is elected by that House to replace him;
- (b) in the case of an official member, while he holds the office by virtue of which he is such a member; and
- 25 (c) in the case of an elected or nominated member, for such period not exceeding four years as may be prescribed.

A period of office may be prescribed by reference to determined, or determinable, days of commencement and termination.

- 30 (9) A retiring member of the Council shall not, by reason of that membership, be disqualified from again becoming a member of the Council.



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(10) A casual vacancy in the office of an elected or nominated member shall be filled—

5 (a) in the case of an elected member, by a person appointed by the Council for the purpose in the manner prescribed by the by-laws; or

(b) in the case of a nominated member—

10 (i) by a person appointed by the Governor for the purpose, being a person who could have been appointed to fill the vacancy had it not been a casual vacancy; or

(ii) where the regulations prescribe the manner of filling such a vacancy, as so prescribed,

and any member so appointed shall hold office for the residue of the term of office of his predecessor.

15 (11) The provisions of the Public Service Act, 1902, as subsequently amended, shall not apply to or in respect of the appointment by the Governor of any member of the Council, and any member so appointed shall not, in his capacity as such member, be subject to the provisions of that  
20 Act, as so amended, during his term of office.

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

Vacation  
of office.  
Act No. 11,  
1949, s. 20.

(a) dies;

25 (b) resigns his office by writing under his hand addressed—

(i) in the case of a parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;

30 (ii) in the case of a parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;

(iii) in the case of an elected member, to the Vice-Chancellor; or

35 (iv) in the case of a nominated member, to the Minister;

(c)

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- (c) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;
- 5 (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended;
- 10 (e) is an elected or appointed member and absents himself from four consecutive meetings of the Council without leave of the Council; or
- (f) in the case of a member elected by either House of Parliament, ceases to be a member of that House.

10. (1) The persons who, immediately before the appointed day, held office as Chancellor and Deputy Chancellor of the University shall, on and from that day, be respectively the Chancellor and Deputy Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, they would respectively have held office had this Act not been enacted, but 20 shall be eligible for re-election.

Chancellor and Deputy Chancellor.  
Act No. 11, 1949, s. 21.

(2) Where a vacancy occurs in the office of Chancellor or Deputy Chancellor, the Council shall elect a Chancellor or, as the case may require, Deputy Chancellor who may, in the case of the Chancellor, and shall, in the case of 25 the Deputy Chancellor, be one of its members.

(3) The Chancellor and Deputy Chancellor shall, subject to subsection one of this section, hold office for such period and on such terms and conditions as may be prescribed by the by-laws.

30 11. At every meeting of the Council the Chancellor or, in his absence, the Deputy Chancellor, shall preside as Chairman, but if the Chancellor and Deputy Chancellor are both absent, the members present shall elect a person from amongst their number to preside as Chairman.

Chairman.  
Act No. 11, 1949, s. 22.

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**12.** (1) All questions which come before the Council shall be decided by a majority of votes of the members present at a duly convened meeting of the Council at which a quorum is present.

Questions—  
how  
decided.  
Act No. 11,  
1949, s. 23.

5 (2) The Chairman at any such meeting shall have a vote, and in the case of an equality of votes a second or casting vote.

(3) At any meeting of the Council ten members shall form a quorum.

10 **13.** (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 com-  
15 menced, or such direction given there was a vacancy or vacancies in the office of any member of the Council.

Validity of  
acts and  
proceedings.  
Act No. 11,  
1949, s. 24.

(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,  
20 notwithstanding the subsequent discovery of any defect in the appointment 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 or elected and was  
25 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.

**14.** Subject to this Act and to the regulations and by-laws, the Council—

Powers of  
the Council.  
Act No. 11,  
1949, s. 25.

30 (a) may provide courses in applied science, engineering, technology, commerce, industrial organisation, humane studies and medicine and such other courses as it deems fit and may, after examination,

confer



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confer the several degrees of Bachelor, Master and Doctor, and such other degrees and such certificates in the nature of degrees or otherwise and such diplomas as it thinks fit;

- 5 (b) may from time to time appoint and terminate the appointment of deans, professors, lecturers and other officers and employees of the University;
- (c) shall have the entire control and management of the affairs, concerns and property of the University;
- 10 (d) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
- (e) may act in all matters concerning the University in such manner as appears to it best calculated to  
15 promote the objects and interests of the University.

15. (1) The Vice-Chancellor shall be the chief executive officer of the University.

Vice-Chancellor.  
Act No. 11,  
1949, s. 26.

(2) The person who, immediately before the appointed day, held office as Vice-Chancellor of the University  
20 shall, on and from that day, be the Vice-Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, he would have held that office had this Act not been enacted.

(3) The Vice-Chancellor shall have and may exercise  
25 and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and subject thereto as the Council may determine.

(4) The Vice-Chancellor shall, subject to subsection two of this section, hold office for such period and upon such  
30 terms and conditions as the Council determines.

(5)

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(5) Where a vacancy occurs in the office of Vice-Chancellor the Council shall appoint a person to be Vice-Chancellor.

16. (1) The Council may constitute and appoint such  
5 committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation and the power to make by-laws) to any such committee or to any member of the Council, or to any officer or officers of the University.

Delegation  
to com-  
mittees, etc.  
Act No. 11,  
1949, s. 27.

10 (2) Every delegation under this section shall be revocable by resolution of the Council and no delegation shall prevent the exercise or discharge by the Council of any of its powers, authorities, duties or functions.

17. (1) Where any person has obtained in any university  
15 or other educational establishment recognised by the University for the purpose any degree or diploma corresponding or equivalent, in the opinion of the Council, to any degree which the Council is empowered to confer after examination, or has such other qualifications as, in the opinion of the  
20 Council, are sufficient for the purpose, the Council may confer such latter degree upon such person without examination.

Ad eundem  
and honor-  
ary degrees.  
Act No. 11,  
1949, s. 28.

(2) A person upon whom a degree is conferred, under the provisions of subsection one of this section shall be  
25 entitled to the same rights and privileges as appertain to persons who have taken the same degree in the ordinary course in the University.

(3) By-laws may be made for or with respect to the conferring of honorary degrees or other distinctions.

30 18. (1) The Council may establish and maintain such branches, departments or colleges of the University as the Council deems fit and the Governor may approve.

Branches,  
depart-  
ments and  
colleges.

(2) Act No. 11,  
1949, s. 29.

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(2) The Council may, with the approval of the Governor—

- 5 (a) authorise the establishment of residential colleges or halls of residence within the University or elsewhere;
- (b) authorise the affiliation with the University of residential colleges; or
- 10 (c) join or co-operate with any person in the provision or conduct of student hostels and residential accommodation for students.

(3) The Council may authorise any college or educational establishment, whether incorporated or not, to issue to a candidate for any degree or diploma conferred by the University a certificate to the effect that the candidate has  
15 completed such course of instruction therefor as the Council by by-law prescribes and any person who presents to the Council any such certificate may be admitted as a candidate for the degree or diploma to which it refers.

19. All degrees conferred by the University shall be  
20 evidenced by a certificate under the common seal of the University.

Evidence of degrees conferred.  
Act No. 11, 1949, s. 30.

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

Fees.  
Act No. 11, 1949, s. 31.

21. (1) The Council may carry out special investiga-  
30 tions in any matter at the request of any authority, institution, association, firm or person, and in respect of any such investigation may charge such fees therefor and agree to such conditions in relation thereto as it thinks fit.

Investigations.  
Act No. 11, 1949, s. 32.

(2)



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(2) The Council may, subject to any conditions imposed under subsection one of this section, publish information relating to any matter investigated by it pursuant to the provisions of that subsection.

5 **22.** (1) The Council may make by-laws, not inconsistent with this Act or the regulations, with respect to all matters pertaining to the University. By-laws.  
Act No. 11,  
1949, s. 37.

(2) Without prejudice to the generality of subsection one of this section the Council may make by-laws with respect  
10 to—

- (a) the management, good government, and discipline of the University;
- 15 (b) the method of election of members of the Council (other than the parliamentary members) who are to be elected;
- (c) the manner and time of convening, holding and adjourning the meetings of the Council; the manner of voting at such meetings, including postal voting or voting by proxy; the powers and duties of the  
20 Chairman thereof; the conduct and record of the business; the appointment of committees of the Council, and the quorum, powers and duties of such committees;
- 25 (d) the number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners and other officers and employees of the University;
- (e) the entrance standards for students;
- (f) the examinations for and the granting of degrees, diplomas, certificates and honours and the attendance of candidates therefor;  
30
- (g) the examinations for and the granting of fellowships, scholarships, exhibitions, bursaries and prizes;

(h)

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- 5 (h) the admission of students of other universities and institutions of higher education to any status within the University or the granting to graduates of such universities or institutions, or other persons, of a degree or diploma without examination;
- (i) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- 10 (j) the affiliation with or admission to the University of any educational or research establishment;
- (k) the provision of a scheme of superannuation for the professors of the University.

(3) The by-laws may provide for empowering any authority (including the Council) or officer of the University  
 15 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  
 20 order shall have the same force and effect as a by-law.

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

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

(5) A copy of every such by-law shall be laid before both Houses of Parliament within fourteen sitting days after  
 30 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.

(6)



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(6) Any such by-law may be proved in any court by the production of a verified copy under the 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.

23. (1) There shall be paid by the Treasurer to the University in respect of the year commencing upon the first day of January in the year in which this Act commences, and in respect of each succeeding year, such sum as the Treasurer may determine having regard to the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements and, in the case of the year in which this Act commences, any moneys paid by the Treasurer to the University, in that year, before the appointed day.

Treasurer to meet certain costs.  
Act No. 11, 1949, s. 39.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred on him by subsection one of this section, the University shall, either before or as soon as practicable after the first day of January in each 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.

24. The Treasurer may for the temporary accommodation of the University advance such moneys to the University as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon between the Treasurer and the University.

Advances by Treasurer.  
Act No. 11, 1949, s. 40.

25. The University may borrow money for—

- (a) the purpose of carrying out its objects or exercising or performing any of its powers, authorities, duties and functions;

Power of University to borrow.  
Act No. 11, 1949, s. 41.

22—B

(b)



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- (b) the renewal of loans; or
- (c) 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.

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.  
Act No. 11,  
1949, s. 42.

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, as subsequently amended, 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.  
Act No. 11,  
1949, s. 43.

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

No religious test.  
Act No. 11,  
1949, s. 44.

29. (1) The University shall have power to acquire by gift, bequest or devise any property for the purposes of this Act, and to agree to and carry out the conditions of any such gift, bequest or devise.

Power to accept gifts, etc.  
Act No. 11,  
1949, s. 45.

(2)

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(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. In the exercise of its powers, authorities, duties and functions under this Act the Council shall, so far as is practicable, co-operate with other institutions devoted to advanced studies and research.

Council to co-operate with other bodies.

Act No. 11, 1949, s. 46.

31. (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.

Act No. 11, 1949, s. 47.

(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.

32. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed by regulation or which are necessary or convenient to be prescribed by regulation and generally for carrying out or giving effect to the objects of the University and to this Act.

Regulations.

Act No. 11, 1949, s. 48.

(2) The regulations shall—

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

If



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

**33.** (1) The Superannuation Act, 1916, as subsequently amended, is amended—

Amendment  
of Act No.  
28, 1916.

10 (a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of Newcastle," the words "or, subject to subsection four of this section, a professor of The University of New South Wales,";

Sec. 3.  
(Inter-  
pretation.)

15 (ii) by inserting next after subsection three of the same section the following new subsection :—

20 (4) (a) Subject to this subsection, the exclusion from the definition of "Employee" of a professor of The University of New South Wales shall not extend to a person whose rights as a contributor are continued by section two of the University of New South Wales Act, 1968.

25 (b) A professor of The University of New South Wales shall cease to be a contributor if, after the commencement of the University of New South Wales Act, 1968, he becomes or continues to be a party to any scheme or arrangement to which that University is also a party and under which he is or  
30 may become entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

35 (c) The provisions of subsection three of this section shall apply, mutatis mutandis, to professors of The University of New South Wales other than those who are employees by virtue of paragraph (a) of this subsection.

(b)



*University of New South Wales.*

- (b) by omitting from Schedule III the words "The New South Wales University of Technology" and by inserting in lieu thereof the words "The University of New South Wales".

Schedule  
III.  
(Conse-  
quential.)

- 5 (2) The Superannuation Act, 1916, as subsequently amended and as amended by this Act, may be cited as the Superannuation Act, 1916-1968.

34. (1) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended, is amended—

Amendment  
of Act No.  
11, 1949.

- (a) by omitting from the long title the words "to provide for the establishment and incorporation of a New South Wales University of Technology";

Long title.

- 15 (b) (i) by omitting from subsection one of section one the words "and New South Wales University of Technology";

Sec. 1.  
(Short title  
and  
division  
into Parts.)

- (ii) by omitting from subsection two of the same section the matter relating to Part III;

- 20 (c) by omitting paragraph (b) of subsection one of section nine and by inserting in lieu thereof the following paragraph :—

Sec. 9.  
(Functions  
and duties  
of Council.)

- 25 (b) the co-ordination of the functions of the Department of Technical Education with those of the Department of Education, the University of Sydney, The University of New South Wales and other bodies concerned with education.

- (2) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Technical Education Act, 1949-1968.

35. The University of Newcastle Act, 1964, is amended by omitting section thirty-nine.

Amendment  
of Act No.  
72, 1964.  
Sec. 39.  
(Amend-  
ment of  
Act No. 11,  
1949.)

SCHEDULE.

*University of New South Wales.*

## SCHEDULE.

Sec. 3.

| Reference to Act   | Short Title                                                                             | Extent of Repeal                                                                        |
|--------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 5 No. 11, 1949 ..  | Technical Education and New South Wales University of Technology Act, 1949.             | Sections fourteen to forty-eight, both inclusive. Subsection two of section forty-nine. |
| 10 No. 8, 1955 ..  | Technical Education and New South Wales University of Technology (Amendment) Act, 1955. | Sections three and four.                                                                |
| No. 24, 1958 ..    | University of New South Wales Act, 1958.                                                | The whole.                                                                              |
| 15 No. 49, 1961 .. | University of New South Wales Act, 1961.                                                | The whole.                                                                              |

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[20c]







No. , 1968.

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## A BILL

To consolidate, with amendments, the statutory provisions relating to The University of New South Wales; to make certain consequential amendments to certain Acts; and for purposes connected therewith.

[MR CUTLER—10 *September*, 1968.]

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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. (1) This Act may be cited as the "University of New South Wales Act, 1968".

Short title  
and com-  
mencement.

(2)

*University of New South Wales.*

(2) This Act shall commence upon a day (in this Act referred to as the "appointed day") to be appointed by the Governor and notified by proclamation published in the Gazette.

5    2. (1) The Acts specified in the Schedule to this Act are, <sup>Repeals and savings.</sup> to the extent therein expressed, hereby repealed.

(2) The repeals effected by subsection one of this section and otherwise by this Act shall not—

10    (a) prejudice or affect the continuity of the body corporate continued under the amendments made by the University of New South Wales Act, 1958, and that body corporate shall continue, subject to this Act, notwithstanding those repeals; or

15    (b) except to the extent that there would be an inconsistency with this Act, prejudice or affect—

(i) any property of the University; or

(ii) any right, privilege or legal proceeding that, but for those repeals, might have been enforced, enjoyed, instituted or continued,

20    and, except to the extent of any such inconsistency, any such right, privilege or legal proceeding may be enforced, enjoyed, instituted or continued as if it had been conferred by, or had arisen under, this Act.

25    (3) A reference in any Act, by-law, regulation or other statutory instrument or in any certificate evidencing a degree or in any other instrument whatsoever to The New South Wales University of Technology shall be read as a reference to The University of New South Wales.

30    (4) A branch, department or college established by the University and being maintained by the University immediately before the appointed day may be maintained by the University as if this Act had been in force when it was so established.

(5)



*University of New South Wales.*

(5) All regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall, so far as they could have been made under this Act had it been in force at the relevant time, be deemed to have been made under this Act and may be amended, repealed or replaced by regulations or, as the case may require, by by-laws, made under this Act.

(6) Any delegation made by the Council under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall be deemed to be a delegation by the Council made under this Act.

3. (1) This section shall have effect notwithstanding any repeal effected by, or anything contained in, this Act and notwithstanding any repeal or amendment of the regulations or by-laws that takes effect after the appointed day.

Transitional provisions relating to Council.

(2) Until the thirtieth day of June, one thousand nine hundred and sixty-nine—

(a) the Council shall continue to be constituted; and

(b) the persons who, immediately before the appointed day, were members of the Council shall continue in office as such members,

as if this Act had not been enacted and shall so continue to be constituted, or to hold office, subject to the regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day.

(3) On and from the first day of July, one thousand nine hundred and sixty-nine, the Council shall be constituted, and the members thereof shall hold office as such members, as is provided by and under this Act, subsections one and two of this section excepted.

(4) A retiring member of the Council holding office under subsection two of this section shall not, by reason of that membership, be disqualified from again becoming a member of the Council.

(5)

*University of New South Wales.*

(5) Nothing in this section shall be construed as affecting the continuation in office on and after the first day of July, one thousand nine hundred and sixty-nine, of the members of the Council elected by the Houses of Parliament and holding office immediately before that day and they shall, subject to this Act, continue in office accordingly.

4. In this Act, unless the context or subject-matter otherwise indicates or requires—

Definitions.  
Act No. 11,  
1949, s. 15.

- “by-laws” means by-laws made under this Act;
- 10 “Chancellor” means the Chancellor of the University;
- “Council” means the Council of the University;
- “Deputy Chancellor” means the Deputy Chancellor of the University;
- 15 “prescribed” means prescribed by this Act or by the regulations or by the by-laws;
- “regulations” means regulations made under this Act;
- “the University” means The University of New South Wales;
- 20 “Vice-Chancellor” means the Vice-Chancellor of the University.

5. (1) The University of New South Wales is the body corporate continued by this Act and shall consist of the Council, the professors, such other classes of persons giving instruction within the University as may be prescribed by the by-laws, such superior officers within the University as may be so prescribed and the graduates and undergraduates of the University.

The University of New South Wales.  
Act No. 11,  
1949, s. 16,  
Act No. 24,  
1958, s. 2 (a)  
and Act No.  
49, 1961,  
s. 2 (1) (a).

(2) The University shall have perpetual succession and a common seal, and shall by its corporate name of “The University of New South Wales” be capable of suing and of being sued, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3)

*University of New South Wales.*

(3) The University shall, subject to this Act and the regulations, have power to take, purchase, hold, grant, alienate, demise, or otherwise dispose of real and personal property :

- 5 Provided that the University shall not, except with the approval of the Governor, grant, alienate, mortgage, charge or demise any real property 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  
10 whole of the term, the highest rent that can reasonably be obtained without fine.

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

Common  
seal.  
Act No. 11,  
1949, s. 17.

- 15 (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.

7. The objects of the University shall include—

- 20 (a) the provision of facilities for higher specialised instruction and advanced training in the various branches of technology and science in their application to industry and commerce ;  
25 (b) aiding, by research and other suitable means, the advancement, development, and practical application of science to industry and commerce ; and  
30 (c) the provision of instruction and the carrying out of research in the disciplines of humane studies and medicine and in such other disciplines as the Council may from time to time determine.

Objects  
of the  
University.  
Act No. 11,  
1949, s. 18.

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

The Council.  
Act No. 11,  
1949, s. 19.

(2)



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*University of New South Wales.*

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(2) Subject to section three of this Act, the Council shall consist of—

- (a) parliamentary members;
- (b) official members;
- 5 (c) elected members; and
- (d) nominated members.

(3) The parliamentary members of the Council shall be—

- 10 (a) a member of the Legislative Council elected by that Council; and
- (b) a member of the Legislative Assembly elected by that Assembly.

(4) The official members of the Council shall be—

- 15 (a) the person for the time being holding the office of Chancellor, where he is not otherwise a member of the Council;
- (b) the person for the time being holding the office of Vice-Chancellor; and
- 20 (c) the person for the time being holding the office of Chairman of the Professorial Board of the University.

(5) The elected members of the Council shall be qualified and elected as in each case or for each class may be prescribed by this subsection and the by-laws and shall  
25 comprise—

- (a) one person so elected by the undergraduates within the University;
- (b) seven persons so elected by the graduates of the University;
- 30 (c) one person so elected by the professors and such other persons, being persons giving instruction within the University and superior officers within the University, as may be prescribed by the by-laws; and

(d)

*University of New South Wales.*

- 5 (d) four persons, of whom one has been so elected by each faculty that the Council has, not less than one month before the closing of nominations for the election of those persons, determined to be one of the four principal faculties within the University.

For the purposes of this subsection "graduate" means person whose name appears on the list, prepared in accordance with the by-laws, of graduate electors.

- 10 (6) The nominated members of the Council shall be appointed by the Governor and, subject to subsection seven of this section, shall comprise—

- 15 (a) six persons nominated in accordance with that subsection as being persons who are practising, or who have practised, in the professions;
- (b) five persons nominated in accordance with that subsection as being persons experienced in industry or commerce;
- 20 (c) three persons nominated in accordance with that subsection as being persons associated with trade unions or other organisations of employees;
- (d) two persons nominated in accordance with that subsection as being experienced in agricultural, pastoral or other rural affairs; and
- (e) seven persons nominated by the Minister.

- 25 (7) For the purposes of paragraphs (a), (b), (c) and (d) of subsection six of this section—

- (a) nominations may be submitted to the Minister in accordance with regulations prescribing, in relation to each such paragraph—
- 30 (i) the person or persons, or the class or classes of persons, who may submit nominations;
- (ii) the number of nominations that may be submitted by each such person or class of persons; and

(iii)

*University of New South Wales.*

(iii) the time within which nominations may be so submitted; or

- 5 (b) where, in respect of any such paragraph, a prescribed person or class of persons has failed to comply with the regulations relating to nominations, the Minister may, unless he is satisfied that sufficient nominations have otherwise been received, make such nominations as he thinks fit in order to complete the prescribed number thereof and any  
10 nomination so made by the Minister shall be deemed to be a valid nomination for the purposes of that paragraph.

The regulations may provide in respect of any such paragraph for the nomination of a number of persons in excess  
15 of the number to be appointed.

(8) Subject to this Act, a member of the Council shall hold office—

- 20 (a) in the case of a parliamentary member, until a member of the House of Parliament that elected him is elected by that House to replace him;
- (b) in the case of an official member, while he holds the office by virtue of which he is such a member; and
- 25 (c) in the case of an elected or nominated member, for such period not exceeding four years as may be prescribed.

A period of office may be prescribed by reference to determined, or determinable, days of commencement and termination.

- 30 (9) A retiring member of the Council shall not, by reason of that membership, be disqualified from again becoming a member of the Council.



*University of New South Wales.*

(10) A casual vacancy in the office of an elected or nominated member shall be filled—

(a) in the case of an elected member, by a person appointed by the Council for the purpose in the manner prescribed by the by-laws; or

(b) in the case of a nominated member—  
(i) by a person appointed by the Governor for the purpose, being a person who could have been appointed to fill the vacancy had it not been a casual vacancy; or

(ii) where the regulations prescribe the manner of filling such a vacancy, as so prescribed,

and any member so appointed shall hold office for the residue of the term of office of his predecessor.

(11) The provisions of the Public Service Act, 1902, as subsequently amended, shall not apply to or in respect of the appointment by the Governor of any member of the Council, and any member so appointed shall not, in his capacity as such member, be subject to the provisions of that Act, as so amended, during his term of office.

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

Vacation  
of office.  
Act No. 11,  
1949, s. 20.

(a) dies;  
(b) resigns his office by writing under his hand addressed—

(i) in the case of a parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;

(ii) in the case of a parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;

(iii) in the case of an elected member, to the Vice-Chancellor; or

(iv) in the case of a nominated member, to the Minister;

(c)

*University of New South Wales.*

- (c) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;
- 5 (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended;
- 10 (e) is an elected or appointed member and absents himself from four consecutive meetings of the Council without leave of the Council; or
- (f) in the case of a member elected by either House of Parliament, ceases to be a member of that House.

10. (1) The persons who, immediately before the appointed day, held office as Chancellor and Deputy Chancellor of the University shall, on and from that day, be respectively the Chancellor and Deputy Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, they would respectively have held office had this Act not been enacted, but shall be eligible for re-election.

Chancellor and Deputy Chancellor.  
Act No. 11, 1949, s. 21.

(2) Where a vacancy occurs in the office of Chancellor or Deputy Chancellor, the Council shall elect a Chancellor or, as the case may require, Deputy Chancellor who may, in the case of the Chancellor, and shall, in the case of the Deputy Chancellor, be one of its members.

(3) The Chancellor and Deputy Chancellor shall, subject to subsection one of this section, hold office for such period and on such terms and conditions as may be prescribed by the by-laws.

30 11. At every meeting of the Council the Chancellor or, in his absence, the Deputy Chancellor, shall preside as Chairman, but if the Chancellor and Deputy Chancellor are both absent, the members present shall elect a person from amongst their number to preside as Chairman.

Chairman.  
Act No. 11, 1949, s. 22.

*University of New South Wales.*

12. (1) All questions which come before the Council shall be decided by a majority of votes of the members present at a duly convened meeting of the Council at which a quorum is present.

Questions—  
how  
decided.  
Act No. 11,  
1949, s. 23.

5 (2) The Chairman at any such meeting shall have a vote, and in the case of an equality of votes a second or casting vote.

(3) At any meeting of the Council ten members shall form a quorum.

10 13. (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, or such direction given there was a vacancy or vacancies in the office of any member of the Council.

Validity of  
acts and  
proceedings.  
Act No. 11,  
1949, s. 24.

20 (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 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 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.

14. Subject to this Act and to the regulations and by-laws, the Council—

Powers of  
the Council.  
Act No. 11,  
1949, s. 25

30 (a) may provide courses in applied science, engineering, technology, commerce, industrial organisation, humane studies and medicine and such other courses as it deems fit and may, after examination,

confer



*University of New South Wales.*

confer the several degrees of Bachelor, Master and Doctor, and such other degrees and such certificates in the nature of degrees or otherwise and such diplomas as it thinks fit;

- 5 (b) may from time to time appoint and terminate the appointment of deans, professors, lecturers and other officers and employees of the University;
- (c) shall have the entire control and management of the affairs, concerns and property of the University;
- 10 (d) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
- (e) may act in all matters concerning the University in such manner as appears to it best calculated to  
15 promote the objects and interests of the University.

15. (1) The Vice-Chancellor shall be the chief executive officer of the University. Vice-Chancellor.  
Act No. 11,  
1949, s. 26.

(2) The person who, immediately before the appointed day, held office as Vice-Chancellor of the University  
20 shall, on and from that day, be the Vice-Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, he would have held that office had this Act not been enacted.

(3) The Vice-Chancellor shall have and may exercise  
25 and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and subject thereto as the Council may determine.

(4) The Vice-Chancellor shall, subject to subsection two of this section, hold office for such period and upon such  
30 terms and conditions as the Council determines.

(5)

*University of New South Wales.*

(5) Where a vacancy occurs in the office of Vice-Chancellor the Council shall appoint a person to be Vice-Chancellor.

16. (1) The Council may constitute and appoint such  
5 committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation and the power to make by-laws) to any such committee or to any member of the Council, or to any officer or officers of the University.

Delegation to committees, etc.  
Act No. 11, 1949, s. 27.

10 (2) Every delegation under this section shall be revocable by resolution of the Council and no delegation shall prevent the exercise or discharge by the Council of any of its powers, authorities, duties or functions.

17. (1) Where any person has obtained in any university  
15 or other educational establishment recognised by the University for the purpose any degree or diploma corresponding or equivalent, in the opinion of the Council, to any degree which the Council is empowered to confer after examination, or has such other qualifications as, in the opinion of the  
20 Council, are sufficient for the purpose, the Council may confer such latter degree upon such person without examination.

Ad eundem and honorary degrees.  
Act No. 11, 1949, s. 28.

(2) A person upon whom a degree is conferred, under the provisions of subsection one of this section shall be  
25 entitled to the same rights and privileges as appertain to persons who have taken the same degree in the ordinary course in the University.

(3) By-laws may be made for or with respect to the conferring of honorary degrees or other distinctions.

30 18. (1) The Council may establish and maintain such branches, departments or colleges of the University as the Council deems fit and the Governor may approve.

Branches, departments and colleges.

(2) Act No. 11, 1949, s. 29.

*University of New South Wales.*

(2) The Council may, with the approval of the Governor—

- 5 (a) authorise the establishment of residential colleges or halls of residence within the University or elsewhere;
- (b) authorise the affiliation with the University of residential colleges; or
- 10 (c) join or co-operate with any person in the provision or conduct of student hostels and residential accommodation for students.

(3) The Council may authorise any college or educational establishment, whether incorporated or not, to issue to a candidate for any degree or diploma conferred by the University a certificate to the effect that the candidate has  
15 completed such course of instruction therefor as the Council by by-law prescribes and any person who presents to the Council any such certificate may be admitted as a candidate for the degree or diploma to which it refers.

19. All degrees conferred by the University shall be  
20 evidenced by a certificate under the common seal of the University.

Evidence of degrees conferred.  
Act No. 11, 1949, s. 30.

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

Fees.  
Act No. 11, 1949, s. 31.

21. (1) The Council may carry out special investiga-  
30 tions in any matter at the request of any authority, institution, association, firm or person, and in respect of any such investigation may charge such fees therefor and agree to such conditions in relation thereto as it thinks fit.

Investigations.  
Act No. 11, 1949, s. 32.

(2)



*University of New South Wales.*

(2) The Council may, subject to any conditions imposed under subsection one of this section, publish information relating to any matter investigated by it pursuant to the provisions of that subsection.

5   **22.** (1) The Council may make by-laws, not inconsistent with this Act or the regulations, with respect to all matters pertaining to the University. By-laws.  
Act No. 11,  
1949, s. 37.

(2) Without prejudice to the generality of subsection one of this section the Council may make by-laws with respect  
10 to—

- (a) the management, good government, and discipline of the University;
- 15   (b) the method of election of members of the Council (other than the parliamentary members) who are to be elected;
- 20   (c) the manner and time of convening, holding and adjourning the meetings of the Council; the manner of voting at such meetings, including postal voting or voting by proxy; the powers and duties of the Chairman thereof; the conduct and record of the business; the appointment of committees of the Council, and the quorum, powers and duties of such committees;
- 25   (d) the number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners and other officers and employees of the University;
- 30   (e) the entrance standards for students;
- (f) the examinations for and the granting of degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (g) the examinations for and the granting of fellowships, scholarships, exhibitions, bursaries and prizes;

(h)

*University of New South Wales.*

- 5 (h) the admission of students of other universities and institutions of higher education to any status within the University or the granting to graduates of such universities or institutions, or other persons, of a degree or diploma without examination;
- (i) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- 10 (j) the affiliation with or admission to the University of any educational or research establishment;
- (k) the provision of a scheme of superannuation for the professors of the University.

(3) The by-laws may provide for empowering any authority (including the Council) or officer of the University  
 15 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  
 20 order shall have the same force and effect as a by-law.

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

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

(5) A copy of every such by-law shall be laid before both Houses of Parliament within fourteen sitting days after  
 30 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.

(6)

*University of New South Wales.*

(6) Any such by-law may be proved in any court by the production of a verified copy under the 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.

23. (1) There shall be paid by the Treasurer to the University in respect of the year commencing upon the first day of January in the year in which this Act commences, and in respect of each succeeding year, such sum as the Treasurer may determine having regard to the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements and, in the case of the year in which this Act commences, any moneys paid by the Treasurer to the University, in that year, before the appointed day.

Treasurer to meet certain costs.  
Act No. 11, 1949, s. 39.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred on him by subsection one of this section, the University shall, either before or as soon as practicable after the first day of January in each 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.

24. The Treasurer may for the temporary accommodation of the University advance such moneys to the University as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon between the Treasurer and the University.

Advances by Treasurer.  
Act No. 11, 1949, s. 40.

25. The University may borrow money for—

- (a) the purpose of carrying out its objects or exercising or performing any of its powers, authorities, duties and functions;

Power of University to borrow.  
Act No. 11, 1949, s. 41.

22—B

(b)



*University of New South Wales.*

- (b) the renewal of loans; or
- (c) 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  
5 as to security or otherwise as the Governor upon the recommendation of the Treasurer may approve.

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  
10 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.  
Act No. 11,  
1949, s. 42.

27. The accounts of the University shall be audited by  
15 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, as subsequently amended, shall apply to the members of the Council and to the officers and  
20 employees of the University in the same manner as it applies to accounting officers of public departments.

Audit.  
Act No. 11,  
1949, s. 43.

28. 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,  
25 or to enjoy any benefit, advantage or privilege thereof.

No religious test.  
Act No. 11,  
1949, s. 44.

29. (1) The University shall have power to acquire by gift, bequest or devise any property for the purposes of this Act, and to agree to and carry out the conditions of any such gift, bequest or devise.

Power to accept gifts, etc.  
Act No. 11,  
1949, s. 45.

(2)

*University of New South Wales.*

(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. In the exercise of its powers, authorities, duties and functions under this Act the Council shall, so far as is practicable, co-operate with other institutions devoted to advanced studies and research.

Council to co-operate with other bodies.

Act No. 11, 1949, s. 46.

31. (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.

Act No. 11, 1949, s. 47.

(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.

32. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed by regulation or which are necessary or convenient to be prescribed by regulation and generally for carrying out or giving effect to the objects of the University and to this Act.

Regulations.

Act No. 11, 1949, s. 48.

(2) The regulations shall—

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

If



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*University of New South Wales.*

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

**33.** (1) The Superannuation Act, 1916, as subsequently amended, is amended—

Amendment  
of Act No.  
28, 1916.

10 (a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of Newcastle," the words "or, subject to subsection four of this section, a professor of The University of New South Wales,";

Sec. 3.  
(Inter-  
pretation.)

15 (ii) by inserting next after subsection three of the same section the following new subsection :—

20 (4) (a) Subject to this subsection, the exclusion from the definition of "Employee" of a professor of The University of New South Wales shall not extend to a person whose rights as a contributor are continued by section two of the University of New South Wales Act, 1968.

25 (b) A professor of The University of New South Wales shall cease to be a contributor if, after the commencement of the University of New South Wales Act, 1968, he becomes or continues to be a party to any scheme or arrangement to which that University is also a party and under which he is or  
30 may become entitled to any pension or annuity or retiring allowance upon retirement from his professorship.

35 (c) The provisions of subsection three of this section shall apply, mutatis mutandis, to professors of The University of New South Wales other than those who are employees by virtue of paragraph (a) of this subsection.

(b)



*University of New South Wales.*

- (b) by omitting from Schedule III the words "The New South Wales University of Technology" and by inserting in lieu thereof the words "The University of New South Wales". Schedule III.  
(Consequential.)
- 5 (2) The Superannuation Act, 1916, as subsequently amended and as amended by this Act, may be cited as the Superannuation Act, 1916-1968.
34. (1) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently Amendment of Act No. 11, 1949.  
10 amended, is amended—
- (a) by omitting from the long title the words "to provide for the establishment and incorporation of a New South Wales University of Technology"; Long title.
- 15 (b) (i) by omitting from subsection one of section one the words "and New South Wales University of Technology"; Sec. 1.  
(Short title and division into Parts.)
- (ii) by omitting from subsection two of the same section the matter relating to Part III;
- 20 (c) by omitting paragraph (b) of subsection one of section nine and by inserting in lieu thereof the following paragraph :— Sec. 9.  
(Functions and duties of Council.)
- 25 (b) the co-ordination of the functions of the Department of Technical Education with those of the Department of Education, the University of Sydney, The University of New South Wales and other bodies concerned with education.
- (2) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended Amendment of Act No. 72, 1964.  
Sec. 39.  
(Amendment of Act No. 11, 1949.)  
30 and as amended by this Act, may be cited as the Technical Education Act, 1949-1968.
35. The University of Newcastle Act, 1964, is amended by omitting section thirty-nine.

SCHEDULE.

*University of New South Wales.*

## SCHEDULE.

Sec. 3.

| Reference to Act   | Short Title                                                                             | Extent of Repeal                                                                        |
|--------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 5 No. 11, 1949 ..  | Technical Education and New South Wales University of Technology Act, 1949.             | Sections fourteen to forty-eight, both inclusive. Subsection two of section forty-nine. |
| 10 No. 8, 1955 ..  | Technical Education and New South Wales University of Technology (Amendment) Act, 1955. | Sections three and four.                                                                |
| No. 24, 1958 ..    | University of New South Wales Act, 1958.                                                | The whole.                                                                              |
| 15 No. 49, 1961 .. | University of New South Wales Act, 1961.                                                | The whole.                                                                              |

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968  
[20c]







# UNIVERSITY OF NEW SOUTH WALES BILL, 1968.

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## EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to consolidate, with amendments, the various statutory provisions relating to The University of New South Wales;
- (b) to vary the constitution of the Council of the University;
- (c) to empower the Council of the University to elect as Chancellor a person who is not a member of the Council;
- (d) to extend the powers of the Council of the University relating to the making of by-laws;
- (e) to enable the University to establish a superannuation scheme for professors who are not contributors to the State Superannuation Fund;
- (f) to make provisions consequential upon or ancillary to the foregoing.

STATE OF NEW YORK

IN SENATE,  
January 10, 1907.  
REPORT  
OF THE  
COMMISSIONER OF THE LAND OFFICE,  
IN RESPONSE TO A RESOLUTION  
PASSED BY THE SENATE  
MAY 1, 1906.  
ALBANY:  
J. B. LIPPINCOTT & CO.,  
PRINTERS.  
1907.



PROOF

No. , 1968.

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## A BILL

To consolidate, with amendments, the statutory provisions relating to The University of New South Wales; to make certain consequential amendments to certain Acts; and for purposes connected therewith.

[MR CUTLER—10 *September*, 1968.]

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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. (1) This Act may be cited as the "University of New South Wales Act, 1968".

Short title  
and com-  
mencement.

(2)

*University of New South Wales.*

(2) This Act shall commence upon a day (in this Act referred to as the "appointed day") to be appointed by the Governor and notified by proclamation published in the Gazette.

5    **2.** (1) The Acts specified in the Schedule to this Act are, Repeals and savings.  
to the extent therein expressed, hereby repealed.

(2) The repeals effected by subsection one of this section and otherwise by this Act shall not—

10       (a) prejudice or affect the continuity of the body corporate continued under the amendments made by the University of New South Wales Act, 1958, and that body corporate shall continue, subject to this Act, notwithstanding those repeals; or

15       (b) except to the extent that there would be an inconsistency with this Act, prejudice or affect—

(i) any property of the University; or

(ii) any right, privilege or legal proceeding that, but for those repeals, might have been enforced, enjoyed, instituted or continued,

20       and, except to the extent of any such inconsistency, any such right, privilege or legal proceeding may be enforced, enjoyed, instituted or continued as if it had been conferred by, or had arisen under, this Act.

25       (3) A reference in any Act, by-law, regulation or other statutory instrument or in any certificate evidencing a degree or in any other instrument whatsoever to The New South Wales University of Technology shall be read as a reference to The University of New South Wales.

30       (4) A branch, department or college established by the University and being maintained by the University immediately before the appointed day may be maintained by the University as if this Act had been in force when it was so established.

(5)

*University of New South Wales.*

(5) All regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall, so far as they could have been made under this Act had it been in force at the relevant time, be deemed to have been made under this Act and may be amended, repealed or replaced by regulations or, as the case may require, by by-laws, made under this Act.

(6) Any delegation made by the Council under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall be deemed to be a delegation by the Council made under this Act.

3. (1) This section shall have effect notwithstanding any repeal effected by, or anything contained in, this Act and notwithstanding any repeal or amendment of the regulations or by-laws that takes effect after the appointed day.

Transitional provisions relating to Council.

(2) Until the thirtieth day of June, one thousand nine hundred and sixty-nine—

(a) the Council shall continue to be constituted; and

(b) the persons who, immediately before the appointed day, were members of the Council shall continue in office as such members,

as if this Act had not been enacted and shall so continue to be constituted, or to hold office, subject to the regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day.

(3) On and from the first day of July, one thousand nine hundred and sixty-nine, the Council shall be constituted, and the members thereof shall hold office as such members, as is provided by and under this Act, subsections one and two of this section excepted.

(4) A retiring member of the Council holding office under subsection two of this section shall not, by reason of that membership, be disqualified from again becoming a member of the Council.

(5)



*University of New South Wales.*

(5) Nothing in this section shall be construed as affecting the continuation in office on and after the first day of July, one thousand nine hundred and sixty-nine, of the members of the Council elected by the Houses of Parliament and holding office immediately before that day and they shall, subject to this Act, continue in office accordingly.

4. In this Act, unless the context or subject-matter otherwise indicates or requires—

Definitions.  
Act No. 11,  
1949, s. 15.

- “by-laws” means by-laws made under this Act;
- 10 “Chancellor” means the Chancellor of the University;
- “Council” means the Council of the University;
- “Deputy Chancellor” means the Deputy Chancellor of the University;
- 15 “prescribed” means prescribed by this Act or by the regulations or by the by-laws;
- “regulations” means regulations made under this Act;
- “the University” means The University of New South Wales;
- 20 “Vice-Chancellor” means the Vice-Chancellor of the University.

5. (1) The University of New South Wales is the body corporate continued by this Act and shall consist of the Council, the professors, such other classes of persons giving instruction within the University as may be prescribed by the by-laws, such superior officers within the University as may be so prescribed and the graduates and undergraduates of the University.

The University of New South Wales.  
Act No. 11,  
1949, s. 16,  
Act No. 24,  
1958, s. 2 (a)  
and Act No.  
49, 1961,  
s. 2 (1) (a).

(2) The University shall have perpetual succession and a common seal, and shall by its corporate name of “The University of New South Wales” be capable of suing and of being sued, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3)

*University of New South Wales.*

(3) The University shall, subject to this Act and the regulations, have power to take, purchase, hold, grant, alienate, demise, or otherwise dispose of real and personal property :

- 5 Provided that the University shall not, except with the approval of the Governor, grant, alienate, mortgage, charge or demise any real property 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  
10 whole of the term, the highest rent that can reasonably be obtained without fine.

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

Common  
seal.  
Act No. 11,  
1949, s. 17.

- 15 (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.

7. The objects of the University shall include—

- 20 (a) the provision of facilities for higher specialised instruction and advanced training in the various branches of technology and science in their application to industry and commerce;  
25 (b) aiding, by research and other suitable means, the advancement, development, and practical application of science to industry and commerce; and  
30 (c) the provision of instruction and the carrying out of research in the disciplines of humane studies and medicine and in such other disciplines as the Council may from time to time determine.

Objects  
of the  
University.  
Act No. 11,  
1949, s. 18.

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

The Council.  
Act No. 11,  
1949, s. 19.

(2)

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*University of New South Wales.*

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(2) Subject to section three of this Act, the Council shall consist of—

- (a) parliamentary members;
- (b) official members;
- 5 (c) elected members; and
- (d) nominated members.

(3) The parliamentary members of the Council shall be—

- 10 (a) a member of the Legislative Council elected by that Council; and
- (b) a member of the Legislative Assembly elected by that Assembly.

(4) The official members of the Council shall be—

- 15 (a) the person for the time being holding the office of Chancellor, where he is not otherwise a member of the Council;
- (b) the person for the time being holding the office of Vice-Chancellor; and
- 20 (c) the person for the time being holding the office of Chairman of the Professorial Board of the University.

(5) The elected members of the Council shall be qualified and elected as in each case or for each class may be prescribed by this subsection and the by-laws and shall 25 comprise—

- (a) one person so elected by the undergraduates within the University;
- (b) seven persons so elected by the graduates of the University;
- 30 (c) one person so elected by the professors and such other persons, being persons giving instruction within the University and superior officers within the University, as may be prescribed by the by-laws; and

(d)



*University of New South Wales.*

- 5 (d) four persons, of whom one has been so elected by each faculty that the Council has, not less than one month before the closing of nominations for the election of those persons, determined to be one of the four principal faculties within the University.

For the purposes of this subsection "graduate" means person whose name appears on the list, prepared in accordance with the by-laws, of graduate electors.

- 10 (6) The nominated members of the Council shall be appointed by the Governor and, subject to subsection seven of this section, shall comprise—

- 15 (a) six persons nominated in accordance with that subsection as being persons who are practising, or who have practised, in the professions;
- (b) five persons nominated in accordance with that subsection as being persons experienced in industry or commerce;
- 20 (c) three persons nominated in accordance with that subsection as being persons associated with trade unions or other organisations of employees;
- (d) two persons nominated in accordance with that subsection as being experienced in agricultural, pastoral or other rural affairs; and
- (e) seven persons nominated by the Minister.

- 25 (7) For the purposes of paragraphs (a), (b), (c) and (d) of subsection six of this section—

- (a) nominations may be submitted to the Minister in accordance with regulations prescribing, in relation to each such paragraph—
- 30 (i) the person or persons, or the class or classes of persons, who may submit nominations;
- (ii) the number of nominations that may be submitted by each such person or class of persons; and

(iii)

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*University of New South Wales.*

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- (iii) the time within which nominations may be so submitted; or
- 5 (b) where, in respect of any such paragraph, a prescribed person or class of persons has failed to comply with the regulations relating to nominations, the Minister may, unless he is satisfied that sufficient nominations have otherwise been received, make such nominations as he thinks fit in order to complete the prescribed number thereof and any
- 10 nomination so made by the Minister shall be deemed to be a valid nomination for the purposes of that paragraph.

The regulations may provide in respect of any such paragraph for the nomination of a number of persons in excess

15 of the number to be appointed.

(8) Subject to this Act, a member of the Council shall hold office—

- 20 (a) in the case of a parliamentary member, until a member of the House of Parliament that elected him is elected by that House to replace him;
- (b) in the case of an official member, while he holds the office by virtue of which he is such a member; and
- 25 (c) in the case of an elected or nominated member, for such period not exceeding four years as may be prescribed.

A period of office may be prescribed by reference to determined, or determinable, days of commencement and termination.

- 30 (9) A retiring member of the Council shall not, by reason of that membership, be disqualified from again becoming a member of the Council.

*University of New South Wales.*

(10) A casual vacancy in the office of an elected or nominated member shall be filled—

5 (a) in the case of an elected member, by a person appointed by the Council for the purpose in the manner prescribed by the by-laws; or

(b) in the case of a nominated member—

10 (i) by a person appointed by the Governor for the purpose, being a person who could have been appointed to fill the vacancy had it not been a casual vacancy; or

(ii) where the regulations prescribe the manner of filling such a vacancy, as so prescribed,

and any member so appointed shall hold office for the residue of the term of office of his predecessor.

15 (11) The provisions of the Public Service Act, 1902, as subsequently amended, shall not apply to or in respect of the appointment by the Governor of any member of the Council, and any member so appointed shall not, in his capacity as such member, be subject to the provisions of that  
20 Act, as so amended, during his term of office.

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

(a) dies;

25 (b) resigns his office by writing under his hand addressed—

(i) in the case of a parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;

30 (ii) in the case of a parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;

(iii) in the case of an elected member, to the Vice-Chancellor; or

35 (iv) in the case of a nominated member, to the Minister;

(c)

Vacation  
of office.  
Act No. 11,  
1949, s. 20.



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- (c) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;
- 5 (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended;
- 10 (e) is an elected or appointed member and absents himself from four consecutive meetings of the Council without leave of the Council; or
- (f) in the case of a member elected by either House of Parliament, ceases to be a member of that House.

10. (1) The persons who, immediately before the appointed day, held office as Chancellor and Deputy Chancellor of the University shall, on and from that day, be respectively the Chancellor and Deputy Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, they would respectively have held office had this Act not been enacted, but shall be eligible for re-election.

Chancellor and Deputy Chancellor.  
Act No. 11, 1949, s. 21.

(2) Where a vacancy occurs in the office of Chancellor or Deputy Chancellor, the Council shall elect a Chancellor or, as the case may require, Deputy Chancellor who may, in the case of the Chancellor, and shall, in the case of the Deputy Chancellor, be one of its members.

(3) The Chancellor and Deputy Chancellor shall, subject to subsection one of this section, hold office for such period and on such terms and conditions as may be prescribed by the by-laws.

30 11. At every meeting of the Council the Chancellor or, in his absence, the Deputy Chancellor, shall preside as Chairman, but if the Chancellor and Deputy Chancellor are both absent, the members present shall elect a person from amongst their number to preside as Chairman.

Chairman.  
Act No. 11, 1949, s. 22.

*University of New South Wales.*

12. (1) All questions which come before the Council shall be decided by a majority of votes of the members present at a duly convened meeting of the Council at which a quorum is present.

Questions—  
how  
decided.  
Act No. 11,  
1949, s. 23.

5 (2) The Chairman at any such meeting shall have a vote, and in the case of an equality of votes a second or casting vote.

(3) At any meeting of the Council ten members shall form a quorum.

10 13. (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 com-  
15 menced, or such direction given there was a vacancy or vacancies in the office of any member of the Council.

Validity of  
acts and  
proceedings.  
Act No. 11,  
1949, s. 24.

(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,  
20 notwithstanding the subsequent discovery of any defect in the appointment 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 or elected and was  
25 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.

14. Subject to this Act and to the regulations and by-laws, the Council—

Powers of  
the Council.  
Act No. 11,  
1949, s. 25.

30 (a) may provide courses in applied science, engineering, technology, commerce, industrial organisation, humane studies and medicine and such other courses as it deems fit and may, after examination,

confer

*University of New South Wales.*

confer the several degrees of Bachelor, Master and Doctor, and such other degrees and such certificates in the nature of degrees or otherwise and such diplomas as it thinks fit;

- 5 (b) may from time to time appoint and terminate the appointment of deans, professors, lecturers and other officers and employees of the University;
- (c) shall have the entire control and management of the affairs, concerns and property of the University;
- 10 (d) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
- (e) may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University.
- 15

15. (1) The Vice-Chancellor shall be the chief executive officer of the University. Vice-Chancellor. Act No. 11, 1949, s. 26.

(2) The person who, immediately before the appointed day, held office as Vice-Chancellor of the University shall, on and from that day, be the Vice-Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, he would have held that office had this Act not been enacted.

(3) The Vice-Chancellor shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and subject thereto as the Council may determine.

(4) The Vice-Chancellor shall, subject to subsection two of this section, hold office for such period and upon such terms and conditions as the Council determines.

(5)



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*University of New South Wales.*

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(5) Where a vacancy occurs in the office of Vice-Chancellor the Council shall appoint a person to be Vice-Chancellor.

16. (1) The Council may constitute and appoint such  
5 committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation and the power to make by-laws) to any such committee or to any member of the Council, or to any officer or officers of the University.

Delegation  
to com-  
mittees, etc.  
Act No. 11,  
1949, s. 27.

10 (2) Every delegation under this section shall be revocable by resolution of the Council and no delegation shall prevent the exercise or discharge by the Council of any of its powers, authorities, duties or functions.

17. (1) Where any person has obtained in any university  
15 or other educational establishment recognised by the University for the purpose any degree or diploma corresponding or equivalent, in the opinion of the Council, to any degree which the Council is empowered to confer after examination, or has such other qualifications as, in the opinion of the  
20 Council, are sufficient for the purpose, the Council may confer such latter degree upon such person without examination.

Ad eundem  
and honor-  
ary degrees.  
Act No. 11,  
1949, s. 28.

(2) A person upon whom a degree is conferred,  
under the provisions of subsection one of this section shall be  
25 entitled to the same rights and privileges as appertain to persons who have taken the same degree in the ordinary course in the University.

(3) By-laws may be made for or with respect to the conferring of honorary degrees or other distinctions.

30 18. (1) The Council may establish and maintain such branches, departments or colleges of the University as the Council deems fit and the Governor may approve.

Branches,  
depart-  
ments and  
colleges.

(2) Act No. 11,  
1949, s. 29.

*University of New South Wales.*

(2) The Council may, with the approval of the Governor—

- 5 (a) authorise the establishment of residential colleges or halls of residence within the University or elsewhere;
- (b) authorise the affiliation with the University of residential colleges; or
- 10 (c) join or co-operate with any person in the provision or conduct of student hostels and residential accommodation for students.

(3) The Council may authorise any college or educational establishment, whether incorporated or not, to issue to a candidate for any degree or diploma conferred by the University a certificate to the effect that the candidate has  
15 completed such course of instruction therefor as the Council by by-law prescribes and any person who presents to the Council any such certificate may be admitted as a candidate for the degree or diploma to which it refers.

19. All degrees conferred by the University shall be  
20 evidenced by a certificate under the common seal of the University.

Evidence of degrees conferred.  
Act No. 11, 1949, s. 30.

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

Fees.  
Act No. 11, 1949, s. 31.

21. (1) The Council may carry out special investiga-  
30 tions in any matter at the request of any authority, institution, association, firm or person, and in respect of any such investigation may charge such fees therefor and agree to such conditions in relation thereto as it thinks fit.

Investigations.  
Act No. 11, 1949, s. 32.

(2)

*University of New South Wales.*

(2) The Council may, subject to any conditions imposed under subsection one of this section, publish information relating to any matter investigated by it pursuant to the provisions of that subsection.

5   **22.** (1) The Council may make by-laws, not inconsistent with this Act or the regulations, with respect to all matters pertaining to the University. By-laws.  
Act No. 11,  
1949, s. 37.

(2) Without prejudice to the generality of subsection one of this section the Council may make by-laws with respect  
10 to—

- (a) the management, good government, and discipline of the University;
- 15   (b) the method of election of members of the Council (other than the parliamentary members) who are to be elected;
- 20   (c) the manner and time of convening, holding and adjourning the meetings of the Council; the manner of voting at such meetings, including postal voting or voting by proxy; the powers and duties of the Chairman thereof; the conduct and record of the business; the appointment of committees of the Council, and the quorum, powers and duties of such committees;
- 25   (d) the number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners and other officers and employees of the University;
- 30   (e) the entrance standards for students;
- (f) the examinations for and the granting of degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (g) the examinations for and the granting of fellowships, scholarships, exhibitions, bursaries and prizes;

(h)



*University of New South Wales.*

- 5 (h) the admission of students of other universities and institutions of higher education to any status within the University or the granting to graduates of such universities or institutions, or other persons, of a degree or diploma without examination;
- (i) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- 10 (j) the affiliation with or admission to the University of any educational or research establishment;
- (k) the provision of a scheme of superannuation for the professors of the University.

(3) The by-laws may provide for empowering any authority (including the Council) or officer of the University  
 15 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  
 20 order shall have the same force and effect as a by-law.

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

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

(5) A copy of every such by-law shall be laid before both Houses of Parliament within fourteen sitting days after  
 30 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.

(6)

*University of New South Wales.*

(6) Any such by-law may be proved in any court by the production of a verified copy under the 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.

23. (1) There shall be paid by the Treasurer to the University in respect of the year commencing upon the first day of January in the year in which this Act commences, and in respect of each succeeding year, such sum as the Treasurer may determine having regard to the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements and, in the case of the year in which this Act commences, any moneys paid by the Treasurer to the University, in that year, before the appointed day.

Treasurer to meet certain costs.

Act No. 11, 1949, s. 39.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred on him by subsection one of this section, the University shall, either before or as soon as practicable after the first day of January in each 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.

24. The Treasurer may for the temporary accommodation of the University advance such moneys to the University as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon between the Treasurer and the University.

Advances by Treasurer.

Act No. 11, 1949, s. 40.

25. The University may borrow money for—

- (a) the purpose of carrying out its objects or exercising or performing any of its powers, authorities, duties and functions;

Power of University to borrow.

Act No. 11, 1949, s. 41.

22—B

(b)



*University of New South Wales.*

(b) the renewal of loans; or

(c) 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.

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.  
Act No. 11,  
1949, s. 42.

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, as subsequently amended, 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.  
Act No. 11,  
1949, s. 43.

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

No religious test.  
Act No. 11,  
1949, s. 44.

29. (1) The University shall have power to acquire by gift, bequest or devise any property for the purposes of this Act, and to agree to and carry out the conditions of any such gift, bequest or devise.

Power to accept gifts, etc.  
Act No. 11,  
1949, s. 45.

(2)



*University of New South Wales.*

(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. In the exercise of its powers, authorities, duties and functions under this Act the Council shall, so far as is practicable, co-operate with other institutions devoted to advanced studies and research.

Council to co-operate with other bodies.

Act No. 11, 1949, s. 46.

31. (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.

Act No. 11, 1949, s. 47.

(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.

32. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed by regulation or which are necessary or convenient to be prescribed by regulation and generally for carrying out or giving effect to the objects of the University and to this Act.

Regulations.

Act No. 11, 1949, s. 48.

(2) The regulations shall—

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

If

*University of New South Wales.*

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

33. (1) The Superannuation Act, 1916, as subsequently amended, is amended—

Amendment  
of Act No.  
28, 1916.

10 (a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of Newcastle," the words "or, subject to subsection four of this section, a professor of The University of New South Wales,";

Sec. 3.  
(Inter-  
pretation.)

15 (ii) by inserting next after subsection three of the same section the following new subsection :—

20 (4) (a) Subject to this subsection, the exclusion from the definition of "Employee" of a professor of The University of New South Wales shall not extend to a person whose rights as a contributor are continued by section two of the University of New South Wales Act, 1968.

25 (b) A professor of The University of New South Wales shall cease to be a contributor if, after the commencement of the University of New South Wales Act, 1968, he becomes or continues to be a party to any 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 from his professorship.

30 (c) The provisions of subsection three of this section shall apply, mutatis mutandis, to professors of The University of New South Wales other than those who are employees by virtue of paragraph (a) of this subsection.

(b)

*University of New South Wales.*

- (b) by omitting from Schedule III the words "The New South Wales University of Technology" and by inserting in lieu thereof the words "The University of New South Wales". Schedule III.  
(Consequential.)
- 5 (2) The Superannuation Act, 1916, as subsequently amended and as amended by this Act, may be cited as the Superannuation Act, 1916-1968.
- 10 **34.** (1) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended, is amended— Amendment of Act No. 11, 1949.
- (a) by omitting from the long title the words "to provide for the establishment and incorporation of a New South Wales University of Technology;"; Long title.
- 15 (b) (i) by omitting from subsection one of section one the words "and New South Wales University of Technology"; Sec. 1.  
(Short title and division into Parts.)
- (ii) by omitting from subsection two of the same section the matter relating to Part III;
- 20 (c) by omitting paragraph (b) of subsection one of section nine and by inserting in lieu thereof the following paragraph :— Sec. 9.  
(Functions and duties of Council.)
- 25 (b) the co-ordination of the functions of the Department of Technical Education with those of the Department of Education, the University of Sydney, The University of New South Wales and other bodies concerned with education.
- (2) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Technical Education Act, 1949-1968.
- 30 **35.** The University of Newcastle Act, 1964, is amended by omitting section thirty-nine. Amendment of Act No. 72, 1964.  
Sec. 39.  
(Amendment of Act No. 11, 1949.)

SCHEDULE.



*University of New South Wales.*

## SCHEDULE.

Sec. 3.

| Reference to Act   | Short Title                                                                             | Extent of Repeal                                                                        |
|--------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 5 No. 11, 1949 ..  | Technical Education and New South Wales University of Technology Act, 1949.             | Sections fourteen to forty-eight, both inclusive. Subsection two of section forty-nine. |
| 10 No. 8, 1955 ..  | Technical Education and New South Wales University of Technology (Amendment) Act, 1955. | Sections three and four.                                                                |
| No. 24, 1958 ..    | University of New South Wales Act, 1958.                                                | The whole.                                                                              |
| 15 No. 49, 1961 .. | University of New South Wales Act, 1961.                                                | The whole.                                                                              |

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968







# New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

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## Act No. 37, 1968.

An Act to consolidate, with amendments, the statutory provisions relating to The University of New South Wales; to make certain consequential amendments to certain Acts; and for purposes connected therewith. [Assented to, 22nd October, 1968.]

**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.** (1) This Act may be cited as the "University of New South Wales Act, 1968".

Short title  
and com-  
mencement.

(2)

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*University of New South Wales.*

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(2) This Act shall commence upon a day (in this Act referred to as the "appointed day") to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeals and  
savings.

2. (1) The Acts specified in the Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) The repeals effected by subsection one of this section and otherwise by this Act shall not—

(a) prejudice or affect the continuity of the body corporate continued under the amendments made by the University of New South Wales Act, 1958, and that body corporate shall continue, subject to this Act, notwithstanding those repeals; or

(b) except to the extent that there would be an inconsistency with this Act, prejudice or affect—

(i) any property of the University; or

(ii) any right, privilege or legal proceeding that, but for those repeals, might have been enforced, enjoyed, instituted or continued,

and, except to the extent of any such inconsistency, any such right, privilege or legal proceeding may be enforced, enjoyed, instituted or continued as if it had been conferred by, or had arisen under, this Act.

(3) A reference in any Act, by-law, regulation or other statutory instrument or in any certificate evidencing a degree or in any other instrument whatsoever to The New South Wales University of Technology shall be read as a reference to The University of New South Wales.

(4) A branch, department or college established by the University and being maintained by the University immediately before the appointed day may be maintained by the University as if this Act had been in force when it was so established.

(5)

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*University of New South Wales.*

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(5) All regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall, so far as they could have been made under this Act had it been in force at the relevant time, be deemed to have been made under this Act and may be amended, repealed or replaced by regulations or, as the case may require, by by-laws, made under this Act.

(6) Any delegation made by the Council under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall be deemed to be a delegation by the Council made under this Act.

3. (1) This section shall have effect notwithstanding any repeal effected by, or anything contained in, this Act and notwithstanding any repeal or amendment of the regulations or by-laws that takes effect after the appointed day. Transitional provisions relating to Council.

(2) Until the thirtieth day of June, one thousand nine hundred and sixty-nine—

- (a) the Council shall continue to be constituted; and
- (b) the persons who, immediately before the appointed day, were members of the Council shall continue in office as such members,

as if this Act had not been enacted and shall so continue to be constituted, or to hold office, subject to the regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day.

(3) On and from the first day of July, one thousand nine hundred and sixty-nine, the Council shall be constituted, and the members thereof shall hold office as such members, as is provided by and under this Act, subsections one and two of this section excepted.

(4) A retiring member of the Council holding office under subsection two of this section shall not, by reason of that membership, be disqualified from again becoming a member of the Council.

(5)



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*University of New South Wales.*

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(5) Nothing in this section shall be construed as affecting the continuation in office on and after the first day of July, one thousand nine hundred and sixty-nine, of the members of the Council elected by the Houses of Parliament and holding office immediately before that day and they shall, subject to this Act, continue in office accordingly.

Definitions.  
Act No. 11,  
1949, s. 15.

4. In this Act, unless the context or subject-matter otherwise indicates or requires—

“by-laws” means by-laws made under this Act;

“Chancellor” means the Chancellor of the University;

“Council” means the Council of the University;

“Deputy Chancellor” means the Deputy Chancellor of the University;

“prescribed” means prescribed by this Act or by the regulations or by the by-laws;

“regulations” means regulations made under this Act;

“the University” means The University of New South Wales;

“Vice-Chancellor” means the Vice-Chancellor of the University.

The  
University  
of New  
South Wales.  
Act No. 11,  
1949, s. 16,  
Act No. 24,  
1958, s. 2 (a)  
and Act No.  
49, 1961,  
s. 2 (1) (a).

5. (1) The University of New South Wales is the body corporate continued by this Act and shall consist of the Council, the professors, such other classes of persons giving instruction within the University as may be prescribed by the by-laws, such superior officers within the University as may be so prescribed and the graduates and undergraduates of the University.

(2) The University shall have perpetual succession and a common seal, and shall by its corporate name of “The University of New South Wales” be capable of suing and of being sued, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3)

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*University of New South Wales.*

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(3) The University shall, subject to this Act and the regulations, have power to take, purchase, hold, grant, alienate, demise, or otherwise dispose of real and personal property :

Provided that the University shall not, except with the approval of the Governor, grant, alienate, mortgage, charge or demise any real property 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.

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

Common  
seal.  
Act No. 11,  
1949, s. 17.

(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.

7. The objects of the University shall include—

Objects  
of the  
University.  
Act No. 11,  
1949, s. 18.

- (a) the provision of facilities for higher specialised instruction and advanced training in the various branches of technology and science in their application to industry and commerce ;
- (b) aiding, by research and other suitable means, the advancement, development, and practical application of science to industry and commerce ; and
- (c) the provision of instruction and the carrying out of research in the disciplines of humane studies and medicine and in such other disciplines as the Council may from time to time determine.

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

The Council.  
Act No. 11,  
1949, s. 19.

(2)

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*University of New South Wales.*

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(2) Subject to section three of this Act, the Council shall consist of—

- (a) parliamentary members;
- (b) official members;
- (c) elected members; and
- (d) nominated members.

(3) The parliamentary members of the Council shall be—

- (a) a member of the Legislative Council elected by that Council; and
- (b) a member of the Legislative Assembly elected by that Assembly.

(4) The official members of the Council shall be—

- (a) the person for the time being holding the office of Chancellor, where he is not otherwise a member of the Council;
- (b) the person for the time being holding the office of Vice-Chancellor; and
- (c) the person for the time being holding the office of Chairman of the Professorial Board of the University.

(5) The elected members of the Council shall be qualified and elected as in each case or for each class may be prescribed by this subsection and the by-laws and shall comprise—

- (a) one person so elected by the undergraduates within the University;
- (b) seven persons so elected by the graduates of the University;
- (c) one person so elected by the professors and such other persons, being persons giving instruction within the University and superior officers within the University, as may be prescribed by the by-laws; and

(d)



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*University of New South Wales.*

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- (d) four persons, of whom one has been so elected by each faculty that the Council has, not less than one month before the closing of nominations for the election of those persons, determined to be one of the four principal faculties within the University.

For the purposes of this subsection "graduate" means person whose name appears on the list, prepared in accordance with the by-laws, of graduate electors.

(6) The nominated members of the Council shall be appointed by the Governor and, subject to subsection seven of this section, shall comprise—

- (a) six persons nominated in accordance with that subsection as being persons who are practising, or who have practised, in the professions;
- (b) five persons nominated in accordance with that subsection as being persons experienced in industry or commerce;
- (c) three persons nominated in accordance with that subsection as being persons associated with trade unions or other organisations of employees;
- (d) two persons nominated in accordance with that subsection as being experienced in agricultural, pastoral or other rural affairs; and
- (e) seven persons nominated by the Minister.

(7) For the purposes of paragraphs (a), (b), (c) and (d) of subsection six of this section—

- (a) nominations may be submitted to the Minister in accordance with regulations prescribing, in relation to each such paragraph—
  - (i) the person or persons, or the class or classes of persons, who may submit nominations;
  - (ii) the number of nominations that may be submitted by each such person or class of persons; and

(iii)

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*University of New South Wales.*

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- (iii) the time within which nominations may be so submitted; or
- (b) where, in respect of any such paragraph, a prescribed person or class of persons has failed to comply with the regulations relating to nominations, the Minister may, unless he is satisfied that sufficient nominations have otherwise been received, make such nominations as he thinks fit in order to complete the prescribed number thereof and any nomination so made by the Minister shall be deemed to be a valid nomination for the purposes of that paragraph.

The regulations may provide in respect of any such paragraph for the nomination of a number of persons in excess of the number to be appointed.

(8) Subject to this Act, a member of the Council shall hold office—

- (a) in the case of a parliamentary member, until a member of the House of Parliament that elected him is elected by that House to replace him;
- (b) in the case of an official member, while he holds the office by virtue of which he is such a member; and
- (c) in the case of an elected or nominated member, for such period not exceeding four years as may be prescribed.

A period of office may be prescribed by reference to determined, or determinable, days of commencement and termination.

(9) A retiring member of the Council shall not, by reason of that membership, be disqualified from again becoming a member of the Council.

(10)

*University of New South Wales.*

(10) A casual vacancy in the office of an elected or nominated member shall be filled—

- (a) in the case of an elected member, by a person appointed by the Council for the purpose in the manner prescribed by the by-laws; or
- (b) in the case of a nominated member—
  - (i) by a person appointed by the Governor for the purpose, being a person who could have been appointed to fill the vacancy had it not been a casual vacancy; or
  - (ii) where the regulations prescribe the manner of filling such a vacancy, as so prescribed,

and any member so appointed shall hold office for the residue of the term of office of his predecessor.

(11) The provisions of the Public Service Act, 1902, as subsequently amended, shall not apply to or in respect of the appointment by the Governor of any member of the Council, and any member so appointed shall not, in his capacity as such member, be subject to the provisions of that Act, as so amended, during his term of office.

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

- (a) dies;
- (b) resigns his office by writing under his hand addressed—
  - (i) in the case of a parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;
  - (ii) in the case of a parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;
  - (iii) in the case of an elected member, to the Vice-Chancellor; or
  - (iv) in the case of a nominated member, to the Minister;

Vacation  
of office.  
Act No. 11,  
1949, s. 20.

(c)



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*University of New South Wales.*


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- (c) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;
- (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended;
- (e) is an elected or appointed member and absents himself from four consecutive meetings of the Council without leave of the Council; or
- (f) in the case of a member elected by either House of Parliament, ceases to be a member of that House.

Chancellor  
and Deputy  
Chancellor.  
Act No. 11,  
1949, s. 21.

**10.** (1) The persons who, immediately before the appointed day, held office as Chancellor and Deputy Chancellor of the University shall, on and from that day, be respectively the Chancellor and Deputy Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, they would respectively have held office had this Act not been enacted, but shall be eligible for re-election.

(2) Where a vacancy occurs in the office of Chancellor or Deputy Chancellor, the Council shall elect a Chancellor or, as the case may require, Deputy Chancellor who may, in the case of the Chancellor, and shall, in the case of the Deputy Chancellor, be one of its members.

(3) The Chancellor and Deputy Chancellor shall, subject to subsection one of this section, hold office for such period and on such terms and conditions as may be prescribed by the by-laws.

Chairman.  
Act No. 11,  
1949, s. 22.

**11.** At every meeting of the Council the Chancellor or, in his absence, the Deputy Chancellor, shall preside as Chairman, but if the Chancellor and Deputy Chancellor are both absent, the members present shall elect a person from amongst their number to preside as Chairman.

**12.**

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*University of New South Wales.*

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**12.** (1) All questions which come before the Council shall be decided by a majority of votes of the members present at a duly convened meeting of the Council at which a quorum is present.

Questions—  
how  
decided.  
Act No. 11,  
1949, s. 23.

(2) The Chairman at any such meeting shall have a vote, and in the case of an equality of votes a second or casting vote.

(3) At any meeting of the Council ten members shall form a quorum.

**13.** (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, or such direction given there was a vacancy or vacancies in the office of any member of the Council.

Validity of  
acts and  
proceedings.  
Act No. 11,  
1949, s. 24.

(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 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 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.

**14.** Subject to this Act and to the regulations and by-laws, the Council—

Powers of  
the Council.  
Act No. 11,  
1949, s. 25.

- (a) may provide courses in applied science, engineering, technology, commerce, industrial organisation, humane studies and medicine and such other courses as it deems fit and may, after examination,

confer

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*University of New South Wales.*

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confer the several degrees of Bachelor, Master and Doctor, and such other degrees and such certificates in the nature of degrees or otherwise and such diplomas as it thinks fit;

- (b) may from time to time appoint and terminate the appointment of deans, professors, lecturers and other officers and employees of the University;
- (c) shall have the entire control and management of the affairs, concerns and property of the University;
- (d) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
- (e) may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University.

Vice-  
Chancellor.  
Act No. 11,  
1949, s. 26.

**15.** (1) The Vice-Chancellor shall be the chief executive officer of the University.

(2) The person who, immediately before the appointed day, held office as Vice-Chancellor of the University shall, on and from that day, be the Vice-Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, he would have held that office had this Act not been enacted.

(3) The Vice-Chancellor shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and subject thereto as the Council may determine.

(4) The Vice-Chancellor shall, subject to subsection two of this section, hold office for such period and upon such terms and conditions as the Council determines.

(5)



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*University of New South Wales.*

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(5) Where a vacancy occurs in the office of Vice-Chancellor the Council shall appoint a person to be Vice-Chancellor.

**16.** (1) The Council may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation and the power to make by-laws) to any such committee or to any member of the Council, or to any officer or officers of the University.

Delegation to committees, etc.  
Act No. 11, 1949, s. 27.

(2) Every delegation under this section shall be revocable by resolution of the Council and no delegation shall prevent the exercise or discharge by the Council of any of its powers, authorities, duties or functions.

**17.** (1) Where any person has obtained in any university or other educational establishment recognised by the University for the purpose any degree or diploma corresponding or equivalent, in the opinion of the Council, to any degree which the Council is empowered to confer after examination, or has such other qualifications as, in the opinion of the Council, are sufficient for the purpose, the Council may confer such latter degree upon such person without examination.

Ad eundem and honorary degrees.  
Act No. 11, 1949, s. 28.

(2) A person upon whom a degree is conferred, under the provisions of subsection one of this section shall be entitled to the same rights and privileges as appertain to persons who have taken the same degree in the ordinary course in the University.

(3) By-laws may be made for or with respect to the conferring of honorary degrees or other distinctions.

**18.** (1) The Council may establish and maintain such branches, departments or colleges of the University as the Council deems fit and the Governor may approve.

Branches, departments and colleges.

(2) Act No. 11, 1949, s. 29.

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*University of New South Wales.*

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(2) The Council may, with the approval of the Governor—

- (a) authorise the establishment of residential colleges or halls of residence within the University or elsewhere;
- (b) authorise the affiliation with the University of residential colleges; or
- (c) join or co-operate with any person in the provision or conduct of student hostels and residential accommodation for students.

(3) The Council may authorise any college or educational establishment, whether incorporated or not, to issue to a candidate for any degree or diploma conferred by the University a certificate to the effect that the candidate has completed such course of instruction therefor as the Council by by-law prescribes and any person who presents to the Council any such certificate may be admitted as a candidate for the degree or diploma to which it refers.

Evidence  
of degrees  
conferred.  
Act No. 11,  
1949, s. 30.

**19.** All degrees conferred by the University shall be evidenced by a certificate under the common seal of the University.

Fees.

Act No. 11,  
1949, s. 31.

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

Investiga-  
tions.

Act No. 11,  
1949, s. 32.

**21.** (1) The Council may carry out special investigations in any matter at the request of any authority, institution, association, firm or person, and in respect of any such investigation may charge such fees therefor and agree to such conditions in relation thereto as it thinks fit.

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*University of New South Wales.*

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(2) The Council may, subject to any conditions imposed under subsection one of this section, publish information relating to any matter investigated by it pursuant to the provisions of that subsection.

**22.** (1) The Council may make by-laws, not inconsistent with this Act or the regulations, with respect to all matters pertaining to the University. By-laws.  
Act No. 11,  
1949, s. 37.

(2) Without prejudice to the generality of subsection one of this section the Council may make by-laws with respect to—

- (a) the management, good government, and discipline of the University;
- (b) the method of election of members of the Council (other than the parliamentary members) who are to be elected;
- (c) the manner and time of convening, holding and adjourning the meetings of the Council; the manner of voting at such meetings, including postal voting or voting by proxy; the powers and duties of the Chairman thereof; the conduct and record of the business; the appointment of committees of the Council, and the quorum, powers and duties of such committees;
- (d) the number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners and other officers and employees of the University;
- (e) the entrance standards for students;
- (f) the examinations for and the granting of degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (g) the examinations for and the granting of fellowships, scholarships, exhibitions, bursaries and prizes;

(h)



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*University of New South Wales.*

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- (h) the admission of students of other universities and institutions of higher education to any status within the University or the granting to graduates of such universities or institutions, or other persons, of a degree or diploma without examination;
- (i) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- (j) the affiliation with or admission to the University of any educational or research establishment;
- (k) the provision of a scheme of superannuation for the professors of the University.

(3) 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.

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

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

(5) A copy of every such by-law shall be laid before both Houses 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.

*University of New South Wales.*

(6) Any such by-law may be proved in any court by the production of a verified copy under the 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.

**23.** (1) There shall be paid by the Treasurer to the University in respect of the year commencing upon the first day of January in the year in which this Act commences, and in respect of each succeeding year, such sum as the Treasurer may determine having regard to the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements and, in the case of the year in which this Act commences, any moneys paid by the Treasurer to the University, in that year, before the appointed day.

Treasurer to meet certain costs.  
Act No. 11, 1949, s. 39.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred on him by subsection one of this section, the University shall, either before or as soon as practicable after the first day of January in each 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.

**24.** The Treasurer may for the temporary accommodation of the University advance such moneys to the University as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon between the Treasurer and the University.

Advances by Treasurer.  
Act No. 11, 1949, s. 40.

**25.** The University may borrow money for—

- (a) the purpose of carrying out its objects or exercising or performing any of its powers, authorities, duties and functions;

Power of University to borrow.  
Act No. 11, 1949, s. 41.

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*University of New South Wales.*

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(b) the renewal of loans ; or

(c) 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.

Accounts to  
be rendered.  
Act No. 11,  
1949, s. 42.

**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.

Audit.

Act No. 11,  
1949, s. 43.

**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, as subsequently amended, 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.

No religious  
test.

Act No. 11,  
1949, s. 44.

**28.** 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.

Power to  
accept  
gifts, etc.

Act No. 11,  
1949, s. 45.

**29.** (1) The University shall have power to acquire by gift, bequest or devise any property for the purposes of this Act, and to agree to and carry out the conditions of any such gift, bequest or devise.

(2)



*University of New South Wales.*

(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.** In the exercise of its powers, authorities, duties and functions under this Act the Council shall, so far as is practicable, co-operate with other institutions devoted to advanced studies and research.

Council to co-operate with other bodies.

Act No. 11, 1949, s. 46.

**31.** (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.

Act No. 11, 1949, s. 47.

(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.

**32.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed by regulation or which are necessary or convenient to be prescribed by regulation and generally for carrying out or giving effect to the objects of the University and to this Act.

Regulations.

Act No. 11, 1949, s. 48.

(2) The regulations shall—

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

If

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*University of New South Wales.*

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

Amendment  
of Act No.  
28, 1916.

**33.** (1) The Superannuation Act, 1916, as subsequently amended, is amended—

Sec. 3.  
(Inter-  
pretation.)

(a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of Newcastle," the words "or, subject to subsection four of this section, a professor of The University of New South Wales,";

(ii) by inserting next after subsection three of the same section the following new subsection:—

(4) (a) Subject to this subsection, the exclusion from the definition of "Employee" of a professor of The University of New South Wales shall not extend to a person whose rights as a contributor are continued by section two of the University of New South Wales Act, 1968.

(b) A professor of The University of New South Wales shall cease to be a contributor if, after the commencement of the University of New South Wales Act, 1968, he becomes or continues to be a party to any 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 from his professorship.

(c) The provisions of subsection three of this section shall apply, mutatis mutandis, to professors of The University of New South Wales other than those who are employees by virtue of paragraph (a) of this subsection.

(b)

*University of New South Wales.*

- (b) by omitting from Schedule III the words "The New South Wales University of Technology" and by inserting in lieu thereof the words "The University of New South Wales".

Schedule III.  
(Consequential.)

(2) The Superannuation Act, 1916, as subsequently amended and as amended by this Act, may be cited as the Superannuation Act, 1916-1968.

**34.** (1) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended, is amended—

Amendment of Act No. 11, 1949.

- (a) by omitting from the long title the words "to provide for the establishment and incorporation of a New South Wales University of Technology";

Long title.

- (b) (i) by omitting from subsection one of section one the words "and New South Wales University of Technology";

Sec. 1.  
(Short title and division into Parts.)

- (ii) by omitting from subsection two of the same section the matter relating to Part III;

- (c) by omitting paragraph (b) of subsection one of section nine and by inserting in lieu thereof the following paragraph :—

Sec. 9.  
(Functions and duties of Council.)

- (b) the co-ordination of the functions of the Department of Technical Education with those of the Department of Education, the University of Sydney, The University of New South Wales and other bodies concerned with education.

(2) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Technical Education Act, 1949-1968.

**35.** The University of Newcastle Act, 1964, is amended by omitting section thirty-nine.

Amendment of Act No. 72, 1964.  
Sec. 39.  
(Amendment of Act No. 11, 1949.)

SCHEDULE.



*University of New South Wales.*

Sec. 3.

## SCHEDULE.

| Reference to Act | Short Title                                                                             | Extent of Repeal                                                                        |
|------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| No. 11, 1949 ..  | Technical Education and New South Wales University of Technology Act, 1949.             | Sections fourteen to forty-eight, both inclusive. Subsection two of section forty-nine. |
| No. 8, 1955 ..   | Technical Education and New South Wales University of Technology (Amendment) Act, 1955. | Sections three and four.                                                                |
| No. 24, 1958 ..  | University of New South Wales Act, 1958.                                                | The whole.                                                                              |
| No. 49, 1961 ..  | University of New South Wales Act, 1961.                                                | The whole.                                                                              |

BY AUTHORITY:

V. C. N. BLIGHT. GOVERNMENT PRINTER, NEW SOUTH WALES—1968







*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 15 October, 1968.*

## New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

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### Act No. 37, 1968.

An Act to consolidate, with amendments, the statutory provisions relating to The University of New South Wales; to make certain consequential amendments to certain Acts; and for purposes connected therewith. [Assented to, 22nd October, 1968.]

**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. (1) This Act may be cited as the "University of New South Wales Act, 1968".

Short title  
and com-  
mencement.

(2)

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

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

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*University of New South Wales.*

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(2) This Act shall commence upon a day (in this Act referred to as the "appointed day") to be appointed by the Governor and notified by proclamation published in the Gazette.

Repeals and  
savings.

2. (1) The Acts specified in the Schedule to this Act are, to the extent therein expressed, hereby repealed.

(2) The repeals effected by subsection one of this section and otherwise by this Act shall not—

(a) prejudice or affect the continuity of the body corporate continued under the amendments made by the University of New South Wales Act, 1958, and that body corporate shall continue, subject to this Act, notwithstanding those repeals; or

(b) except to the extent that there would be an inconsistency with this Act, prejudice or affect—

(i) any property of the University; or

(ii) any right, privilege or legal proceeding that, but for those repeals, might have been enforced, enjoyed, instituted or continued,

and, except to the extent of any such inconsistency, any such right, privilege or legal proceeding may be enforced, enjoyed, instituted or continued as if it had been conferred by, or had arisen under, this Act.

(3) A reference in any Act, by-law, regulation or other statutory instrument or in any certificate evidencing a degree or in any other instrument whatsoever to The New South Wales University of Technology shall be read as a reference to The University of New South Wales.

(4) A branch, department or college established by the University and being maintained by the University immediately before the appointed day may be maintained by the University as if this Act had been in force when it was so established.

(5)

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*University of New South Wales.*

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(5) All regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall, so far as they could have been made under this Act had it been in force at the relevant time, be deemed to have been made under this Act and may be amended, repealed or replaced by regulations or, as the case may require, by by-laws, made under this Act.

(6) Any delegation made by the Council under the Acts specified in the Schedule to this Act and in force immediately before the appointed day shall be deemed to be a delegation by the Council made under this Act.

3. (1) This section shall have effect notwithstanding any repeal effected by, or anything contained in, this Act and notwithstanding any repeal or amendment of the regulations or by-laws that takes effect after the appointed day. Transitional provisions relating to Council.

(2) Until the thirtieth day of June, one thousand nine hundred and sixty-nine—

- (a) the Council shall continue to be constituted; and
- (b) the persons who, immediately before the appointed day, were members of the Council shall continue in office as such members,

as if this Act had not been enacted and shall so continue to be constituted, or to hold office, subject to the regulations and by-laws made under the Acts specified in the Schedule to this Act and in force immediately before the appointed day.

(3) On and from the first day of July, one thousand nine hundred and sixty-nine, the Council shall be constituted, and the members thereof shall hold office as such members, as is provided by and under this Act, subsections one and two of this section excepted.

(4) A retiring member of the Council holding office under subsection two of this section shall not, by reason of that membership, be disqualified from again becoming a member of the Council.

(5)



*University of New South Wales.*

(5) Nothing in this section shall be construed as affecting the continuation in office on and after the first day of July, one thousand nine hundred and sixty-nine, of the members of the Council elected by the Houses of Parliament and holding office immediately before that day and they shall, subject to this Act, continue in office accordingly.

Definitions.  
Act No. 11,  
1949, s. 15.

4. In this Act, unless the context or subject-matter otherwise indicates or requires—

“by-laws” means by-laws made under this Act;

“Chancellor” means the Chancellor of the University;

“Council” means the Council of the University;

“Deputy Chancellor” means the Deputy Chancellor of the University;

“prescribed” means prescribed by this Act or by the regulations or by the by-laws;

“regulations” means regulations made under this Act;

“the University” means The University of New South Wales;

“Vice-Chancellor” means the Vice-Chancellor of the University.

The  
University  
of New  
South Wales.  
Act No. 11,  
1949, s. 16,  
Act No. 24,  
1958, s. 2 (a)  
and Act No.  
49, 1961,  
s. 2 (1) (a).

5. (1) The University of New South Wales is the body corporate continued by this Act and shall consist of the Council, the professors, such other classes of persons giving instruction within the University as may be prescribed by the by-laws, such superior officers within the University as may be so prescribed and the graduates and undergraduates of the University.

(2) The University shall have perpetual succession and a common seal, and shall by its corporate name of “The University of New South Wales” be capable of suing and of being sued, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3)

*University of New South Wales.*

(3) The University shall, subject to this Act and the regulations, have power to take, purchase, hold, grant, alienate, demise, or otherwise dispose of real and personal property :

Provided that the University shall not, except with the approval of the Governor, grant, alienate, mortgage, charge or demise any real property 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.

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

Common seal.  
Act No. 11,  
1949, s. 17.

(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.

7. The objects of the University shall include—

Objects  
of the  
University.  
Act No. 11,  
1949, s. 18.

- (a) the provision of facilities for higher specialised instruction and advanced training in the various branches of technology and science in their application to industry and commerce ;
- (b) aiding, by research and other suitable means, the advancement, development, and practical application of science to industry and commerce ; and
- (c) the provision of instruction and the carrying out of research in the disciplines of humane studies and medicine and in such other disciplines as the Council may from time to time determine.

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

The Council.  
Act No. 11,  
1949, s. 19.

(2)

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*University of New South Wales.*

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(2) Subject to section three of this Act, the Council shall consist of—

- (a) parliamentary members;
- (b) official members;
- (c) elected members; and
- (d) nominated members.

(3) The parliamentary members of the Council shall be—

- (a) a member of the Legislative Council elected by that Council; and
- (b) a member of the Legislative Assembly elected by that Assembly.

(4) The official members of the Council shall be—

- (a) the person for the time being holding the office of Chancellor, where he is not otherwise a member of the Council;
- (b) the person for the time being holding the office of Vice-Chancellor; and
- (c) the person for the time being holding the office of Chairman of the Professorial Board of the University.

(5) The elected members of the Council shall be qualified and elected as in each case or for each class may be prescribed by this subsection and the by-laws and shall comprise—

- (a) one person so elected by the undergraduates within the University;
- (b) seven persons so elected by the graduates of the University;
- (c) one person so elected by the professors and such other persons, being persons giving instruction within the University and superior officers within the University, as may be prescribed by the by-laws; and

(d)



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*University of New South Wales.*

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- (d) four persons, of whom one has been so elected by each faculty that the Council has, not less than one month before the closing of nominations for the election of those persons, determined to be one of the four principal faculties within the University.

For the purposes of this subsection "graduate" means person whose name appears on the list, prepared in accordance with the by-laws, of graduate electors.

(6) The nominated members of the Council shall be appointed by the Governor and, subject to subsection seven of this section, shall comprise—

- (a) six persons nominated in accordance with that subsection as being persons who are practising, or who have practised, in the professions;
- (b) five persons nominated in accordance with that subsection as being persons experienced in industry or commerce;
- (c) three persons nominated in accordance with that subsection as being persons associated with trade unions or other organisations of employees;
- (d) two persons nominated in accordance with that subsection as being experienced in agricultural, pastoral or other rural affairs; and
- (e) seven persons nominated by the Minister.

(7) For the purposes of paragraphs (a), (b), (c) and (d) of subsection six of this section—

- (a) nominations may be submitted to the Minister in accordance with regulations prescribing, in relation to each such paragraph—
  - (i) the person or persons, or the class or classes of persons, who may submit nominations;
  - (ii) the number of nominations that may be submitted by each such person or class of persons; and

(iii)

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*University of New South Wales.*

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(iii) the time within which nominations may be so submitted; or

- (b) where, in respect of any such paragraph, a prescribed person or class of persons has failed to comply with the regulations relating to nominations, the Minister may, unless he is satisfied that sufficient nominations have otherwise been received, make such nominations as he thinks fit in order to complete the prescribed number thereof and any nomination so made by the Minister shall be deemed to be a valid nomination for the purposes of that paragraph.

The regulations may provide in respect of any such paragraph for the nomination of a number of persons in excess of the number to be appointed.

(8) Subject to this Act, a member of the Council shall hold office—

- (a) in the case of a parliamentary member, until a member of the House of Parliament that elected him is elected by that House to replace him;
- (b) in the case of an official member, while he holds the office by virtue of which he is such a member; and
- (c) in the case of an elected or nominated member, for such period not exceeding four years as may be prescribed.

A period of office may be prescribed by reference to determined, or determinable, days of commencement and termination.

(9) A retiring member of the Council shall not, by reason of that membership, be disqualified from again becoming a member of the Council.

(10)

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*University of New South Wales.*

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(10) A casual vacancy in the office of an elected or nominated member shall be filled—

- (a) in the case of an elected member, by a person appointed by the Council for the purpose in the manner prescribed by the by-laws; or
- (b) in the case of a nominated member—
  - (i) by a person appointed by the Governor for the purpose, being a person who could have been appointed to fill the vacancy had it not been a casual vacancy; or
  - (ii) where the regulations prescribe the manner of filling such a vacancy, as so prescribed,

and any member so appointed shall hold office for the residue of the term of office of his predecessor.

(11) The provisions of the Public Service Act, 1902, as subsequently amended, shall not apply to or in respect of the appointment by the Governor of any member of the Council, and any member so appointed shall not, in his capacity as such member, be subject to the provisions of that Act, as so amended, during his term of office.

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

Vacation  
of office.  
Act No. 11,  
1949, s. 20.

- (a) dies;
- (b) resigns his office by writing under his hand addressed—
  - (i) in the case of a parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;
  - (ii) in the case of a parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;
  - (iii) in the case of an elected member, to the Vice-Chancellor; or
  - (iv) in the case of a nominated member, to the Minister;

(c)



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*University of New South Wales.*

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- (c) becomes bankrupt, compounds with his creditors or makes any assignment of his salary or estate for their benefit;
- (d) becomes a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as subsequently amended;
- (e) is an elected or appointed member and absents himself from four consecutive meetings of the Council without leave of the Council; or
- (f) in the case of a member elected by either House of Parliament, ceases to be a member of that House.

Chancellor  
and Deputy  
Chancellor.  
Act No. 11,  
1949, s. 21.

**10.** (1) The persons who, immediately before the appointed day, held office as Chancellor and Deputy Chancellor of the University shall, on and from that day, be respectively the Chancellor and Deputy Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, they would respectively have held office had this Act not been enacted, but shall be eligible for re-election.

(2) Where a vacancy occurs in the office of Chancellor or Deputy Chancellor, the Council shall elect a Chancellor or, as the case may require, Deputy Chancellor who may, in the case of the Chancellor, and shall, in the case of the Deputy Chancellor, be one of its members.

(3) The Chancellor and Deputy Chancellor shall, subject to subsection one of this section, hold office for such period and on such terms and conditions as may be prescribed by the by-laws.

Chairman.  
Act No. 11,  
1949, s. 22.

**11.** At every meeting of the Council the Chancellor or, in his absence, the Deputy Chancellor, shall preside as Chairman, but if the Chancellor and Deputy Chancellor are both absent, the members present shall elect a person from amongst their number to preside as Chairman.

**12.**

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*University of New South Wales.*

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**12.** (1) All questions which come before the Council shall be decided by a majority of votes of the members present at a duly convened meeting of the Council at which a quorum is present.

Questions—  
how  
decided.  
Act No. 11,  
1949, s. 23.

(2) The Chairman at any such meeting shall have a vote, and in the case of an equality of votes a second or casting vote.

(3) At any meeting of the Council ten members shall form a quorum.

**13.** (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, or such direction given there was a vacancy or vacancies in the office of any member of the Council.

Validity of  
acts and  
proceedings.  
Act No. 11,  
1949, s. 24.

(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 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 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.

**14.** Subject to this Act and to the regulations and by-laws, the Council—

Powers of  
the Council.  
Act No. 11,  
1949, s. 25.

- (a) may provide courses in applied science, engineering, technology, commerce, industrial organisation, humane studies and medicine and such other courses as it deems fit and may, after examination,

confer

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*University of New South Wales.*

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- confer the several degrees of Bachelor, Master and Doctor, and such other degrees and such certificates in the nature of degrees or otherwise and such diplomas as it thinks fit;
- (b) may from time to time appoint and terminate the appointment of deans, professors, lecturers and other officers and employees of the University;
  - (c) shall have the entire control and management of the affairs, concerns and property of the University;
  - (d) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
  - (e) may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University.

Vice-  
Chancellor.  
Act No. 11,  
1949, s. 26.

**15.** (1) The Vice-Chancellor shall be the chief executive officer of the University.

(2) The person who, immediately before the appointed day, held office as Vice-Chancellor of the University shall, on and from that day, be the Vice-Chancellor and shall hold that office upon the terms and conditions upon which, and for the residue of the period for which, he would have held that office had this Act not been enacted.

(3) The Vice-Chancellor shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and subject thereto as the Council may determine.

(4) The Vice-Chancellor shall, subject to subsection two of this section, hold office for such period and upon such terms and conditions as the Council determines.

(5)



*University of New South Wales.*

(5) Where a vacancy occurs in the office of Vice-Chancellor the Council shall appoint a person to be Vice-Chancellor.

**16.** (1) The Council may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities, duties and functions (except this power of delegation and the power to make by-laws) to any such committee or to any member of the Council, or to any officer or officers of the University.

Delegation to committees, etc.  
Act No. 11, 1949, s. 27.

(2) Every delegation under this section shall be revocable by resolution of the Council and no delegation shall prevent the exercise or discharge by the Council of any of its powers, authorities, duties or functions.

**17.** (1) Where any person has obtained in any university or other educational establishment recognised by the University for the purpose any degree or diploma corresponding or equivalent, in the opinion of the Council, to any degree which the Council is empowered to confer after examination, or has such other qualifications as, in the opinion of the Council, are sufficient for the purpose, the Council may confer such latter degree upon such person without examination.

Ad eundem and honorary degrees.  
Act No. 11, 1949, s. 28.

(2) A person upon whom a degree is conferred, under the provisions of subsection one of this section shall be entitled to the same rights and privileges as appertain to persons who have taken the same degree in the ordinary course in the University.

(3) By-laws may be made for or with respect to the conferring of honorary degrees or other distinctions.

**18.** (1) The Council may establish and maintain such branches, departments or colleges of the University as the Council deems fit and the Governor may approve.

Branches, departments and colleges.

(2) Act No. 11, 1949, s. 29.

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*University of New South Wales.*


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(2) The Council may, with the approval of the Governor—

- (a) authorise the establishment of residential colleges or halls of residence within the University or elsewhere;
- (b) authorise the affiliation with the University of residential colleges; or
- (c) join or co-operate with any person in the provision or conduct of student hostels and residential accommodation for students.

(3) The Council may authorise any college or educational establishment, whether incorporated or not, to issue to a candidate for any degree or diploma conferred by the University a certificate to the effect that the candidate has completed such course of instruction therefor as the Council by by-law prescribes and any person who presents to the Council any such certificate may be admitted as a candidate for the degree or diploma to which it refers.

Evidence  
of degrees  
conferred.  
Act No. 11,  
1949, s. 30.

**19.** All degrees conferred by the University shall be evidenced by a certificate under the common seal of the University.

Fees.  
Act No. 11,  
1949, s. 31.

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

Investiga-  
tions.  
Act No. 11,  
1949, s. 32.

**21.** (1) The Council may carry out special investigations in any matter at the request of any authority, institution, association, firm or person, and in respect of any such investigation may charge such fees therefor and agree to such conditions in relation thereto as it thinks fit.

(2)

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*University of New South Wales.*

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(2) The Council may, subject to any conditions imposed under subsection one of this section, publish information relating to any matter investigated by it pursuant to the provisions of that subsection.

**22.** (1) The Council may make by-laws, not inconsistent with this Act or the regulations, with respect to all matters pertaining to the University. By-laws.  
Act No. 11,  
1949, s. 37.

(2) Without prejudice to the generality of subsection one of this section the Council may make by-laws with respect to—

- (a) the management, good government, and discipline of the University;
- (b) the method of election of members of the Council (other than the parliamentary members) who are to be elected;
- (c) the manner and time of convening, holding and adjourning the meetings of the Council; the manner of voting at such meetings, including postal voting or voting by proxy; the powers and duties of the Chairman thereof; the conduct and record of the business; the appointment of committees of the Council, and the quorum, powers and duties of such committees;
- (d) the number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners and other officers and employees of the University;
- (e) the entrance standards for students;
- (f) the examinations for and the granting of degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (g) the examinations for and the granting of fellowships, scholarships, exhibitions, bursaries and prizes;

(h)



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*University of New South Wales.*

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- (h) the admission of students of other universities and institutions of higher education to any status within the University or the granting to graduates of such universities or institutions, or other persons, of a degree or diploma without examination;
- (i) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- (j) the affiliation with or admission to the University of any educational or research establishment;
- (k) the provision of a scheme of superannuation for the professors of the University.

(3) 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.

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

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

(5) A copy of every such by-law shall be laid before both Houses 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.

(6)

*University of New South Wales.*

(6) Any such by-law may be proved in any court by the production of a verified copy under the 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.

**23.** (1) There shall be paid by the Treasurer to the University in respect of the year commencing upon the first day of January in the year in which this Act commences, and in respect of each succeeding year, such sum as the Treasurer may determine having regard to the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements and, in the case of the year in which this Act commences, any moneys paid by the Treasurer to the University, in that year, before the appointed day.

Treasurer  
to meet  
certain  
costs.  
Act No. 11,  
1949, s. 39.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred on him by subsection one of this section, the University shall, either before or as soon as practicable after the first day of January in each 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.

**24.** The Treasurer may for the temporary accommodation of the University advance such moneys to the University as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon between the Treasurer and the University.

Advances by  
Treasurer.  
Act No. 11,  
1949, s. 40.

**25.** The University may borrow money for—

- (a) the purpose of carrying out its objects or exercising or performing any of its powers, authorities, duties and functions;

Power of  
University  
to borrow.  
Act No. 11,  
1949, s. 41.

(b)



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(b) the renewal of loans; or

(c) 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.

Accounts to  
be rendered.  
Act No. 11,  
1949, s. 42.

**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.

Audit.  
Act No. 11,  
1949, s. 43.

**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, as subsequently amended, 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.

No religious  
test.  
Act No. 11,  
1949, s. 44.

**28.** 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.

Power to  
accept  
gifts, etc.  
Act No. 11,  
1949, s. 45.

**29.** (1) The University shall have power to acquire by gift, bequest or devise any property for the purposes of this Act, and to agree to and carry out the conditions of any such gift, bequest or devise.

(2)



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*University of New South Wales.*

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(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.** In the exercise of its powers, authorities, duties and functions under this Act the Council shall, so far as is practicable, co-operate with other institutions devoted to advanced studies and research.

Council to co-operate with other bodies.

Act No. 11, 1949, s. 46.

**31.** (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.

Act No. 11, 1949, s. 47.

(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.

**32.** (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed by regulation or which are necessary or convenient to be prescribed by regulation and generally for carrying out or giving effect to the objects of the University and to this Act.

Regulations.

Act No. 11, 1949, s. 48.

(2) The regulations shall—

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

If

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

Amendment  
of Act No.  
28, 1916.

**33.** (1) The Superannuation Act, 1916, as subsequently amended, is amended—

Sec. 3.  
(Inter-  
pretation.)

(a) (i) by inserting in the definition of "Employee" in subsection one of section three after the words "University of Newcastle," the words "or, subject to subsection four of this section, a professor of The University of New South Wales,";

(ii) by inserting next after subsection three of the same section the following new subsection:—

(4) (a) Subject to this subsection, the exclusion from the definition of "Employee" of a professor of The University of New South Wales shall not extend to a person whose rights as a contributor are continued by section two of the University of New South Wales Act, 1968.

(b) A professor of The University of New South Wales shall cease to be a contributor if, after the commencement of the University of New South Wales Act, 1968, he becomes or continues to be a party to any 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 from his professorship.

(c) The provisions of subsection three of this section shall apply, mutatis mutandis, to professors of The University of New South Wales other than those who are employees by virtue of paragraph (a) of this subsection.

(b)

*University of New South Wales.*

- (b) by omitting from Schedule III the words "The New South Wales University of Technology" and by inserting in lieu thereof the words "The University of New South Wales".

Schedule  
III.  
(Conse-  
quential.)

(2) The Superannuation Act, 1916, as subsequently amended and as amended by this Act, may be cited as the Superannuation Act, 1916-1968.

**34.** (1) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended, is amended—

Amendment  
of Act No.  
11, 1949.

- (a) by omitting from the long title the words "to provide for the establishment and incorporation of a New South Wales University of Technology";

Long title.

- (b) (i) by omitting from subsection one of section one the words "and New South Wales University of Technology";

Sec. 1.  
(Short title  
and  
division  
into Parts.)

- (ii) by omitting from subsection two of the same section the matter relating to Part III;

- (c) by omitting paragraph (b) of subsection one of section nine and by inserting in lieu thereof the following paragraph :—

Sec. 9.  
(Functions  
and duties  
of Council.)

- (b) the co-ordination of the functions of the Department of Technical Education with those of the Department of Education, the University of Sydney, The University of New South Wales and other bodies concerned with education.

(2) The Technical Education and New South Wales University of Technology Act, 1949, as subsequently amended and as amended by this Act, may be cited as the Technical Education Act, 1949-1968.

**35.** The University of Newcastle Act, 1964, is amended by omitting section thirty-nine.

Amendment  
of Act No.  
72, 1964.  
Sec. 39.  
(Amend-  
ment of  
Act No. 11,  
1949.)

SCHEDULE.



*University of New South Wales.*

Sec. 3.

## SCHEDULE.

| Reference to Act | Short Title                                                                             | Extent of Repeal                                                                        |
|------------------|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| No. 11, 1949 ..  | Technical Education and New South Wales University of Technology Act, 1949.             | Sections fourteen to forty-eight, both inclusive. Subsection two of section forty-nine. |
| No. 8, 1955 ..   | Technical Education and New South Wales University of Technology (Amendment) Act, 1955. | Sections three and four.                                                                |
| No. 24, 1958 ..  | University of New South Wales Act, 1958.                                                | The whole.                                                                              |
| No. 49, 1961 ..  | University of New South Wales Act, 1961.                                                | The whole.                                                                              |

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

A. R. CUTLER,  
Governor.

Government House,  
Sydney, 22nd October, 1968.



