

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, 21 November, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. , 1972.

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

BE

University of Wollongong.

BE 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
5 follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "University of Wollongong Act, 1972".

Short title
and
division
of Act.

10 (2) This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–3.

PART II.—VICE-CHANCELLOR DESIGNATE—ss. 4–7.

PART III.—THE UNIVERSITY OF WOLLONGONG—ss.
8–41.

15 SCHEDULE.

2. (1) This section and sections 1 and 3 commence on the date of assent to this Act.

Commence-
ment.

(2) Part II shall commence upon such day as may be appointed by the Governor in respect thereof and as may be
20 notified by proclamation published in the Gazette.

(3) Part III shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette being a day that is later than the day appointed pursuant to
25 subsection (2).

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

Interpre-
tation.

"by-laws" means by-laws made under this Act;

"Chancellor"

University of Wollongong.

- “Chancellor” means Chancellor of the University;
- “College” means Wollongong University College established and maintained by The University of New South Wales under the provisions of the University of New South Wales Act, 1968;
- “College Council” means Council of the College;
- “Committee” means Selection Committee constituted under Part II;
- “Council” means Council of the University;
- “Deputy Chancellor” means Deputy Chancellor of the University;
- “University” means The University of Wollongong;
- “Vice-Chancellor” means Vice-Chancellor of the University.

15

PART II.

VICE-CHANCELLOR DESIGNATE.

- 4.** (1) The Minister shall constitute a committee consisting of eight members to hold office until the commencement of Part III of whom—
- 20 (a) one shall, by reason of his being the holder of, or a person who was the holder of, the office of Vice-Chancellor of any University in Australia, be appointed by the Minister as Chairman of the Committee;

(b)

University of Wollongong.

(b) one shall be appointed by reason of his being the Chairman of the New South Wales Universities Board or a member of that Board nominated by that Chairman to be appointed to the Committee;

5 (c) two shall be appointed by the Minister; and

(d) four shall be elected members.

(2) The elected members of the Committee shall be qualified as is prescribed by this subsection and shall comprise—

10 (a) a person who is a professor, and a person who is not a professor, both elected by and from the professors, associate professors, senior lecturers and lecturers of the full-time staff of the College, the Librarian, the Bursar, the Registrar and the
15 Secretary of the College; and

(b) two persons elected by and from the members of the College Council, both being persons who are ineligible for election to the Committee pursuant to paragraph (a).

20 (3) A casual vacancy occurs in the Committee where—

(a) in the case of the member referred to in subsection (1) (b), that member ceases to be the Chairman of the New South Wales Universities Board, or
25 where the member referred to in subsection (1) (b) is a member of the Board nominated by that Chairman, that member ceases to be a member of the Board:

(b)

University of Wollongong.

- (b) in the case of an elected member, that member ceases to hold the qualification by reason of which he was eligible for election to the Committee;
- (c) a member dies;
- 5 (d) a member becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 10 (e) a member resigns his membership in writing under his hand addressed to the Minister; or
- (f) for any reason the Minister deems fit, a member is removed by the Minister from office as a member of the Committee.
- 15 (4) A casual vacancy shall—
 - (a) in the case of an elected member, be filled by a person qualified and elected in accordance with subsection (2); and
 - 20 (b) in any other case, be filled by a person qualified in accordance with subsection (1) (a), (b) or (c) to fill the vacancy concerned.
- (5) Meetings of the Committee shall be convened by the Chairman of the Committee.
- (6) At any meeting of the Committee—
 - 25 (a) six members shall form a quorum;
 - (b) a decision of the majority of the members present at the meeting shall be the decision of the Committee; and
 - 30 (c) the Chairman, in the event of there being an equality of votes, may give a casting vote.

(7)

University of Wollongong.

(7) Any act or proceeding of the Committee is, notwithstanding that at any time when the act or proceeding was done, taken or commenced there was—

- 5 (a) a vacancy in the office of the membership of the Committee; or
- (b) any defect in the appointment, or any disqualification, of a member of the Committee,

as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

- 10 (8) Any election for the purpose of electing the elected members of the Committee shall be conducted by the Registrar of The University of New South Wales at such time or times and in such manner as that Registrar deems fit.

5. The Committee shall be charged with the power to
15 select a person to be the Vice-Chancellor designate of the University and for that purpose shall—

Powers,
duties and
functions
of Com-
mittee.

- 20 (a) at a meeting convened as soon as practicable whenever the Minister notifies the Chairman that there is a vacancy in the office of Vice-Chancellor designate of the University, arrange to call for applications for that office to be made on or before a stated day;
- (b) meet as soon as practicable after that stated day with a view to selecting a person to be the holder of that office;
- 25

(c)

University of Wollongong.

- 5 (c) determine in consultation with the Council of The University of New South Wales and the College Council or, where either Council has appointed persons to be its representatives for the purpose, those persons, the terms upon which and conditions subject to which a person may, pursuant to section 6, continue or be appointed as a member of the full-time staff of the College and take office under section 20 (1) as Vice-Chancellor; and
- 10 (d) where a person is selected for appointment to that office, recommend the appointment to the Council of The University of New South Wales.

6. (1) Subject to subsection (2) the Council of The University of New South Wales shall, upon such terms and conditions as are determined pursuant to section 5 (c), appoint the person recommended by the Committee pursuant to section 5 (d) as the Vice-Chancellor designate of the University who shall be a member of the full-time staff of the College.

20 (2) Notwithstanding the terms and conditions determined pursuant to section 5 (c), where the person appointed under subsection (1) is, at the time of his appointment, a member of the full-time staff of The University of New South Wales, he shall not be appointed to the office of Vice-Chancellor designate of the University upon terms and conditions less favourable than those upon which he was employed immediately before that appointment.

7. (1) Where the Committee is unable to determine any matter the Chairman shall refer the matter to the Minister for resolution.

Reference of certain matters to Minister.

(2)

University of Wollongong.

(2) Any decision of the Minister in respect of any matter referred to him under this section shall be as final and binding as if the decision were made by the Committee.

PART III.

5 THE UNIVERSITY OF WOLLONGONG.

8. A University, consisting of—

Establish-
ment of
University.

- (a) a Council;
- (b) Convocation;
- 10 (c) the professors and such other classes of persons giving instruction within the University as may be prescribed by the by-laws and such superior officers within the University as may be so prescribed; and
- (d) the graduates and students of the University,

is hereby established at Wollongong in the State of New South
15 Wales.

9. (1) The University is a body corporate under the name of "The University of Wollongong".

Incorporation of
University.

(2) The common seal of the University shall be kept in such custody as the Council may direct and shall not be
20 used except by resolution of the Council.

University of Wollongong.

10. The functions of the University shall, within the limits of its resources and subject to this Act and the by-laws, include—

Functions
of the
University.

- 5 (a) the provision at Wollongong or elsewhere of educational facilities at university standard for any persons enrolled therein;
- (b) the dissemination and increase of knowledge and the promotion of scholarship; and
- 10 (c) the conferring and awarding of degrees and diplomas.

11. The University may, for the purpose of discharging its functions, provide from time to time such facilities for its students as it deems desirable.

Facilities
to be
provided for
students.

12. (1) There shall be a Council of the University which, subject to subsection (3), shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act.

The
Council.

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

(3) The provisions of sections 17, 18 and 19 do not apply to and in respect of the Council constituted under section 14.

13.

University of Wollongong.

13. (1) The Council may by resolution appoint such Committees. committees as it thinks fit to assist and advise it in the carrying out of its functions and the exercise of its powers under this Act.

5 (2) A committee appointed under subsection (1) shall have, and may exercise and discharge, such powers, authorities, duties and functions as the Council may determine.

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

Constitution
of first
Council.

10 (a) the persons who immediately before the commencement of this Part held office as members of the College Council other than such members of that Council as, at that commencement, are members of the full-time staff of The University of New
15 South Wales; and

(b) the person who, immediately before that commencement, held office, pursuant to section 6, as Vice-Chancellor designate of the University, unless he
20 becomes a member of the Council pursuant to paragraph (a).

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section 15 assumes office.

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

(4)

University of Wollongong.

(4) The first meeting of the first Council shall be convened by the Vice-Chancellor who shall preside until a Chairman is elected pursuant to subsection (6).

5 (5) At any meeting of the first Council one-half (or where one-half is not a whole number the whole number next higher than one-half) of the total number of members for the time being of that Council, shall form a quorum.

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

(7) Subject to subsection (4), at every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall
15 elect a person from among their number to preside as Chairman.

(8) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section 15 so as to take office within six months after
20 the commencement of this Part or within such extended time as the Governor may, by proclamation published in the Gazette at any time during that period of six months, specify.

15. (1) The Council, other than the first Council—

Constitution
of Council
other than
first
Council.

25 (a) shall be constituted in accordance with this section;
and

(b) shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

(2)

University of Wollongong.

(2) The Council shall consist of—

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

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

- (a) a member of the Legislative Council elected by that Council—
 - 10 (i) as soon as practicable after the commencement of this Part and thereafter as soon as practicable after the commencement of the term of service of the members of that Council elected as required by section 17F
 - 15 (5) of the Constitution Act, 1902; or
 - (ii) where there is a casual vacancy in the office of a parliamentary member of the Council held pursuant to subparagraph (i), as soon as practicable after that office becomes
 - 20 vacant; and
- (b) a member of the Legislative Assembly elected by that Assembly—
 - (i) as soon as practicable after the commencement of this Part and thereafter as soon as practicable after each general election of
 - 25 members of the Legislative Assembly; or
 - (ii) where there is a casual vacancy in an office of a parliamentary member of the Council held pursuant to subparagraph (i), as soon as practicable after that office becomes
 - 30 vacant.

(4)

University of Wollongong.

(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; and

5 (b) the person for the time being holding the office of Vice-Chancellor.

(5) The nominated members shall comprise four persons appointed by the Governor on the nomination of the Minister.

10 (6) The elected student members of the Council shall comprise two persons who are qualified and elected in each case as may be prescribed by the by-laws by and from persons who are enrolled as candidates proceeding to a degree or diploma in the University (other than persons so enrolled
15 who are members of the full-time staff of the University).

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

20 (a) three persons, none of whom shall be a member of the full-time staff of the University, so elected by such of the members of Convocation as are included in a list prepared for the purposes of this subsection in accordance with the by-laws;

25 (b) four persons, of whom one shall not be, and each of the others shall be, a professor within the University, so elected by and from the professors and such other persons, being persons giving instruction within the University and superior
30 officers within the University, as may be prescribed by the by-laws;

(c)

University of Wollongong.

- 5 (c) one person, being a member of the staff of the University ineligible for election pursuant to paragraph (b), so elected by and from such members of the staff of the University as may be prescribed by the by-laws; and
- (d) three persons so elected by the members of the Council for the time being referred to in subsections (3), (4), (5), (6) and paragraphs (a), (b) and (c).
- 10 (8) Where a person (not being a person who is a member of the Council) is appointed at any time by the Council to act in the place of the Vice-Chancellor, that person shall, while so acting, be deemed to be an official member of the Council.
- 15 (9) 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;
 - 20 (b) in the case of an official member, while he holds the office by virtue of which he is such a member;
 - (c) in the case of a nominated member, for such term not exceeding three years as may be prescribed by the by-laws; and
 - 25 (d) in the case of an elected member, for such term not exceeding three years as may be prescribed by the by-laws.
- (10) A retiring member of the Council shall not, by reason of that membership, be disqualified from again
30 becoming a member of the Council.
- (11) A casual vacancy shall—
 - (a) in the case of a nominated member, be filled by such person as the Governor may appoint; and
 - (b)

University of Wollongong.

- (b) in the case of an elected member, be filled by a person qualified in accordance with subsection (6) or (7) to be elected to the vacancy concerned in such manner as may be prescribed by the by-laws,
- 5 and any member filling a casual vacancy under this subsection shall hold office for the residue of his predecessor's term of office.

(12) A by-law for the purposes of subsection (6) or (7) may be made with respect to—

- 10 (a) all persons of a specified class; or
- (b) all persons of a specified class other than persons of a specified class or classes.

(13) A by-law for the purposes of subsection (9) (c) and (d) may—

- 15 (a) prescribe a term of office by reference to determined, or determinable, days of commencement and termination;
- (b) prescribe different terms of office in respect of the nominated members or the different classes of elected members;
- 20 (c) provide for the retirement in rotation of the nominated members or the different classes of elected members.

16. A member of the Council shall be deemed to have ^{Vacation of} vacated his office if he— _{office.}

- (a) dies;
- (b) in the case of a nominated or elected member, transfers his place of permanent residence to a place that is not within the State or the Australian Capital Territory;
- 30 (c) declines to act;

(d)

University of Wollongong.

- (d) resigns his office by writing under his hand addressed—
- 5 (i) in the case of the parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;
 - (ii) in the case of the parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;
 - 10 (iii) in the case of a nominated member, to the Minister; or
 - (iv) in the case of an elected member, to the Vice-Chancellor;
 - 15 (e) is a nominated or elected member who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his estate for their benefit;
 - 20 (f) is a nominated or elected member who becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - 25 (g) is a nominated member or elected member and absents himself from four consecutive meetings of the Council without leave of the Council;
 - (h) ceases, in the case of the parliamentary member elected by the Legislative Council, to be a member of the Legislative Council;
 - 30 (i) ceases, in the case of the parliamentary member elected by the Legislative Assembly—
 - (i) to be a member of that Assembly otherwise than by reason of its dissolution or its expiration by effluxion of time; or

(ii)

University of Wollongong.

- 5 (ii) to be a member of that Assembly by reason of its dissolution or its expiration by effluxion of time and is not re-elected as a member of that Assembly at the next general election of members of that Assembly; or
- (j) being an elected member referred to in section 15 (7) (b) or (c), ceases to be an employee of the University.
- 10 **17.** (1) The Council shall, at its first meeting and ^{Election of} whenever a vacancy in the office of Chancellor occurs, elect Chancellor.
a person (whether a member of the Council or not) to be Chancellor of the University.
- (2) The Chancellor shall hold office for such period
15 not exceeding three years and on such terms and conditions as may be prescribed by the by-laws.
- 18.** (1) The Council shall, at its first meeting and ^{Deputy} whenever a vacancy in the office of Deputy Chancellor occurs, ^{Chancellor.} elect one of its members to be Deputy Chancellor of the
20 University.
- (2) The Deputy Chancellor shall, unless he sooner ceases to be a member of the Council, hold office for one year from the date of his election and on such conditions as may be prescribed by the by-laws.
- 25 (3) In the absence of the Chancellor or during a vacancy in the office of Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor shall have and may exercise and discharge all the powers, authorities, duties and functions of the Chancellor.

University of Wollongong.

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

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

10 **20.** (1) The first Vice-Chancellor of the University shall be the person who, immediately before the commencement of this Part, was the member of the full-time staff of the College holding office as Vice-Chancellor designate pursuant to section 6 (1) and he shall, subject to this section, continue in office Appoint-
ment of
Vice-
Chancellor.
15 under the terms and conditions determined under section 5 (c) in relation to his tenure of the office of Vice-Chancellor.

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

20 (3) The Vice-Chancellor (other than the first Vice-Chancellor) shall hold office for such period and on such terms and conditions as the Council determines.

(4) The Vice-Chancellor shall be the chief executive officer of the University and shall have and may exercise and
25 discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and, subject to the by-laws, as the Council determines.

21. At any meeting of the Council one-half (or where one-half is not a whole number the whole number next higher Quorum.
30 than one-half) of the total number of members for the time being of the Council, shall form a quorum.

22.

University of Wollongong.

22. Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is eligible and otherwise qualified, for the time being, to hold that office or place.

Re-appoint-
ment or
re-election.

23. (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any other person acting pursuant to any direction of the Council, shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy or a number of vacancies in the office or offices of any member or members of the Council.

Validity of
acts and
proceedings.

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

24. The provisions of the Public Service Act, 1902, do not apply to and in respect of the appointment of any member of the Council, and a member shall not, as such a member, be subject to the provisions of that Act.

Public
Service Act
not to
apply.

University of Wollongong.

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

- 5 (a) may provide such courses as it deems fit and in conferring and awarding degrees and diplomas issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- 10 (c) shall have the control and management of the affairs and concerns of the University and may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University;
- 15 (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to carry out the conditions of any such gift, bequest or devise;
- 20 (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, for the renewal of loans or the discharge or partial discharge of any indebtedness to the Treasurer or to any bank within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Treasurer may approve;
- 25 (f) may invest any funds belonging to or vested in the University in any manner for the time being authorised for the investment of trust funds or in any manner approved by the Governor, generally or in any particular case or class of cases, upon the recommendation of the Treasurer; and
- 30

(g)

University of Wollongong.

5 (g) shall have the control and management of all real and personal property at any time vested in or acquired by the University, and may, subject to subsection (2), dispose of real or personal property in the name and on behalf of the University.

(2) Except as provided in subsection (3) the Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any lands of the University.

10 (3) The Council may, without the approval of the Governor, lease any lands of the University where—

- (a) the term of the lease does not exceed twenty-one years; and
- 15 (b) subject to subsection (4) (b), there is reserved for the whole of the term, the highest rent that can reasonably be obtained without fine.

(4) In the case of a lease of any lands of the University or any renewal thereof to a residential college affiliated with the University, the lease shall—

- 20 (a) be for a term not exceeding ninety-nine years;
- (b) be at a nominal rent; and
- (c) contain such other conditions as the University deems fit including a condition that the lease shall not be assigned.

25 (5) The rule of law against remoteness of vesting does not apply to and in respect of any condition of a gift, bequest or devise to which the University has agreed.

University of Wollongong.

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

Delegation
by Council.

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

27. (1) The Council may make by-laws, not inconsistent with this Act, with respect to all matters pertaining to the University.

By-laws.

(2) Without prejudice to the generality of subsection (1) the Council may make by-laws for or 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 and 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)

University of Wollongong.

- (e) the entrance standards for students;
- (f) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and conferring of degrees and diplomas, and the exemption from, or deferment of, payment of fees and charges;
- (g) the course of lectures or studies for, the examinations for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (h) the examinations for, and the granting of, fellowships, scholarships, exhibitions, bursaries and prizes;
- (i) 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;
- (j) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- (k) the affiliation with the University of any educational or research establishment;
- (l) the provision of a scheme of superannuation for the professors of the University; and
- (m) the form and use of academic costume.

(3) Every by-law made by the Council shall be sealed with the common seal of the University and shall be submitted for the approval of the Governor.

28. (1) 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

Regulations,
rules or
orders.

Act

University of Wollongong.

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.

5 (2) Any regulation, rule or order referred to in subsection (1)—

- (a) shall have the same force and effect as a by-law;
- (b) may, from time to time as the occasion requires, be amended or repealed by any authority (including the Council) or officer of the University empowered by subsection (1) to make such a regulation, rule or order; and
- (c) shall be deemed not to be within the meaning of the term "regulation" as defined in section 41 of the Interpretation Act, 1897.

29. (1) Convocation shall consist of—

Convocation.

- (a) all members and past members of the Council;
- (b) all graduates of the University;
- (c) all members of the full-time academic staff of the University and such other members or classes of members of the staff of the University as the by-laws may prescribe;
- (d) such graduates of other universities, or other persons, as are, in accordance with the by-laws, admitted as members of Convocation; and
- (e) without prejudice to the generality of paragraph (d), graduates of The University of New South Wales who spent at least three years as properly enrolled students of the College.

(2)

University of Wollongong.

(2) The first meeting of Convocation shall be convened by the Vice-Chancellor.

(3) Meetings of Convocation shall be convened and the business at such meetings shall, subject to the by-laws, be
5 as determined by Convocation.

(4) A quorum at any meeting of Convocation shall be such number of members as may be prescribed by the by-laws.

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

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

15 30. (1) There shall be paid to the University in respect of the year commencing upon the first day of January of the year of commencement of this Part and in respect of each succeeding year, such sum as the Treasurer may, upon taking into consideration the University's estimated expenditure
20 requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements, determine.

Treasurer
to meet
certain
costs.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection
25 (1) the University shall, in respect of the year commencing upon the first day of January that next preceded the

commencement

University of Wollongong.

commencement of this Part, as soon as practicable after that commencement, and in respect of each succeeding year either before or as soon as practicable after its commencement, submit to the Treasurer estimates of the expenditure and
 5 income of the University for that 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.

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

32. The Council shall cause to be kept proper books of
 15 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
 20 view of the financial position and transactions of the University for the year. **Accounts to be rendered.**

33. (1) The accounts of the University shall be audited
 by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for
 25 the time being in force relating to the audit of public accounts. **Audit.**

(2) The provisions of the Audit Act, 1902, apply to and in respect of the members of the Council and to the officers and employees of the University in the same manner as they apply to accounting officers of public departments.

34.

University of Wollongong.

34. (1) As soon as practicable after the first day of January 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 including a summary of the work, researches and investigations carried out by the University during that period.

Report of
proceedings.

(2) A copy of each report under subsection (1) shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

35. A person shall not, by reason of his religious or political views or beliefs, be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof.

No religious
test or
political
discrimina-
tion.

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

37. (1) The Council shall allow such persons as are—

(a) students of teachers' colleges established under the Public Instruction Act of 1880, teachers in schools established under that Act or members of the Public Service of New South Wales approved by the Minister;

(b) qualified in such manner as may be prescribed by the by-laws to be enrolled as students of the University;

(c) selected by the University for admission to the University; and

Teachers'
college
students
and school
teachers.

(d)

University of Wollongong.

(d) not otherwise excluded from the University,
to attend University lectures for the purpose of proceeding to
a first degree and to receive tuition for the period required
for admission to that degree without payment of lecture, class
5 or tuition fees.

(2) Nothing in subsection (1) shall exempt any
person referred to in that subsection from the payment of
such fees, other than lecture, class or tuition fees, as may be
approved by the Council.

10 38. (1) The College is hereby dissolved.

Provisions
relating to
Wollongong
University
College.

(2) All real and personal property which immedi-
ately before the commencement of this Part was held by or
was vested in The University of New South Wales or any
other body in trust for, or on behalf of, the College shall,
15 by virtue of this Act, be divested from The University of New
South Wales or such other body and shall vest in the Uni-
versity to be applied by the University, subject to any trusts
or conditions on which it was held immediately before that
commencement, for the objects and purposes for which the
20 University is established.

39. (1) This section applies to and in respect of real
and personal property, including real and personal property
vested in the University pursuant to section 38 (2), which
immediately before the commencement of this Part was held
25 by or was vested in The University of New South Wales and
used by that University for the purposes of the College.

Transfer by
University
of New
South Wales
of certain
property to
University.

(2) The Minister shall cause to be constituted a
Joint Committee consisting of five members of whom—

30 (a) one shall be the Auditor-General, or such person
as he may nominate, who shall be Chairman and
who shall convene, and preside at, all meetings of
that Committee;

(b)

University of Wollongong.

- (b) two shall be such persons as are selected by the Council of The University of New South Wales to be representatives of that University; and
- 5 (c) two shall be such persons as are selected by the Council to be representatives of the University.

(3) The function of the Joint Committee is to determine as soon as practicable—

- 10 (a) what property to which this section applies (other than property vested pursuant to section 38) is to be transferred to the University;
- (b) what debts and liabilities in respect of property to which this section applies are to be transferred to the University;
- 15 (c) the manner in which payments on account of leave or upon the retirement or death of a member of the staff of The University of New South Wales who is transferred to the University pursuant to this Act are to be met and the extent to which those payments should be apportioned between The University of New South Wales and the University;
- 20 (d) what books, documents, records and papers are to be handed over to the University; and
- 25 (e) such other matters relating to the matters referred to in paragraphs (a), (b), (c) and (d) as that committee deems necessary or expedient.

- (4) Where a difference of opinion arises between the members of the Joint Committee representing The University of New South Wales and the University in respect of a determination of any of the matters referred to in subsection
- 30 (3) the matter shall be determined in such manner as the Auditor-General or the person nominated by him to represent him on that Committee directs.

(5)

University of Wollongong.

(5) Any determination made by the Joint Committee pursuant to subsection (3) shall have effect according to its tenor.

5 (6) The Chairman of the Joint Committee shall forward or cause to be forwarded to the Minister, The University of New South Wales and the University written notice of any determination it may make with respect to the matters referred to in subsection (3) and each University shall keep a record of that notice.

10 (7) Upon the receipt of a notice of any determination made by the Joint Committee, The University of New South Wales shall, as soon as practicable, thereafter give effect to the determination.

40. (1) In this section a reference to an "officer of the College" is a reference to a person who, immediately before the commencement of this Part, held any salaried office or employment at the College otherwise than as—

Persons holding office in the College.

- (a) a part-time lecturer, tutor or demonstrator;
- (b) a temporary senior lecturer, lecturer, senior tutor, tutor, senior demonstrator or demonstrator; or
- (c) a staff member employed on a fixed term contract.

(2) Every officer of the College shall become, at the commencement of this Part, an officer and an employee of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment), not less favourable than those upon which he was employed at the College immediately before that commencement, as the Council determines.

(3) The Council may, in determining terms and conditions in respect of the title, duties or status attaching to offices or employment at the University, determine in relation to an officer of the College terms and conditions less favourable than those on which the officer of the College was employed immediately before the commencement of this Part.

(4)

University of Wollongong.

- (4) An officer of the College shall not have any right to damages or compensation in respect of the termination, in consequence of the commencement of this Part, of his tenure of any office or employment at the College but he shall be
 5 entitled to enforce or enjoy any right or privilege to which he was, by virtue of section 2 of the University of New South Wales Act, 1968, entitled immediately before that commencement as if the right or privilege had been conferred by this Act.

- 10 .41. An Act specified in the first column of the Schedule is amended to the extent specified opposite that Act in the
 15 second column of the Schedule. Amendments.

SCHEDULE.

Sec. 41.

First Column.		Second Column.
15	Year and No. of Act.	Short title.
20		Extent of amendment.
1916, No. 28.	Super-annuation Act, 1916.	Insert in the definition of "Employee" in section 3 (1) after the words "University of New South Wales," the words "or, subject to subsection (5), a professor of The University of Wollongong,".
25		Insert next after section 3 (4) the following new subsection:—
30		(5) (a) Subject to this subsection the exclusion from the definition of "Employee" of a professor of The University of Wollongong shall not extend to a person whose rights as a contributor are continued by section 40 of the University of Wollongong Act, 1972.

SCHEDULE

*University of Wollongong.*SCHEDULE—*continued.*

First Column.		Second Column.
Year and No. of Act.	Short title.	Extent of amendment.
5		
10	1916, No. 28 — <i>continued.</i>	<p>(b) A professor of The University of Wollongong shall cease to be a contributor if, after the commencement of Part III of the University of Wollongong Act, 1972, he becomes, or continues to be, 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.</p> <p>(c) The provisions of subsection (3) shall apply, mutatis mutandis, to professors of The University of Wollongong other than those who are employees by virtue of paragraph (a).</p> <p>Insert at the end of Schedule III the following words:—</p> <p>The University of Wollongong.</p>
15		
20		
25	1919, No. 41. Local Government Act, 1919.	
30		<p>Insert next after section 132 (1) (fiv) the following new paragraph:—</p> <p>(fv) land which is vested in The University of Wollongong or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof; and.</p>
35	1924, No. 50. Metropolitan Water, Sewerage, and Drainage Act, 1924.	<p>Insert next after section 88 (1) (f2) the following new paragraph:—</p> <p>(f3) land which is vested in The University of Wollongong or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof.</p>

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972
[30c]

No. , 1972.

A BILL

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

[MR WILLIS—14 November, 1972.]

BE

University of Wollongong.

BE 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
5 follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "University of Wollongong Act, 1972".

Short title
and
division
of Act.

10 (2) This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–3.

PART II.—VICE-CHANCELLOR DESIGNATE—ss. 4–7.

PART III.—THE UNIVERSITY OF WOLLONGONG—ss.
8–41.

15 SCHEDULE.

2. (1) This section and sections 1 and 3 commence on the date of assent to this Act.

Commence-
ment.

(2) Part II shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Part III shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette being a day that is later than the day appointed pursuant to subsection (2).

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

Interpre-
tation.

"by-laws" means by-laws made under this Act;

"Chancellor"

University of Wollongong.

- “Chancellor” means Chancellor of the University;
- “College” means Wollongong University College established and maintained by The University of New South Wales under the provisions of the University of New South Wales Act, 1968;
- “College Council” means Council of the College;
- “Committee” means Selection Committee constituted under Part II;
- “Council” means Council of the University;
- “Deputy Chancellor” means Deputy Chancellor of the University;
- “University” means The University of Wollongong;
- “Vice-Chancellor” means Vice-Chancellor of the University.

15

PART II.

VICE-CHANCELLOR DESIGNATE.

4. (1) The Minister shall constitute a committee consisting of eight members to hold office until the commencement of Part III of whom—
- (a) one shall, by reason of his being the holder of, or a person who was the holder of, the office of Vice-Chancellor of any University in Australia, be appointed by the Minister as Chairman of the Committee;
- (b)

University of Wollongong.

- (b) one shall be appointed by reason of his being the Chairman of the New South Wales Universities Board or a member of that Board nominated by that Chairman to be appointed to the Committee;
- 5 (c) two shall be appointed by the Minister; and
- (d) four shall be elected members.

(2) The elected members of the Committee shall be qualified as is prescribed by this subsection and shall comprise—

- 10 (a) a person who is a professor, and a person who is not a professor, both elected by and from the professors, associate professors, senior lecturers and lecturers of the full-time staff of the College, the Librarian, the Bursar, the Registrar and the
- 15 Secretary of the College; and
- (b) two persons elected by and from the members of the College Council, both being persons who are ineligible for election to the Committee pursuant to paragraph (a).

20 (3) A casual vacancy occurs in the Committee where—

- (a) in the case of the member referred to in subsection (1) (b), that member ceases to be the Chairman of the New South Wales Universities Board, or
- 25 where the member referred to in subsection (1) (b) is a member of the Board nominated by that Chairman, that member ceases to be a member of the Board;

(b)

University of Wollongong.

- (b) in the case of an elected member, that member ceases to hold the qualification by reason of which he was eligible for election to the Committee;
- (c) a member dies;
- 5 (d) a member becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 10 (e) a member resigns his membership in writing under his hand addressed to the Minister; or
- (f) for any reason the Minister deems fit, a member is removed by the Minister from office as a member of the Committee.
- 15 (4) A casual vacancy shall—
 - (a) in the case of an elected member, be filled by a person qualified and elected in accordance with subsection (2); and
 - 20 (b) in any other case, be filled by a person qualified in accordance with subsection (1) (a), (b) or (c) to fill the vacancy concerned.
- (5) Meetings of the Committee shall be convened by the Chairman of the Committee.
- (6) At any meeting of the Committee—
 - 25 (a) six members shall form a quorum;
 - (b) a decision of the majority of the members present at the meeting shall be the decision of the Committee; and
 - 30 (c) the Chairman, in the event of there being an equality of votes, may give a casting vote.

(7)

University of Wollongong.

(7) Any act or proceeding of the Committee is, notwithstanding that at any time when the act or proceeding was done, taken or commenced there was—

- 5 (a) a vacancy in the office of the membership of the Committee; or
- (b) any defect in the appointment, or any disqualification, of a member of the Committee,

as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

- 10 (8) Any election for the purpose of electing the elected members of the Committee shall be conducted by the Registrar of The University of New South Wales at such time or times and in such manner as that Registrar deems fit.

5. The Committee shall be charged with the power to Powers,
15 select a person to be the Vice-Chancellor designate of the duties and
University and for that purpose shall— functions
of Com-
mittee.

- 20 (a) at a meeting convened as soon as practicable whenever the Minister notifies the Chairman that there is a vacancy in the office of Vice-Chancellor designate of the University, arrange to call for applications for that office to be made on or before a stated day;
- (b) meet as soon as practicable after that stated day with a view to selecting a person to be the holder of
25 that office;

(c)

University of Wollongong.

- 5 (c) determine in consultation with the Council of The University of New South Wales and the College Council or, where either Council has appointed persons to be its representatives for the purpose, those persons, the terms upon which and conditions subject to which a person may, pursuant to section 6, continue or be appointed as a member of the full-time staff of the College and take office under section 20 (1) as Vice-Chancellor; and
- 10 (d) where a person is selected for appointment to that office, recommend the appointment to the Council of The University of New South Wales.

6. (1) Subject to subsection (2) the Council of The University of New South Wales shall, upon such terms and conditions as are determined pursuant to section 5 (c), appoint the person recommended by the Committee pursuant to section 5 (d) as the Vice-Chancellor designate of the University who shall be a member of the full-time staff of the College.

20 (2) Notwithstanding the terms and conditions determined pursuant to section 5 (c), where the person appointed under subsection (1) is, at the time of his appointment, a member of the full-time staff of The University of New South Wales, he shall not be appointed to the office of Vice-Chancellor designate of the University upon terms and conditions less favourable than those upon which he was employed immediately before that appointment.

7. (1) Where the Committee is unable to determine any matter the Chairman shall refer the matter to the Minister for resolution.

Reference of certain matters to Minister.

(2)

University of Wollongong.

(2) Any decision of the Minister in respect of any matter referred to him under this section shall be as final and binding as if the decision were made by the Committee.

PART III.

5 THE UNIVERSITY OF WOLLONGONG.

8. A University, consisting of—

Establish-
ment of
University.

- (a) a Council;
- (b) Convocation;
- 10 (c) the professors and such other classes of persons giving instruction within the University as may be prescribed by the by-laws and such superior officers within the University as may be so prescribed; and
- (d) the graduates and students of the University,

is hereby established at Wollongong in the State of New South
15 Wales.

9. (1) The University is a body corporate under the name of "The University of Wollongong".

Incorporation of
University.

(2) The common seal of the University shall be kept in such custody as the Council may direct and shall not be
20 used except by resolution of the Council.

University of Wollongong.

10. The functions of the University shall, within the limits of its resources and subject to this Act and the by-laws, include— Functions of the University.

- 5 (a) the provision at Wollongong or elsewhere of educational facilities at university standard for any persons enrolled therein;
- (b) the dissemination and increase of knowledge and the promotion of scholarship; and
- 10 (c) the conferring and awarding of degrees and diplomas.

11. The University may, for the purpose of discharging its functions, provide from time to time such facilities for its students as it deems desirable. Facilities to be provided for students.

12. (1) There shall be a Council of the University which, The Council. subject to subsection (3), shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act.

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

(3) The provisions of sections 17, 18 and 19 do not apply to and in respect of the Council constituted under section 14.

13.

University of Wollongong.

13. (1) The Council may by resolution appoint such Committees. committees as it thinks fit to assist and advise it in the carrying out of its functions and the exercise of its powers under this Act.

5 (2) A committee appointed under subsection (1) shall have, and may exercise and discharge, such powers, authorities, duties and functions as the Council may determine.

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

Constitution
of first
Council.

10 (a) the persons who immediately before the commencement of this Part held office as members of the College Council other than such members of that Council as, at that commencement, are members of the full-time staff of The University of New
15 South Wales; and

(b) the person who, immediately before that commencement, held office, pursuant to section 6, as Vice-Chancellor designate of the University, unless he becomes a member of the Council pursuant to
20 paragraph (a).

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section 15 assumes office.

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

(4)

University of Wollongong.

(4) The first meeting of the first Council shall be convened by the Vice-Chancellor who shall preside until a Chairman is elected pursuant to subsection (6).

5 (5) At any meeting of the first Council one-half (or where one-half is not a whole number the whole number next higher than one-half) of the total number of members for the time being of that Council, shall form a quorum.

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

15 (7) Subject to subsection (4), at every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall elect a person from among their number to preside as Chairman.

20 (8) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section 15 so as to take office within six months after the commencement of this Part or within such extended time as the Governor may, by proclamation published in the Gazette at any time during that period of six months, specify.

15. (1) The Council, other than the first Council—

Constitution
of Council
other than
first
Council.

25 (a) shall be constituted in accordance with this section; and

(b) shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

(2)

University of Wollongong.

(2) The Council shall consist of—

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

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

- (a) a member of the Legislative Council elected by that Council—
 - 10 (i) as soon as practicable after the commencement of this Part and thereafter as soon as practicable after the commencement of the term of service of the members of that Council elected as required by section 17F
 - 15 (5) of the Constitution Act, 1902; or
 - (ii) where there is a casual vacancy in the office of a parliamentary member of the Council held pursuant to subparagraph (i), as soon as practicable after that office becomes
 - 20 vacant; and
- (b) a member of the Legislative Assembly elected by that Assembly—
 - (i) as soon as practicable after the commencement of this Part and thereafter as soon as
 - 25 practicable after each general election of members of the Legislative Assembly; or
 - (ii) where there is a casual vacancy in an office of a parliamentary member of the Council held pursuant to subparagraph (i), as soon as practicable after that office becomes
 - 30 vacant.

(4)

University of Wollongong.

(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; and

5 (b) the person for the time being holding the office of Vice-Chancellor.

(5) The nominated members shall comprise four persons appointed by the Governor on the nomination of the Minister.

10 (6) The elected student members of the Council shall comprise two persons who are qualified and elected in each case as may be prescribed by the by-laws by and from persons who are enrolled as candidates proceeding to a degree or diploma in the University (other than persons so enrolled
15 who are members of the full-time staff of the University).

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

20 (a) three persons, none of whom shall be a member of the full-time staff of the University, so elected by such of the members of Convocation as are included in a list prepared for the purposes of this subsection in accordance with the by-laws;

25 (b) four persons, of whom one shall not be, and each of the others shall be, a professor within the University, so elected by and from the professors and such other persons, being persons giving instruction within the University and superior
30 officers within the University, as may be prescribed by the by-laws;

(c)

University of Wollongong.

5 (c) one person, being a member of the staff of the University ineligible for election pursuant to paragraph (b), so elected by and from such members of the staff of the University as may be prescribed by the by-laws; and

(d) three persons so elected by the members of the Council for the time being referred to in subsections (3), (4), (5), (6) and paragraphs (a), (b) and (c).

10 (8) Where a person (not being a person who is a member of the Council) is appointed at any time by the Council to act in the place of the Vice-Chancellor, that person shall, while so acting, be deemed to be an official member of the Council.

15 (9) 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;

20 (b) in the case of an official member, while he holds the office by virtue of which he is such a member;

(c) in the case of a nominated member, for such term not exceeding three years as may be prescribed by the by-laws; and

25 (d) in the case of an elected member, for such term not exceeding three years as may be prescribed by the by-laws.

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

(11) A casual vacancy shall—

(a) in the case of a nominated member, be filled by such person as the Governor may appoint; and

(b)

University of Wollongong.

- (b) in the case of an elected member, be filled by a person qualified in accordance with subsection (6) or (7) to be elected to the vacancy concerned in such manner as may be prescribed by the by-laws,
- 5 and any member filling a casual vacancy under this subsection shall hold office for the residue of his predecessor's term of office.

(12) A by-law for the purposes of subsection (6) or (7) may be made with respect to—

- 10 (a) all persons of a specified class; or
- (b) all persons of a specified class other than persons of a specified class or classes.

(13) A by-law for the purposes of subsection (9) (c) and (d) may—

- 15 (a) prescribe a term of office by reference to determined, or determinable, days of commencement and termination;
- (b) prescribe different terms of office in respect of the nominated members or the different classes of elected members; and
- 20 (c) provide for the retirement in rotation of the nominated members or the different classes of elected members.

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

- (a) dies;
- (b) in the case of a nominated or elected member, transfers his place of permanent residence to a place that is not within the State or the Australian Capital Territory;
- 30 (c) declines to act;

(d)

University of Wollongong.

- (d) resigns his office by writing under his hand addressed—
- 5 (i) in the case of the parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;
 - (ii) in the case of the parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;
 - 10 (iii) in the case of a nominated member, to the Minister; or
 - (iv) in the case of an elected member, to the Vice-Chancellor;
 - 15 (e) is a nominated or elected member who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his estate for their benefit;
 - 20 (f) is a nominated or elected member who becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - 25 (g) is a nominated member or elected member and absents himself from four consecutive meetings of the Council without leave of the Council;
 - (h) ceases, in the case of the parliamentary member elected by the Legislative Council, to be a member of the Legislative Council;
 - 30 (i) ceases, in the case of the parliamentary member elected by the Legislative Assembly—
 - (i) to be a member of that Assembly otherwise than by reason of its dissolution or its expiration by effluxion of time; or
 - (ii)

University of Wollongong.

5 (ii) to be a member of that Assembly by reason of its dissolution or its expiration by effluxion of time and is not re-elected as a member of that Assembly at the next general election of members of that Assembly; or

(j) being an elected member referred to in section 15 (7) (b) or (c), ceases to be an employee of the University.

10 **17.** (1) The Council shall, at its first meeting and Election of
whenever a vacancy in the office of Chancellor occurs, elect Chancellor.
a person (whether a member of the Council or not) to be
Chancellor of the University.

15 (2) The Chancellor shall hold office for such period
not exceeding three years and on such terms and conditions
as may be prescribed by the by-laws.

18. (1) The Council shall, at its first meeting and Deputy
whenever a vacancy in the office of Deputy Chancellor occurs, Chancellor.
elect one of its members to be Deputy Chancellor of the
20 University.

(2) The Deputy Chancellor shall, unless he sooner
ceases to be a member of the Council, hold office for one year
from the date of his election and on such conditions as may
be prescribed by the by-laws.

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

University of Wollongong.

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

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

10 **20.** (1) The first Vice-Chancellor of the University shall be the person who, immediately before the commencement of this Part, was the member of the full-time staff of the College holding office as Vice-Chancellor designate pursuant to section 6 (1) and he shall, subject to this section, continue in office Appoint-
ment of
Vice-
Chancellor.
15 under the terms and conditions determined under section 5 (c) in relation to his tenure of the office of Vice-Chancellor.

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

20 (3) The Vice-Chancellor (other than the first Vice-Chancellor) shall hold office for such period and on such terms and conditions as the Council determines.

(4) The Vice-Chancellor shall be the chief executive officer of the University and shall have and may exercise and
25 discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and, subject to the by-laws, as the Council determines.

21. At any meeting of the Council one-half (or where Quorum.
one-half is not a whole number the whole number next higher
30 than one-half) of the total number of members for the time being of the Council, shall form a quorum.

22.

University of Wollongong.

22. Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is eligible and otherwise qualified, for the time being, to hold that office or place.

Re-appoint-
ment or
re-election.

23. (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any other person acting pursuant to any direction of the Council, shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy or a number of vacancies in the office or offices of any member or members of the Council.

Validity of
acts and
proceedings.

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

24. The provisions of the Public Service Act, 1902, do not apply to and in respect of the appointment of any member of the Council, and a member shall not, as such a member, be subject to the provisions of that Act.

Public
Service Act
not to
apply.

University of Wollongong.

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

- 5 (a) may provide such courses as it deems fit and in conferring and awarding degrees and diplomas issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- 10 (c) shall have the control and management of the affairs and concerns of the University and may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University;
- 15 (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to carry out the conditions of any such gift, bequest or devise;
- 20 (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, for the renewal of loans or the discharge or partial discharge of any indebtedness to the Treasurer or to any bank within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Treasurer may approve;
- 25 (f) may invest any funds belonging to or vested in the University in any manner for the time being authorised for the investment of trust funds or in any manner approved by the Governor, generally or in any particular case or class of cases, upon the recommendation of the Treasurer; and
- 30

(g)

University of Wollongong.

- 5 (g) shall have the control and management of all real and personal property at any time vested in or acquired by the University, and may, subject to subsection (2), dispose of real or personal property in the name and on behalf of the University.

(2) Except as provided in subsection (3) the Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any lands of the University.

- 10 (3) The Council may, without the approval of the Governor, lease any lands of the University where—

- (a) the term of the lease does not exceed twenty-one years; and
- 15 (b) subject to subsection (4) (b), there is reserved for the whole of the term, the highest rent that can reasonably be obtained without fine.

(4) In the case of a lease of any lands of the University or any renewal thereof to a residential college affiliated with the University, the lease shall—

- 20 (a) be for a term not exceeding ninety-nine years;
- (b) be at a nominal rent; and
- (c) contain such other conditions as the University deems fit including a condition that the lease shall not be assigned.

- 25 (5) The rule of law against remoteness of vesting does not apply to and in respect of any condition of a gift, bequest or devise to which the University has agreed.

University of Wollongong.

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

Delegation
by Council.

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

27. (1) The Council may make by-laws, not inconsistent with this Act, with respect to all matters pertaining to the University.

By-laws.

(2) Without prejudice to the generality of subsection (1) the Council may make by-laws for or 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 and 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)

University of Wollongong.

- (e) the entrance standards for students;
- (f) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and conferring of degrees and diplomas, and the exemption from, or deferment of, payment of fees and charges;
- (g) the course of lectures or studies for, the examinations for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (h) the examinations for, and the granting of, fellowships, scholarships, exhibitions, bursaries and prizes;
- (i) 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;
- (j) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- (k) the affiliation with the University of any educational or research establishment;
- (l) the provision of a scheme of superannuation for the professors of the University; and
- (m) the form and use of academic costume.

(3) Every by-law made by the Council shall be sealed with the common seal of the University and shall be submitted for the approval of the Governor.

28. (1) The by-laws may provide for empowering any Regulations,
 30 authority (including the Council) or officer of the University rules or
 to make regulations, rules or orders (not inconsistent with this orders.

University of Wollongong.

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.

5 (2) Any regulation, rule or order referred to in subsection (1)—

- (a) shall have the same force and effect as a by-law;
- 10 (b) may, from time to time as the occasion requires, be amended or repealed by any authority (including the Council) or officer of the University empowered by subsection (1) to make such a regulation, rule or order; and
- 15 (c) shall be deemed not to be within the meaning of the term "regulation" as defined in section 41 of the Interpretation Act, 1897.

29. (1) Convocation shall consist of—

Convocation.

- (a) all members and past members of the Council;
- (b) all graduates of the University;
- 20 (c) all members of the full-time academic staff of the University and such other members or classes of members of the staff of the University as the by-laws may prescribe;
- 25 (d) such graduates of other universities, or other persons, as are, in accordance with the by-laws, admitted as members of Convocation; and
- (e) without prejudice to the generality of paragraph (d), graduates of The University of New South Wales who spent at least three years as properly enrolled students of the College.

(2)

University of Wollongong.

(2) The first meeting of Convocation shall be convened by the Vice-Chancellor.

(3) Meetings of Convocation shall be convened and the business at such meetings shall, subject to the by-laws, be
5 as determined by Convocation.

(4) A quorum at any meeting of Convocation shall be such number of members as may be prescribed by the by-laws.

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

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

15 30. (1) There shall be paid to the University in respect of the year commencing upon the first day of January of the year of commencement of this Part and in respect of each succeeding year, such sum as the Treasurer may, upon taking into consideration the University's estimated expenditure
20 requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements, determine.

Treasurer
to meet
certain
costs.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection
25 (1) the University shall, in respect of the year commencing upon the first day of January that next preceded the

commencement

University of Wollongong.

commencement of this Part, as soon as practicable after that commencement, and in respect of each succeeding year either before or as soon as practicable after its commencement, submit to the Treasurer estimates of the expenditure and
5 income of the University for that 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.

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

32. The Council shall cause to be kept proper books of Accounts to
15 account in relation to the funds of the University and shall, be rendered. 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
20 view of the financial position and transactions of the University for the year.

33. (1) The accounts of the University shall be audited Audit. by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for
25 the time being in force relating to the audit of public accounts.

(2) The provisions of the Audit Act, 1902, apply to and in respect of the members of the Council and to the officers and employees of the University in the same manner as they apply to accounting officers of public departments.

34.

University of Wollongong.

34. (1) As soon as practicable after the first day of January 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 including a summary of the work, researches and investigations carried out by the University during that period.

Report of
proceedings.

(2) A copy of each report under subsection (1) shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

35. A person shall not, by reason of his religious or political views or beliefs, be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof.

No religious
test or
political
discrimina-
tion.

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

37. (1) The Council shall allow such persons as are—

(a) students of teachers' colleges established under the Public Instruction Act of 1880, teachers in schools established under that Act or members of the Public Service of New South Wales approved by the Minister;

(b) qualified in such manner as may be prescribed by the by-laws to be enrolled as students of the University;

(c) selected by the University for admission to the University; and

Teachers'
college
students
and school
teachers.

(d)

University of Wollongong.

(d) not otherwise excluded from the University,

to attend University lectures for the purpose of proceeding to a first degree and to receive tuition for the period required for admission to that degree without payment of lecture, class or tuition fees.

(2) Nothing in subsection (1) shall exempt any person referred to in that subsection from the payment of such fees, other than lecture, class or tuition fees, as may be approved by the Council.

10 **38.** (1) The College is hereby dissolved.

Provisions
relating to
Wollongong
University
College.

(2) All real and personal property which immediately before the commencement of this Part was held by or was vested in The University of New South Wales or any other body in trust for, or on behalf of, the College shall, 15 by virtue of this Act, be divested from The University of New South Wales or such other body and shall vest in the University to be applied by the University, subject to any trusts or conditions on which it was held immediately before that commencement, for the objects and purposes for which the 20 University is established.

39. (1) This section applies to and in respect of real and personal property, including real and personal property vested in the University pursuant to section 38 (2), which immediately before the commencement of this Part was held 25 by or was vested in The University of New South Wales and used by that University for the purposes of the College.

Transfer by
University
of New
South Wales
of certain
property to
University.

(2) The Minister shall cause to be constituted a Joint Committee consisting of five members of whom—

30 (a) one shall be the Auditor-General, or such person as he may nominate, who shall be Chairman and who shall convene, and preside at, all meetings of that Committee;

(b)

University of Wollongong.

- (b) two shall be such persons as are selected by the Council of The University of New South Wales to be representatives of that University; and
- 5 (c) two shall be such persons as are selected by the Council to be representatives of the University.

(3) The function of the Joint Committee is to determine as soon as practicable—

- 10 (a) what property to which this section applies (other than property vested pursuant to section 38) is to be transferred to the University;
- (b) what debts and liabilities in respect of property to which this section applies are to be transferred to the University;
- 15 (c) the manner in which payments on account of leave or upon the retirement or death of a member of the staff of The University of New South Wales who is transferred to the University pursuant to this Act are to be met and the extent to which those payments should be apportioned between The University of New South Wales and the University;
- 20 (d) what books, documents, records and papers are to be handed over to the University; and
- 25 (e) such other matters relating to the matters referred to in paragraphs (a), (b), (c) and (d) as that committee deems necessary or expedient.

(4) Where a difference of opinion arises between the members of the Joint Committee representing The University of New South Wales and the University in respect of a determination of any of the matters referred to in subsection

30 (3) the matter shall be determined in such manner as the Auditor-General or the person nominated by him to represent him on that Committee directs.

(5)

University of Wollongong.

(5) Any determination made by the Joint Committee pursuant to subsection (3) shall have effect according to its tenor.

5 (6) The Chairman of the Joint Committee shall forward or cause to be forwarded to the Minister, The University of New South Wales and the University written notice of any determination it may make with respect to the matters referred to in subsection (3) and each University shall keep a record of that notice.

10 (7) Upon the receipt of a notice of any determination made by the Joint Committee, The University of New South Wales shall, as soon as practicable, thereafter give effect to the determination.

15 40. (1) In this section a reference to an "officer of the College" is a reference to a person who, immediately before the commencement of this Part, held any salaried office or employment at the College otherwise than as—

Persons holding office in the College.

- 20 (a) a part-time lecturer, tutor or demonstrator;
(b) a temporary senior lecturer, lecturer, senior tutor, tutor, senior demonstrator or demonstrator; or
(c) a staff member employed on a fixed term contract.

25 (2) Every officer of the College shall become, at the commencement of this Part, an officer and an employee of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment), not less favourable than those upon which he was employed at the College immediately before that commencement, as the Council determines.

30 (3) The Council may, in determining terms and conditions in respect of the title, duties or status attaching to offices or employment at the University, determine in relation to an officer of the College terms and conditions less favourable than those on which the officer of the College was employed immediately before the commencement of this Part.

(4)

University of Wollongong.

- (4) An officer of the College shall not have any right to damages or compensation in respect of the termination, in consequence of the commencement of this Part, of his tenure of any office or employment at the College but he shall be
 5 entitled to enforce or enjoy any right or privilege to which he was, by virtue of section 2 of the University of New South Wales Act, 1968, entitled immediately before that commencement as if the right or privilege had been conferred by this Act.

- 10 **41.** An Act specified in the first column of the Schedule is amended to the extent specified opposite that Act in the
 15 second column of the Schedule. <sup>Amend-
ments.</sup>

SCHEDULE.

Sec. 41.

First Column.		Second Column.
15 Year and No. of Act.	Short title.	Extent of amendment.
20 1916, No. 28.	Super-annuation Act, 1916.	Insert in the definition of "Employee" in section 3 (1) after the words "University of New South Wales," the words "or, subject to subsection (5), a professor of The University of Wollongong,". Insert next after section 3 (4) the following new subsection:— 25 (5) (a) Subject to this subsection the exclusion from the definition of "Employee" of a professor of The University of Wollongong shall not extend to a person whose rights as a contributor are continued by section 40 of the University of 30 Wollongong Act, 1972.

SCHEDULE

*University of Wollongong.*SCHEDULE—*continued.*

First Column.		Second Column.
Year and No. of Act.	Short title.	Extent of amendment.
5		
10	1916, No. 28 — <i>continued.</i>	<p>(b) A professor of The University of Wollongong shall cease to be a contributor if, after the commencement of Part III of the University of Wollongong Act, 1972, he becomes, or continues to be, 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.</p> <p>(c) The provisions of subsection (3) shall apply, mutatis mutandis, to professors of The University of Wollongong other than those who are employees by virtue of paragraph (a).</p> <p>Insert at the end of Schedule III the following words:— The University of Wollongong.</p>
15		
20		
25	1919, No. 41. Local Govern- ment Act, 1919.	
30		<p>Insert next after section 132 (1) (fiv) the following new paragraph:— (fv) land which is vested in The University of Wollongong or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof; and.</p>
35	1924, No. 50. Metropolitan Water, Sewerage, and Drainage Act, 1924.	<p>Insert next after section 88 (1) (f2) the following new paragraph:— (f3) land which is vested in The University of Wollongong or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof.</p>

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972
[30c]

UNIVERSITY OF WOLLONGONG BILL, 1972

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to dissolve the Wollongong University College established and maintained under the University of New South Wales Act, 1968;
- (b) to provide for the establishment and incorporation of an autonomous university at Wollongong (hereinafter referred to as "the University");
- (c) to constitute—
 - (i) a selection committee for the purpose of selecting the first Vice-Chancellor of the University; and
 - (ii) a joint committee to determine the real and personal property belonging to The University of New South Wales that shall be transferred to the University;
- (d) to constitute a Council of the University and to define its powers, authorities, duties and functions;
- (e) to provide for the transfer of certain members of the staff of The University of New South Wales and the Wollongong University College to the staff of the University;
- (f) to make provision with respect to the terms and conditions relating to employees of the University;
- (g) to provide that land vested in the University or any college thereof which is used solely for the purposes thereof shall be exempt from local government and water rates; and
- (h) to make other provisions of a minor or ancillary nature.

No. , 1972.

A BILL

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

[MR WILLIS—14 November, 1972.]

BE

University of Wollongong.

BE 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 :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "University of Wollongong Act, 1972".

Short title
and
division
of Act.

(2) This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1-3.

PART II.—VICE-CHANCELLOR DESIGNATE—ss. 4-7.

PART III.—THE UNIVERSITY OF WOLLONGONG—ss. 8-41.

SCHEDULE.

2. (1) This section and sections 1 and 3 commence on the date of assent to this Act.

Commence-
ment.

(2) Part II shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Part III shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette being a day that is later than the day appointed pursuant to subsection (2).

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

Interpre-
tation.

"by-laws" means by-laws made under this Act;

"Chancellor"

University of Wollongong.

"Chancellor" means Chancellor of the University;

"College" means Wollongong University College established and maintained by The University of New South Wales under the provisions of the University of New South Wales Act, 1968;

"College Council" means Council of the College;

"Committee" means Selection Committee constituted under Part II;

"Council" means Council of the University;

"Deputy Chancellor" means Deputy Chancellor of the University;

"University" means The University of Wollongong;

"Vice-Chancellor" means Vice-Chancellor of the University.

PART II.

VICE-CHANCELLOR DESIGNATE.

4. (1) The Minister shall constitute a committee consisting of eight members to hold office until the commencement of Part III of whom—

- (a) one shall, by reason of his being the holder of, or a person who was the holder of, the office of Vice-Chancellor of any University in Australia, be appointed by the Minister as Chairman of the Committee;

(b)

University of Wollongong.

- (b) one shall be appointed by reason of his being the Chairman of the New South Wales Universities Board or a member of that Board nominated by that Chairman to be appointed to the Committee;
- 5 (c) two shall be appointed by the Minister; and
- (d) four shall be elected members.

(2) The elected members of the Committee shall be qualified as is prescribed by this subsection and shall comprise—

- 10 (a) a person who is a professor, and a person who is not a professor, both elected by and from the professors, associate professors, senior lecturers and lecturers of the full-time staff of the College, the Librarian, the Bursar, the Registrar and the Secretary of the College; and
- 15 (b) two persons elected by and from the members of the College Council, both being persons who are ineligible for election to the Committee pursuant to paragraph (a).

20 (3) A casual vacancy occurs in the Committee where—

- (a) in the case of the member referred to in subsection (1) (b), that member ceases to be the Chairman of the New South Wales Universities Board, or where the member referred to in subsection (1) (b) is a member of the Board nominated by that Chairman, that member ceases to be a member of the Board;

(b)

University of Wollongong.

- (b) in the case of an elected member, that member ceases to hold the qualification by reason of which he was eligible for election to the Committee;
- (c) a member dies;
- 5 (d) a member becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- 10 (e) a member resigns his membership in writing under his hand addressed to the Minister; or
- (f) for any reason the Minister deems fit, a member is removed by the Minister from office as a member of the Committee.
- 15 (4) A casual vacancy shall—
- (a) in the case of an elected member, be filled by a person qualified and elected in accordance with subsection (2); and
- 20 (b) in any other case, be filled by a person qualified in accordance with subsection (1) (a), (b) or (c) to fill the vacancy concerned.
- (5) Meetings of the Committee shall be convened by the Chairman of the Committee.
- (6) At any meeting of the Committee—
- 25 (a) six members shall form a quorum;
- (b) a decision of the majority of the members present at the meeting shall be the decision of the Committee; and
- 30 (c) the Chairman, in the event of there being an equality of votes, may give a casting vote.

(7)

University of Wollongong.

(7) Any act or proceeding of the Committee is, notwithstanding that at any time when the act or proceeding was done, taken or commenced there was—

- 5 (a) a vacancy in the office of the membership of the Committee; or
- (b) any defect in the appointment, or any disqualification, of a member of the Committee,

as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

- 10 (8) Any election for the purpose of electing the elected members of the Committee shall be conducted by the Registrar of The University of New South Wales at such time or times and in such manner as that Registrar deems fit.

5. The Committee shall be charged with the power to Powers,
15 select a person to be the Vice-Chancellor designate of the duties and
University and for that purpose shall— functions
of Com-
mittee.

- 20 (a) at a meeting convened as soon as practicable whenever the Minister notifies the Chairman that there is a vacancy in the office of Vice-Chancellor designate of the University, arrange to call for applications for that office to be made on or before a stated day;
- (b) meet as soon as practicable after that stated day with a view to selecting a person to be the holder of
25 that office;

(c)

University of Wollongong.

5 (c) determine in consultation with the Council of The University of New South Wales and the College Council or, where either Council has appointed persons to be its representatives for the purpose, those persons, the terms upon which and conditions subject to which a person may, pursuant to section 6, continue or be appointed as a member of the full-time staff of the College and take office under section 20 (1) as Vice-Chancellor; and

10 (d) where a person is selected for appointment to that office, recommend the appointment to the Council of The University of New South Wales.

15 6. (1) Subject to subsection (2) the Council of The University of New South Wales shall, upon such terms and conditions as are determined pursuant to section 5 (c), appoint the person recommended by the Committee pursuant to section 5 (d) as the Vice-Chancellor designate of the University who shall be a member of the full-time staff of the College.

20 (2) Notwithstanding the terms and conditions determined pursuant to section 5 (c), where the person appointed under subsection (1) is, at the time of his appointment, a member of the full-time staff of The University of New South Wales, he shall not be appointed to the office of Vice-Chancellor designate of the University upon terms and conditions less favourable than those upon which he was employed immediately before that appointment.

30 7. (1) Where the Committee is unable to determine any matter the Chairman shall refer the matter to the Minister for resolution.

Reference of certain matters to Minister.

(2)

University of Wollongong.

(2) Any decision of the Minister in respect of any matter referred to him under this section shall be as final and binding as if the decision were made by the Committee.

PART III.

5 THE UNIVERSITY OF WOLLONGONG.

8. A University, consisting of—

Establish-
ment of
University.

- (a) a Council;
- (b) Convocation;
- (c) the professors and such other classes of persons giving instruction within the University as may be prescribed by the by-laws and such superior officers within the University as may be so prescribed; and
- (d) the graduates and students of the University,

is hereby established at Wollongong in the State of New South
15 Wales.

9. (1) The University is a body corporate under the name of "The University of Wollongong".

Incorporation of
University.

(2) The common seal of the University shall be kept in such custody as the Council may direct and shall not be
20 used except by resolution of the Council.

University of Wollongong.

10. The functions of the University shall, within the limits of its resources and subject to this Act and the by-laws, include—

Functions
of the
University.

- 5 (a) the provision at Wollongong or elsewhere of educational facilities at university standard for any persons enrolled therein;
- (b) the dissemination and increase of knowledge and the promotion of scholarship; and
- 10 (c) the conferring and awarding of degrees and diplomas.

11. The University may, for the purpose of discharging its functions, provide from time to time such facilities for its students as it deems desirable.

Facilities
to be
provided for
students.

12. (1) There shall be a Council of the University which, subject to subsection (3), shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act.

The
Council.

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

(3) The provisions of sections 17, 18 and 19 do not apply to and in respect of the Council constituted under section 14,

13.

University of Wollongong.

13. (1) The Council may by resolution appoint such Committees. committees as it thinks fit to assist and advise it in the carrying out of its functions and the exercise of its powers under this Act.

5 (2) A committee appointed under subsection (1) shall have, and may exercise and discharge, such powers, authorities, duties and functions as the Council may determine.

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

Constitution
of first
Council.

10 (a) the persons who immediately before the commencement of this Part held office as members of the College Council other than such members of that Council as, at that commencement, are members of the full-time staff of The University of New
15 South Wales; and

(b) the person who, immediately before that commencement, held office, pursuant to section 6, as Vice-Chancellor designate of the University, unless he becomes a member of the Council pursuant to
20 paragraph (a).

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section 15 assumes office.

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

(4)

University of Wollongong.

(4) The first meeting of the first Council shall be convened by the Vice-Chancellor who shall preside until a Chairman is elected pursuant to subsection (6).

5 (5) At any meeting of the first Council one-half (or where one-half is not a whole number the whole number next higher than one-half) of the total number of members for the time being of that Council, shall form a quorum.

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

(7) Subject to subsection (4), at every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall
15 elect a person from among their number to preside as Chairman.

(8) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section 15 so as to take office within six months after
20 the commencement of this Part or within such extended time as the Governor may, by proclamation published in the Gazette at any time during that period of six months, specify.

15. (1) The Council, other than the first Council—

25 (a) shall be constituted in accordance with this section; and

(b) shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

Constitution
of Council
other than
first
Council.

(2)

University of Wollongong.

(2) The Council shall consist of—

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

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

(a) a member of the Legislative Council elected by that
Council—

10 (i) as soon as practicable after the commence-
ment of this Part and thereafter as soon as
practicable after the commencement of the
term of service of the members of that
Council elected as required by section 17F
15 (5) of the Constitution Act, 1902; or

(ii) where there is a casual vacancy in the office
of a parliamentary member of the Council
held pursuant to subparagraph (i), as soon
as practicable after that office becomes
20 vacant; and

(b) a member of the Legislative Assembly elected by
that Assembly—

25 (i) as soon as practicable after the commence-
ment of this Part and thereafter as soon as
practicable after each general election of
members of the Legislative Assembly; or

(ii) where there is a casual vacancy in an office
of a parliamentary member of the Council
held pursuant to subparagraph (i), as soon
30 as practicable after that office becomes
vacant.

(4)

University of Wollongong.

(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; and

5 (b) the person for the time being holding the office of Vice-Chancellor.

(5) The nominated members shall comprise four persons appointed by the Governor on the nomination of the Minister.

10 (6) The elected student members of the Council shall comprise two persons who are qualified and elected in each case as may be prescribed by the by-laws by and from persons who are enrolled as candidates proceeding to a degree or diploma in the University (other than persons so enrolled
15 who are members of the full-time staff of the University).

(7) The elected non-student 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—

20 (a) three persons, none of whom shall be a member of the full-time staff of the University, so elected by such of the members of Convocation as are included in a list prepared for the purposes of this subsection in accordance with the by-laws;

25 (b) four persons, of whom one shall not be, and each of the others shall be, a professor within the University, so elected by and from the professors and such other persons, being persons giving instruction within the University and superior
30 officers within the University, as may be prescribed by the by-laws;

(c)

University of Wollongong.

5 (c) one person, being a member of the staff of the University ineligible for election pursuant to paragraph (b), so elected by and from such members of the staff of the University as may be prescribed by the by-laws; and

(d) three persons so elected by the members of the Council for the time being referred to in subsections (3), (4), (5), (6) and paragraphs (a), (b) and (c).

10 (8) Where a person (not being a person who is a member of the Council) is appointed at any time by the Council to act in the place of the Vice-Chancellor, that person shall, while so acting, be deemed to be an official member of the Council.

15 (9) 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;

20 (b) in the case of an official member, while he holds the office by virtue of which he is such a member;

(c) in the case of a nominated member, for such term not exceeding three years as may be prescribed by the by-laws; and

25 (d) in the case of an elected member, for such term not exceeding three years as may be prescribed by the by-laws.

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

(11) A casual vacancy shall—

(a) in the case of a nominated member, be filled by such person as the Governor may appoint; and

(c)

(b)

University of Wollongong.

- (b) in the case of an elected member, be filled by a person qualified in accordance with subsection (6) or (7) to be elected to the vacancy concerned in such manner as may be prescribed by the by-laws,
- 5 and any member filling a casual vacancy under this subsection shall hold office for the residue of his predecessor's term of office.

(12) A by-law for the purposes of subsection (6) or (7) may be made with respect to—

- 10 (a) all persons of a specified class; or
- (b) all persons of a specified class other than persons of a specified class or classes.

(13) A by-law for the purposes of subsection (9) (c) and (d) may—

- 15 (a) prescribe a term of office by reference to determined, or determinable, days of commencement and termination;
- (b) prescribe different terms of office in respect of the nominated members or the different classes of elected members; and
- 20 (c) provide for the retirement in rotation of the nominated members or the different classes of elected members.

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

- (a) dies;
- (b) in the case of a nominated or elected member, transfers his place of permanent residence to a place that is not within the State or the Australian Capital Territory;
- 30 (c) declines to act;

(d)

University of Wollongong.

- (d) resigns his office by writing under his hand addressed—
- 5 (i) in the case of the parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;
 - (ii) in the case of the parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;
 - 10 (iii) in the case of a nominated member, to the Minister; or
 - (iv) in the case of an elected member, to the Vice-Chancellor;
 - 15 (e) is a nominated or elected member who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his estate for their benefit;
 - 20 (f) is a nominated or elected member who becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - 25 (g) is a nominated member or elected member and absents himself from four consecutive meetings of the Council without leave of the Council;
 - (h) ceases, in the case of the parliamentary member elected by the Legislative Council, to be a member of the Legislative Council;
 - 30 (i) ceases, in the case of the parliamentary member elected by the Legislative Assembly—
 - (i) to be a member of that Assembly otherwise than by reason of its dissolution or its expiration by effluxion of time; or
 - (ii)

University of Wollongong.

5 (ii) to be a member of that Assembly by reason of its dissolution or its expiration by effluxion of time and is not re-elected as a member of that Assembly at the next general election of members of that Assembly; or

(j) being an elected member referred to in section 15 (7) (b) or (c), ceases to be an employee of the University.

10 **17.** (1) The Council shall, at its first meeting and Election of
whenever a vacancy in the office of Chancellor occurs, elect Chancellor.
a person (whether a member of the Council or not) to be
Chancellor of the University.

(2) The Chancellor shall hold office for such period
15 not exceeding three years and on such terms and conditions
as may be prescribed by the by-laws.

18. (1) The Council shall, at its first meeting and Deputy
whenever a vacancy in the office of Deputy Chancellor occurs, Chancellor.
elect one of its members to be Deputy Chancellor of the
20 University.

(2) The Deputy Chancellor shall, unless he sooner
ceases to be a member of the Council, hold office for one year
from the date of his election and on such conditions as may
be prescribed by the by-laws.

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

University of Wollongong.

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

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

10 **20.** (1) The first Vice-Chancellor of the University shall be the person who, immediately before the commencement of this Part, was the member of the full-time staff of the College holding office as Vice-Chancellor designate pursuant to section 6 (1) and he shall, subject to this section, continue in office 15 under the terms and conditions determined under section 5 (c) in relation to his tenure of the office of Vice-Chancellor. Appoint-
ment of
Vice-
Chancellor.

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

20 (3) The Vice-Chancellor (other than the first Vice-Chancellor) shall hold office for such period and on such terms and conditions as the Council determines.

(4) The Vice-Chancellor shall be the chief executive officer of the University and shall have and may exercise and 25 discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and, subject to the by-laws, as the Council determines.

21. At any meeting of the Council one-half (or where one-half is not a whole number the whole number next higher 30 than one-half) of the total number of members for the time being of the Council, shall form a quorum. Quorum.

22.

University of Wollongong.

22. Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is eligible and otherwise qualified, for the time being, to hold that office or place.

Re-appoint-
ment or
re-election.

23. (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any other person acting pursuant to any direction of the Council, shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy or a number of vacancies in the office or offices of any member or members of the Council.

Validity of
acts and
proceedings.

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

24. The provisions of the Public Service Act, 1902, do not apply to and in respect of the appointment of any member of the Council, and a member shall not, as such a member, be subject to the provisions of that Act.

Public
Service Act
not to
apply.

University of Wollongong.

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

- 5 (a) may provide such courses as it deems fit and in conferring and awarding degrees and diplomas issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- 10 (c) shall have the control and management of the affairs and concerns of the University and may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University;
- 15 (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to carry out the conditions of any such gift, bequest or devise;
- 20 (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, for the renewal of loans or the discharge or partial discharge of any indebtedness to the Treasurer or to any bank within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Treasurer may approve;
- 25 (f) may invest any funds belonging to or vested in the University in any manner for the time being authorised for the investment of trust funds or in any manner approved by the Governor, generally or in any particular case or class of cases, upon the recommendation of the Treasurer; and
- 30

(g)

University of Wollongong.

5 (g) shall have the control and management of all real and personal property at any time vested in or acquired by the University, and may, subject to subsection (2), dispose of real or personal property in the name and on behalf of the University.

(2) Except as provided in subsection (3) the Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any lands of the University.

10 (3) The Council may, without the approval of the Governor, lease any lands of the University where—

- (a) the term of the lease does not exceed twenty-one years; and
- 15 (b) subject to subsection (4) (b), there is reserved for the whole of the term, the highest rent that can reasonably be obtained without fine.

(4) In the case of a lease of any lands of the University or any renewal thereof to a residential college affiliated with the University, the lease shall—

- 20 (a) be for a term not exceeding ninety-nine years;
- (b) be at a nominal rent; and
- (c) contain such other conditions as the University deems fit including a condition that the lease shall not be assigned.

25 (5) The rule of law against remoteness of vesting does not apply to and in respect of any condition of a gift, bequest or devise to which the University has agreed.

University of Wollongong.

26. (1) The Council may, in relation to any matter or ^{Delegation} class of matters, or in relation to any activity or function of ^{by Council.} the University, by resolution, delegate all or any of its powers, authorities, duties and functions under this Act (except this
5 power of delegation) to any member or to any committee of its members, or to any officer or officers of the University.

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

27. (1) The Council may make by-laws, not inconsistent ^{By-laws.} with this Act, with respect to all matters pertaining to the University.

(2) Without prejudice to the generality of subsection
15 (1) the Council may make by-laws for or 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
20 to be elected;
- (c) the manner and time of convening, holding and adjourning the meetings of the Council and 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
25 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
30 and other officers and employees of the University;

(e)

University of Wollongong.

- (e) the entrance standards for students;
- (f) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and conferring of degrees and diplomas, and the exemption from, or deferment of, payment of fees and charges;
- (g) the course of lectures or studies for, the examinations for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (h) the examinations for, and the granting of, fellowships, scholarships, exhibitions, bursaries and prizes;
- (i) 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;
- (j) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- (k) the affiliation with the University of any educational or research establishment;
- (l) the provision of a scheme of superannuation for the professors of the University; and
- (m) the form and use of academic costume.

(3) Every by-law made by the Council shall be sealed with the common seal of the University and shall be submitted for the approval of the Governor.

- 28.** (1) The by-laws may provide for empowering any Regulations,
30 authority (including the Council) or officer of the University rules or
to make regulations, rules or orders (not inconsistent with this orders.

University of Wollongong.

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.

5 (2) Any regulation, rule or order referred to in subsection (1)—

- (a) shall have the same force and effect as a by-law;
- (b) may, from time to time as the occasion requires, be amended or repealed by any authority (including
10 the Council) or officer of the University empowered by subsection (1) to make such a regulation, rule or order; and
- (c) shall be deemed not to be within the meaning of the
15 term "regulation" as defined in section 41 of the Interpretation Act, 1897.

29. (1) Convocation shall consist of—

Convocation.

- (a) all members and past members of the Council;
- (b) all graduates of the University;
- (c) all members of the full-time academic staff of the
20 University and such other members or classes of members of the staff of the University as the by-laws may prescribe;
- (d) such graduates of other universities, or other
25 persons, as are, in accordance with the by-laws, admitted as members of Convocation; and
- (e) without prejudice to the generality of paragraph (d), graduates of The University of New South Wales who spent at least three years as properly enrolled students of the College.

(2)

University of Wollongong.

(2) The first meeting of Convocation shall be convened by the Vice-Chancellor.

(3) Meetings of Convocation shall be convened and the business at such meetings shall, subject to the by-laws, be
5 as determined by Convocation.

(4) A quorum at any meeting of Convocation shall be such number of members as may be prescribed by the by-laws.

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

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

15 **30.** (1) There shall be paid to the University in respect of the year commencing upon the first day of January of the year of commencement of this Part and in respect of each
year of commencement of this Part and in respect of each succeeding year, such sum as the Treasurer may, upon taking
into consideration the University's estimated expenditure
20 requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements, determine.

Treasurer
to meet
certain
costs.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection
25 (1) the University shall, in respect of the year commencing upon the first day of January that next preceded the

commencement

University of Wollongong.

commencement of this Part, as soon as practicable after that commencement, and in respect of each succeeding year either before or as soon as practicable after its commencement, submit to the Treasurer estimates of the expenditure and income of the University for that 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.

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

32. 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 for the year.

33. (1) The accounts of the University shall be audited by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts.

(2) The provisions of the Audit Act, 1902, apply to and in respect of the members of the Council and to the officers and employees of the University in the same manner as they apply to accounting officers of public departments.

34.

University of Wollongong.

34. (1) As soon as practicable after the first day of January 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 including a summary of the work, researches and investigations carried out by the University during that period. Report of proceedings.

(2) A copy of each report under subsection (1) shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

10 35. A person shall not, by reason of his religious or political views or beliefs, be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof. No religious test or political discrimination.

15 36. The Governor of New South Wales shall be the Visitor of the University with full authority and jurisdiction to do all such things and entertain such causes as may pertain to or be exercised by visitors as often as he thinks fit. Visitor.

20 37. (1) The Council shall allow such persons as are— Teachers' college students and school teachers.

(a) students of teachers' colleges established under the Public Instruction Act of 1880, teachers in schools established under that Act or members of the Public Service of New South Wales approved by the Minister;

25 (b) qualified in such manner as may be prescribed by the by-laws to be enrolled as students of the University;

(c) selected by the University for admission to the University; and

(d)

University of Wollongong.

(d) not otherwise excluded from the University,
to attend University lectures for the purpose of proceeding to
a first degree and to receive tuition for the period required
for admission to that degree without payment of lecture, class
5 or tuition fees.

(2) Nothing in subsection (1) shall exempt any
person referred to in that subsection from the payment of
such fees, other than lecture, class or tuition fees, as may be
approved by the Council.

10 38. (1) The College is hereby dissolved.

Provisions
relating to
Wollongong
University
College.

(2) All real and personal property which immedi-
ately before the commencement of this Part was held by or
was vested in The University of New South Wales or any
other body in trust for, or on behalf of, the College shall,
15 by virtue of this Act, be divested from The University of New
South Wales or such other body and shall vest in the Uni-
versity to be applied by the University, subject to any trusts
or conditions on which it was held immediately before that
commencement, for the objects and purposes for which the
20 University is established.

39. (1) This section applies to and in respect of real
and personal property, including real and personal property
vested in the University pursuant to section 38 (2), which
immediately before the commencement of this Part was held
25 by or was vested in The University of New South Wales and
used by that University for the purposes of the College.

Transfer by
University
of New
South Wales
of certain
property to
University.

(2) The Minister shall cause to be constituted a
Joint Committee consisting of five members of whom—

30 (a) one shall be the Auditor-General, or such person
as he may nominate, who shall be Chairman and
who shall convene, and preside at, all meetings of
that Committee;

(b)

University of Wollongong.

(b) two shall be such persons as are selected by the Council of The University of New South Wales to be representatives of that University; and

5 (c) two shall be such persons as are selected by the Council to be representatives of the University.

(3) The function of the Joint Committee is to determine as soon as practicable—

10 (a) what property to which this section applies (other than property vested pursuant to section 38) is to be transferred to the University;

(b) what debts and liabilities in respect of property to which this section applies are to be transferred to the University;

15 (c) the manner in which payments on account of leave or upon the retirement or death of a member of the staff of The University of New South Wales who is transferred to the University pursuant to this Act are to be met and the extent to which those payments should be apportioned between The University of New South Wales and the University;

20 (d) what books, documents, records and papers are to be handed over to the University; and

25 (e) such other matters relating to the matters referred to in paragraphs (a), (b), (c) and (d) as that committee deems necessary or expedient.

(4) Where a difference of opinion arises between the members of the Joint Committee representing The University of New South Wales and the University in respect of a determination of any of the matters referred to in subsection

30 (3) the matter shall be determined in such manner as the Auditor-General or the person nominated by him to represent him on that Committee directs.

University of Wollongong.

(5) Any determination made by the Joint Committee pursuant to subsection (3) shall have effect according to its tenor.

5 (6) The Chairman of the Joint Committee shall forward or cause to be forwarded to the Minister, The University of New South Wales and the University written notice of any determination it may make with respect to the matters referred to in subsection (3) and each University shall keep a record of that notice.

10 (7) Upon the receipt of a notice of any determination made by the Joint Committee, The University of New South Wales shall, as soon as practicable, thereafter give effect to the determination.

15 **40.** (1) In this section a reference to an "officer of the College" is a reference to a person who, immediately before the commencement of this Part, held any salaried office or employment at the College otherwise than as— Persons holding office in the College.

- (a) a part-time lecturer, tutor or demonstrator;
- 20 (b) a temporary senior lecturer, lecturer, senior tutor, tutor, senior demonstrator or demonstrator; or
- (c) a staff member employed on a fixed term contract.

(2) Every officer of the College shall become, at the commencement of this Part, an officer and an employee of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment), but not less favourable than those upon which he was employed at the College immediately before that commencement, as the Council determines.

30 (3) The Council may, in determining terms and conditions in respect of the title, duties or status attaching to offices or employment at the University, determine in relation to an officer of the College terms and conditions less favourable than those on which the officer of the College was employed immediately before the commencement of this Part.

(4)

University of Wollongong.

- (4) An officer of the College shall not have any right to damages or compensation in respect of the termination, in consequence of the commencement of this Part, of his tenure of any office or employment at the College but he shall be
 5 entitled to enforce or enjoy any right or privilege to which he was, by virtue of section 2 of the University of New South Wales Act, 1968, entitled immediately before that commencement as if the right or privilege had been conferred by this Act.

- 10 .41. An Act specified in the first column of the Schedule is amended to the extent specified opposite that Act in the
 second column of the Schedule. ^{Amend-ments.}

SCHEDULE.

Sec. 41.

First Column.		Second Column.
15 Year and No. of Act.	Short title.	Extent of amendment.
20 1916, No. 28.	Super-annuation Act, 1916.	Insert in the definition of "Employee" in section 3 (1) after the words "University of New South Wales," the words "or, subject to subsection (5), a professor of The University of Wollongong,". Insert next after section 3 (4) the following new subsection:— 25 (5) (a) Subject to this subsection the exclusion from the definition of "Employee" of a professor of The University of Wollongong shall not extend to a person whose rights as a contributor are continued by section 40 of the University of 30 Wollongong Act, 1972.

SCHEDULE

*University of Wollongong.*SCHEDULE—*continued.*

First Column.		Second Column.
Year and No. of Act.	Short title.	Extent of amendment.
5		
10	1916, No. 28 — <i>continued.</i>	<p>(b) A professor of The University of Wollongong shall cease to be a contributor if, after the commencement of Part III of the University of Wollongong Act, 1972, he becomes, or continues to be, 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.</p> <p>(c) The provisions of subsection (3) shall apply, mutatis mutandis, to professors of The University of Wollongong other than those who are employees by virtue of paragraph (a).</p> <p>Insert at the end of Schedule III the following words:—</p> <p>The University of Wollongong.</p>
15		
20		
25	1919, No. 41. Local Government Act, 1919.	
30		<p>Insert next after section 132 (1) (fiv) the following new paragraph:—</p> <p>(fv) land which is vested in The University of Wollongong or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof; and.</p>
35	1924, No. 50. Metropolitan Water, Sewerage, and Drainage Act, 1924.	<p>Insert next after section 88 (1) (f2) the following new paragraph:—</p> <p>(f3) land which is vested in The University of Wollongong or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof.</p>

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972

UNIVERSITY OF WOLLONGONG ACT, 1972, No. 72

Reprinted under the Reprints Act, 1972

[Reprinted as at 27th January, 1983]

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 72, 1972 (1), as amended by Act No. 44, 1974 (2); Act No. 91, 1978 (3);
Act No. 173, 1978 (4); and Act No. 30, 1982 (5).

Note.—(1) This Act is reprinted with the omission of all amending provisions authorised to
be omitted under sec. 6 of the Reprints Act, 1972.

(2) Historical information concerning the provisions of this Act is contained in the
note on page 26.

P 9936D—A

(1) University of Wollongong Act, 1972, No. 72. Assented to, 30th November, 1972. Date of commencement of Pt. II, 5th January, 1973, sec. 2 (2) and Gazette No. 3 of 5th January, 1973, p. 5; date of commencement of Pt. III, 1st January, 1975, sec. 2 (3) and Gazette No. 143 of 29th November, 1974, p. 4601.

(2) Superannuation (Amendment) Act, 1974, No. 44. Assented to, 24th April, 1974.

(3) University of Wollongong (Constitution) Amendment Act, 1978, No. 91. Assented to, 11th September, 1978. Date of commencement, secs. 1 and 2 excepted, 6th November, 1978, sec. 2 and Gazette No. 146 of 1st November, 1978, p. 4335.

(4) University of Wollongong (Amendment) Act, 1978, No. 173. Assented to, 29th December, 1978. Date of commencement of Schs. 1 and 2, Sch. 1 (6) excepted, 2nd February, 1979, sec. 2 (3) and Gazette No. 19 of 2nd February, 1979, p. 491; date of commencement of Sch. 1 (6), 1st January, 1975, sec. 2 (4).

(5) University of Wollongong (Advanced Education) Amendment Act, 1982, No. 30. Assented to, 23rd April, 1982. Date of commencement, secs. 1 and 2 excepted, 21st May, 1982, sec. 2 and Gazette No. 68 of 21st May, 1982, p. 2229.

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

BE 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:—

PART I.

PRELIMINARY.

Short title and division of Act.

1. (1) This Act may be cited as the "University of Wollongong Act, 1972".

(2) This Act is divided as follows:—

PART I.—PRELIMINARY—ss. 1–3.

PART II. * * * * *

PART III.—THE UNIVERSITY OF WOLLONGONG—ss. 8–41.

SCHEDULE.

Commencement.

2. (1) This section and sections 1 and 3 commence on the date of assent to this Act.

UNIVERSITY OF WOLLONGONG ACT, 1972, NO. 72

Reprinted under the Reprints Act, 1972,
as at 9th May, 1979.

Amendments made by the following Act(s) are
not included in the reprint:-

University of Wollongong (Advanced Education)
Amendment Act, 1982, No. 30

Details of Amendments

s.3	Am.	No. 30,	1982,	Sch. 1(1)
s. 10	"	" "	"	" 1(2)
s. 15	"	" "	"	" 1(3)
s. 16	"	" "	"	" 1(4)
s. 20A	Ins.	" "	"	" 1(5)

Note. Amendments are listed above irrespective
of whether they are in force at the date of issue
of this sheet.

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(2) Part II shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Part III shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette being a day that is later than the day appointed pursuant to subsection (2).

Interpretation.

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

“advanced education course” means a course of study approved under the Higher Education Act, 1975, as an advanced education course;

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

“Chancellor” means Chancellor of the University;

“College” means Wollongong University College established and maintained by The University of New South Wales under the provisions of the University of New South Wales Act, 1968;

“College Council” means Council of the College;

“Committee” means Selection Committee constituted under Part II;

“Council” means Council of the University;

“Deputy Chancellor” means Deputy Chancellor of the University;

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

“Director” means the Director of the Institute;

“Institute” means the Institute of Advanced Education of the University;

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"University" means The University of Wollongong;

"Vice-Chancellor" means Vice-Chancellor of the University.

PART II.

4-7.

* * * * *

PART III.

THE UNIVERSITY OF WOLLONGONG.

Establishment of University.

8. A University, consisting of—

- (a) a Council;
- (b) Convocation;
- (c) the professors and such other classes of persons giving instruction within the University as may be prescribed by the by-laws and such superior officers within the University as may be so prescribed; and
- (d) the graduates and students of the University,

is hereby established at Wollongong in the State of New South Wales.

Incorporation of University.

9. (1) The University is a body corporate under the name of "The University of Wollongong".

(1A) Notwithstanding section 8 and subsection (1), a graduate or student of the University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

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(2) The common seal of the University shall be kept in such custody as the Council may direct and shall not be used except by resolution of the Council.

Functions of the University.

10. (1) The functions of the University shall, within the limits of its resources and subject to this Act and the by-laws, include—

- (a) the provision at Wollongong or elsewhere of educational facilities at university standard and of advanced education courses for any persons enrolled therein;
- (b) the dissemination and increase of knowledge and the promotion of scholarship; and
- (c) the conferring and awarding of degrees and diplomas.

(2) The University shall, in the discharge of its functions, have particular regard to the need for educational facilities of university standard and for advanced education courses in the Illawarra region.

Facilities to be provided for students.

11. The University may, for the purpose of discharging its functions, provide from time to time such facilities for its students as it deems desirable.

The Council.

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

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

(3) * * * * *

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Committees.

13. (1) The Council may by resolution appoint such committees as it thinks fit to assist and advise it in the carrying out of its functions and the exercise of its powers under this Act.

(2) A committee appointed under subsection (1) shall have, and may exercise and discharge, such powers, authorities, duties and functions as the Council may determine.

14. * * * * *

Constitution of Council.

15. (1) The Council—

- (a) shall be constituted in accordance with this section; and
- (b) shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

(2) The Council shall consist of—

- (a) parliamentary members;
- (b) official members;
- (c) appointed members; and
- (d) elected student and non-student members.

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

- (a) a member of the Legislative Council elected by that Council—
 - (i) as soon as practicable after each periodic Council election within the meaning of section 3 of the Constitution Act, 1902; or
 - (ii) where there is a casual vacancy in the office of a parliamentary member of the Council held pursuant to subparagraph (i), as soon as practicable after that office becomes vacant; and

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- (b) a member of the Legislative Assembly elected by that Assembly—
 - (i) as soon as practicable after the commencement of this Part and thereafter as soon as practicable after each general election of members of the Legislative Assembly; or
 - (ii) where there is a casual vacancy in an office of a parliamentary member of the Council held pursuant to subparagraph (i), as soon as practicable after that office becomes vacant.

(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 persons for the time being holding the offices of Vice-Chancellor and Director; and
- (c) the member of the staff of the University for the time being designated by the Council as the Deputy Vice-Chancellor.

(5) The appointed members shall comprise 8 persons appointed by the Minister as far as practicable from the following categories:—

- (a) persons experienced in the field of education;
- (b) persons experienced in industry or commerce;
- (c) persons who are practising, or have practised, a profession;
- (d) persons associated with trade unions;
- (e) persons having such other qualifications and experience as the Minister thinks appropriate.

(6) The elected student members of the Council shall comprise 3 persons who are qualified and elected in each case as may be prescribed by the by-laws by and from persons who are enrolled as candidates proceeding to a degree or diploma in the University (other than persons so enrolled who are members of the full-time staff of the University).

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

- (a) three persons, none of whom shall be a member of the full-time staff of the University, so elected by such of the members of Convocation as are included in a list prepared for the purposes of this subsection in accordance with the by-laws;
- (b) four persons, of whom at least two but not more than three shall be professors within the University, so elected by and from the professors and such other persons, being persons giving instruction within the University (but not being persons prescribed for the purposes of paragraph (b1)) or being superior officers within the University, as may be prescribed by the by-laws;
- (b1) two persons so elected by and from such persons giving instruction within the Institute as may be prescribed by the by-laws;
- (c) three persons, being members of the staff of the University ineligible for election pursuant to paragraph (b) or (b1), so elected by and from such members of the staff of the University as may be prescribed by the by-laws; and
- (d) three persons so elected by the members of the Council for the time being referred to in subsections (3), (4), (5), (6) and paragraphs (a), (b), (b1) and (c).

(8) Where a person (not being a person who is a member of the Council) is appointed at any time by the Council to act in the place of the Vice-Chancellor, Deputy Vice-Chancellor or Director, that person shall, while so acting, be deemed to be an official member of the Council.

(9) 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;
- (c) in the case of an appointed member, for such term not exceeding three years as may be prescribed by the by-laws; and

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- (d) in the case of an elected member, for such term not exceeding three years as may be prescribed by the by-laws.

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

(11) A casual vacancy shall—

- (a) in the case of an appointed member, be filled by such person as the Minister may appoint; and
- (b) in the case of an elected member, be filled by a person qualified in accordance with subsection (6) or (7) to be elected to the vacancy concerned in such manner as may be prescribed by the by-laws,

and any member filling a casual vacancy under this subsection shall hold office for the residue of his predecessor's term of office.

(12) A by-law for the purposes of subsection (6) or (7) may be made with respect to—

- (a) all persons of a specified class; or
- (b) all persons of a specified class other than persons of a specified class or classes.

(13) A by-law for the purposes of subsection (9) (c) and (d) may—

- (a) prescribe a term of office by reference to determined, or determinable, days of commencement and termination;
- (b) prescribe different terms of office in respect of the appointed members or the different classes of elected members; and
- (c) provide for the retirement in rotation of the appointed members or the different classes of elected members.

Vacation of office.

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

- (a) dies;

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- (b) in the case of an appointed or elected member, transfers his place of permanent residence to a place that is not within the State or the Australian Capital Territory;
- (c) declines to act;
- (d) resigns his office by writing under his hand addressed—
 - (i) in the case of the parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;
 - (ii) in the case of the parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;
 - (iii) in the case of an appointed member, to the Minister; or
 - (iv) in the case of an elected member, to the Vice-Chancellor;
- (e) is an appointed or elected member who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his estate for their benefit;
- (f) is an appointed or elected member who becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (g) is an appointed member or elected member and absents himself from four consecutive meetings of the Council without leave of the Council;
- (h) ceases, in the case of the parliamentary member elected by the Legislative Council—
 - (i) to be a member of that Council otherwise than by reason of section 22B (1) (c) of the Constitution Act, 1902; or
 - (ii) to be a member of that Council by reason of section 22B (1) (c) of that Act and does not become a candidate at the next periodic Council election within the meaning of section 3 of that Act or, as the case may be, becomes a candidate but is not elected;

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- (i) ceases, in the case of the parliamentary member elected by the Legislative Assembly—
 - (i) to be a member of that Assembly otherwise than by reason of its dissolution or its expiration by effluxion of time; or
 - (ii) to be a member of that Assembly by reason of its dissolution or its expiration by effluxion of time and does not become a candidate at the next general election of members of that Assembly or, as the case may be, becomes a candidate but is not elected; or
- (j) being an elected member referred to in section 15 (7) (b), (b1) or (c), ceases to be an employee of the University.

Election of Chancellor.

17. (1) The Council shall, at its first meeting and whenever a vacancy in the office of Chancellor occurs, elect a person (whether a member of the Council or not) to be Chancellor of the University.

(2) The Chancellor shall hold office for such period not exceeding three years and on such terms and conditions as may be prescribed by the by-laws.

Deputy Chancellor.

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

(2) The Deputy Chancellor shall, unless he sooner ceases to be a member of the Council, hold office for one year from the date of his election and on such conditions as may be prescribed by the by-laws.

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

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Chairman.

19. (1) The Chancellor shall preside at all meetings of the Council and all committees constituted by the Council at which he is present.

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

Appointment of Vice-Chancellor.

20. (1) The first Vice-Chancellor of the University shall be the person who, immediately before the commencement of this Part, was the member of the full-time staff of the College holding office as Vice-Chancellor designate pursuant to section 6 (1) and he shall, subject to this section, continue in office under the terms and conditions determined under section 5 (c) in relation to his tenure of the office of Vice-Chancellor.

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

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

(4) The Vice-Chancellor shall be the chief executive officer of the University and shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and, subject to the by-laws, as the Council determines.

Institute of Advanced Education.

20A. (1) There shall be an Institute of Advanced Education of the University which shall comprise that part of the University in which advanced education courses are conducted.

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(2) The first Director of the Institute shall be the person who, immediately before the dissolution of the Wollongong Institute of Education, was the Director of the Wollongong Institute of Education.

(3) Whenever a vacancy occurs in the office of Director, the Council shall appoint a person, whether a member of the Council or not, to be Director.

(4) The Director shall hold office for such period and on such terms and conditions as the Council determines.

(5) The Director shall, subject to section 20 (4), be the executive officer of the Institute and shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and, subject to the by-laws, as the Council determines.

Quorum.

21. At any meeting of the Council one-half (or where one-half is not a whole number the whole number next higher than one-half) of the total number of members for the time being of the Council, shall form a quorum.

Re-appointment or re-election.

22. Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is eligible and otherwise qualified, for the time being, to hold that office or place.

Validity of acts and proceedings.

23. (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any other person acting pursuant to any direction of the Council, shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy or a number of vacancies in the office or offices of any member or members of the Council.

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

24. * * * * *

Powers of Council.

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

- (a) may provide such courses as it deems fit and in conferring and awarding degrees and diplomas issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- (c) shall have the control and management of the affairs and concerns of the University and may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University;
- (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to carry out the conditions of any such gift, bequest or devise;
- (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, for the renewal of loans or the discharge or partial discharge of any indebtedness to the Treasurer or to any bank within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Treasurer may approve;

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- (f) may invest any funds belonging to or vested in the University in any manner for the time being authorised for the investment of trust funds or in any manner approved by the Governor, generally or in any particular case or class of cases, upon the recommendation of the Treasurer; and
- (g) shall have the control and management of all real and personal property at any time vested in or acquired by the University, and may, subject to subsection (2), dispose of real or personal property in the name and on behalf of the University.

(2) Except as provided in subsection (3) the Council shall not, except with the approval of the Minister, alienate, mortgage, charge or demise any lands of the University.

(3) The Council may, without the approval of the Minister, lease any lands of the University where—

- (a) the term of the lease does not exceed twenty-one years; and
- (b) subject to subsection (4) (b), there is reserved for the whole of the term, the highest rent that can reasonably be obtained without fine.

(4) In the case of a lease of any lands of the University or any renewal thereof to a residential college affiliated with the University, the lease shall—

- (a) be for a term not exceeding ninety-nine years;
- (b) be at a nominal rent; and
- (c) contain such other conditions as the University deems fit including a condition that the lease shall not be assigned.

(5) The rule of law against remoteness of vesting does not apply to and in respect of any condition of a gift, bequest or devise to which the University has agreed.

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Delegation by Council.

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

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

By-laws.

27. (1) The Council may make by-laws, not inconsistent with this Act, with respect to all matters pertaining to the University.

(2) Without prejudice to the generality of subsection (1) the Council may make by-laws for or 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 and 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;

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- (f) the payment of such fees and charges, including fines, as the Council deems necessary, including fees and charges to be paid in respect of—
 - (i) entrance to the University;
 - (ii) tuition;
 - (iii) lectures and classes;
 - (iv) examinations;
 - (v) residence;
 - (vi) the conferring of degrees and diplomas;
 - (vii) the provision of amenities and services, whether or not of an academic nature; and
 - (viii) an organisation of students or of students and other persons;
- (f1) the exemption from, or deferment of, payment of fees and charges, including fines;
- (g) the course of lectures or studies for, the examinations for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (h) the examinations for, and the granting of, fellowships, scholarships, exhibitions, bursaries and prizes;
- (i) 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;
- (j) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- (k) the affiliation with the University of any educational or research establishment;
- (l) the provision of a scheme of superannuation for the professors of the University; and
- (m) the form and use of academic costume.

(3) Every by-law made by the Council shall be sealed with the common seal of the University and shall be submitted for the approval of the Governor.

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Regulations, rules or orders.

28. (1) 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.

(2) Any regulation, rule or order referred to in subsection (1)—

- (a) shall have the same force and effect as a by-law;
- (b) may, from time to time as the occasion requires, be amended or repealed by any authority (including the Council) or officer of the University empowered by subsection (1) to make such a regulation, rule or order; and
- (c) shall be deemed not to be within the meaning of the term "regulation" as defined in section 41 of the Interpretation Act, 1897.

Convocation.

29. (1) Convocation shall consist of—

- (a) all members and past members of the Council;
- (b) all graduates of the University;
- (c) all members of the full-time academic staff of the University and such other members or classes of members of the staff of the University as the by-laws may prescribe;
- (d) such graduates of other universities, or other persons, as are, in accordance with the by-laws, admitted as members of Convocation; and
- (e) without prejudice to the generality of paragraph (d), graduates of The University of New South Wales who spent at least three years as properly enrolled students of the College.

(1A) Notwithstanding subsection (1), a person referred to in subsection (1) (b), (c) or (e) may be exempted by the Council, on grounds of conscience, from membership of Convocation.

University of Wollongong.

(2) The first meeting of Convocation shall be convened by the Vice-Chancellor.

(3) Meetings of Convocation shall be convened and the business at such meetings shall, subject to the by-laws, be as determined by Convocation.

(4) A quorum at any meeting of Convocation shall be such number of members as may be prescribed by the by-laws.

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

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

Treasurer to meet certain costs.

30. (1) There shall be paid to the University in respect of the year commencing upon the first day of January of the year of commencement of this Part and in respect of each succeeding year, such sum as the Treasurer may, upon taking into consideration the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements, determine.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection (1) the University shall, in respect of the year commencing upon the first day of January that next preceded the commencement of this Part, as soon as practicable after that commencement, and in respect of each succeeding year either before or as soon as practicable after its commencement, submit to the Treasurer estimates of the expenditure and income of the University for that 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.

University of Wollongong.

Advance by Treasurer.

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

Accounts to be rendered.

32. 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 for the year.

Audit.

33. (1) The accounts of the University shall be audited by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts.

(2) The provisions of the Audit Act, 1902, apply to and in respect of the members of the Council and to the officers and employees of the University in the same manner as they apply to accounting officers of public departments.

Report of proceedings.

34. (1) As soon as practicable after the first day of January 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 including a summary of the work, researches and investigations carried out by the University during that period.

(2) A copy of each report under subsection (1) shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

University of Wollongong.

No religious test or political discrimination.

35. A person shall not, by reason of his religious or political views or beliefs, be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof.

Visitor.

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

School teachers.

37. (1) The Council shall allow such persons as are—

- (a) teachers in schools established under the Public Instruction Act of 1880 or members of the Public Service of New South Wales approved by the Minister;
- (b) qualified in such manner as may be prescribed by the by-laws to be enrolled as students of the University;
- (c) selected by the University for admission to the University; and
- (d) not otherwise excluded from the University,

to attend University lectures for the purpose of proceeding to a first degree and to receive tuition for the period required for admission to that degree without payment of lecture, class or tuition fees.

(2) Nothing in subsection (1) shall exempt any person referred to in that subsection from the payment of such fees, other than lecture, class or tuition fees, as may be approved by the Council.

University of Wollongong.

Acquisition of land.

37A. (1) For the purposes of this Act, the Governor may, on the recommendation of the Minister, resume or appropriate any land under Division 1 of Part V of the Public Works Act, 1912.

(2) The Minister shall not make a recommendation for the purposes of subsection (1) unless he is satisfied that adequate provision has been or will be made for the payment by the University of compensation for the resumption or appropriation and all necessary charges and expenses incidental to the resumption or appropriation.

(3) A resumption or appropriation effected pursuant to subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(4) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not, but section 38 of that Act does, apply in relation to a resumption or appropriation under this section.

Transfer of land to University.

37B. (1) Where land is vested in the Minister, whether as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or appropriation effected pursuant to section 37A (1), or otherwise, the Minister may convey or transfer that land to the University for such estate, and subject to such trusts and rights of way or other easements, as he thinks fit.

(2) A conveyance, transfer or other instrument executed for the purposes of subsection (1)—

- (a)** is not liable to be stamped with stamp duty under the Stamp Duties Act, 1920; and
- (b)** may be registered under any Act without fee.

University of Wollongong.

Provisions relating to Wollongong University College.

38. (1) The College is hereby dissolved.

(2) All real and personal property which immediately before the commencement of this Part was held by or was vested in The University of New South Wales or any other body in trust for, or on behalf of, the College shall, by virtue of this Act, be divested from The University of New South Wales or such other body and shall vest in the University to be applied by the University, subject to any trusts or conditions on which it was held immediately before that commencement, for the objects and purposes for which the University is established.

Transfer by University of New South Wales of certain property to University.

39. (1) This section applies to and in respect of real and personal property, including real and personal property vested in the University pursuant to section 38 (2), which immediately before the commencement of this Part was held by or was vested in The University of New South Wales and used by that University for the purposes of the College.

(2) The Minister shall cause to be constituted a Joint Committee consisting of five members of whom—

- (a) one shall be the Auditor-General, or such person as he may nominate, who shall be Chairman and who shall convene, and preside at, all meetings of that Committee;
- (b) two shall be such persons as are selected by the Council of The University of New South Wales to be representatives of that University; and
- (c) two shall be such persons as are selected by the Council to be representatives of the University.

(3) The function of the Joint Committee is to determine as soon as practicable—

- (a) what property to which this section applies (other than property vested pursuant to section 38) is to be transferred to the University;

University of Wollongong.

- (b) what debts and liabilities in respect of property to which this section applies are to be transferred to the University;
- (c) the manner in which payments on account of leave or upon the retirement or death of a member of the staff of The University of New South Wales who is transferred to the University pursuant to this Act are to be met and the extent to which those payments should be apportioned between The University of New South Wales and the University;
- (d) what books, documents, records and papers are to be handed over to the University; and
- (e) such other matters relating to the matters referred to in paragraphs (a), (b), (c) and (d) as that committee deems necessary or expedient.

(4) Where a difference of opinion arises between the members of the Joint Committee representing The University of New South Wales and the University in respect of a determination of any of the matters referred to in subsection (3) the matter shall be determined in such manner as the Auditor-General or the person nominated by him to represent him on that Committee directs.

(5) Any determination made by the Joint Committee pursuant to subsection (3) shall have effect according to its tenor.

(6) The Chairman of the Joint Committee shall forward or cause to be forwarded to the Minister, The University of New South Wales and the University written notice of any determination it may make with respect to the matters referred to in subsection (3) and each University shall keep a record of that notice.

(7) Upon the receipt of a notice of any determination made by the Joint Committee, The University of New South Wales shall, as soon as practicable, thereafter give effect to the determination.

University of Wollongong.

Persons holding office in the College.

40. (1) In this section a reference to an "officer of the College" is a reference to a person who, immediately before the commencement of this Part, held any salaried office or employment at the College otherwise than as—

- (a) a part-time lecturer, tutor or demonstrator;
- (b) a temporary senior lecturer, lecturer, senior tutor, tutor, senior demonstrator or demonstrator; or
- (c) a staff member employed on a fixed term contract.

(2) Every officer of the College shall become, at the commencement of this Part, an officer and an employee of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment), not less favourable than those upon which he was employed at the College immediately before that commencement, as the Council determines.

(3) The Council may, in determining terms and conditions in respect of the title, duties or status attaching to offices or employment at the University, determine in relation to an officer of the College terms and conditions less favourable than those on which the officer of the College was employed immediately before the commencement of this Part.

(4) An officer of the College shall not have any right to damages or compensation in respect of the termination, in consequence of the commencement of this Part, of his tenure of any office or employment at the College but he shall be entitled to enforce or enjoy any right or privilege to which he was, by virtue of section 2 of the University of New South Wales Act, 1968, entitled immediately before that commencement as if the right or privilege had been conferred by this Act.

Amendments.

41. An Act specified in the first column of the Schedule is amended to the extent specified opposite that Act in the second column of the Schedule.

University of Wollongong.

SCHEDULE.

(Sec. 41.)

(The amending provisions relating to various Acts are not reprinted: Reprints Act, 1972, s. 6.)

NOTE.

HISTORICAL INFORMATION.

Sec. 1—Am. 1978 No. 173, Sch. 2 (1).

Sec. 3—Am. 1982 No. 30, Sch. 1 (1).

Part II (ss. 4–7)—Rep. 1978 No. 173, Sch. 2 (2).

Sec. 9—Am. 1978 No. 173, Sch. 1 (1).

Sec. 10—Am. 1982 No. 30, Sch. 1 (2).

Sec. 12—Am. 1978 No. 173, Sch. 2 (3).

Sec. 14—Rep. 1978 No. 173, Sch. 2 (4).

Sec. 15—Am. 1978 No. 91, s. 3 (a); 1978 No. 173, Schs. 1 (2), 2 (5); 1982 No. 30, Sch. 1 (3).

Sec. 16—Am. 1978 No. 91, s. 3 (b); 1978 No. 173, Sch. 1 (3); 1982 No. 30, Sch. 1 (4).

Sec. 20A—Ins. 1982 No. 30, Sch. 1 (5).

Sec. 24—Rep. 1978 No. 173, Sch. 1 (4).

Sec. 25—Am. 1978 No. 173, Sch. 1 (5).

Sec. 27—Am. 1978 No. 173, Sch. 1 (6).

Sec. 29—Am. 1978 No. 173, Sch. 1 (7).

Sec. 37—Am. 1978 No. 173, Sch. 2 (6).

Secs. 37A, 37B—Ins. 1978 No. 173, Sch. 1 (8).

Sch.—Am. 1974 No. 44, s. 20.

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

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, 23 November, 1972.*

New South Wales



ANNO VICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 72, 1972.

An Act to provide for the establishment and incorporation of a University at Wollongong; to constitute a Council of the University and define its powers, authorities, duties and functions; to vest certain property in the University; to dissolve the Wollongong University College; to amend the Superannuation Act, 1916, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 30th November, 1972.]

BE

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.

University of Wollongong.

BE 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 :—

PART I.

PRELIMINARY.

Short title
and
division
of Act.

1. (1) This Act may be cited as the "University of Wollongong Act, 1972".

(2) This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–3.

PART II.—VICE-CHANCELLOR DESIGNATE—ss. 4–7.

PART III.—THE UNIVERSITY OF WOLLONGONG—ss. 8–41.

SCHEDULE.

Commence-
ment.

2. (1) This section and sections 1 and 3 commence on the date of assent to this Act.

(2) Part II shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(3) Part III shall commence upon such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette being a day that is later than the day appointed pursuant to subsection (2).

Interpre-
tation.

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

"by-laws" means by-laws made under this Act;
"Chancellor"

University of Wollongong.

"Chancellor" means Chancellor of the University;

"College" means Wollongong University College established and maintained by The University of New South Wales under the provisions of the University of New South Wales Act, 1968;

"College Council" means Council of the College;

"Committee" means Selection Committee constituted under Part II;

"Council" means Council of the University;

"Deputy Chancellor" means Deputy Chancellor of the University;

"University" means The University of Wollongong;

"Vice-Chancellor" means Vice-Chancellor of the University.

PART II.

VICE-CHANCELLOR DESIGNATE.

4. (1) The Minister shall constitute a committee consisting of eight members to hold office until the commencement of Part III of whom—

(a) one shall, by reason of his being the holder of, or a person who was the holder of, the office of Vice-Chancellor of any University in Australia, be appointed by the Minister as Chairman of the Committee;

(b)

University of Wollongong.

(b) one shall be appointed by reason of his being the Chairman of the New South Wales Universities Board or a member of that Board nominated by that Chairman to be appointed to the Committee;

(c) two shall be appointed by the Minister; and

(d) four shall be elected members.

(2) The elected members of the Committee shall be qualified as is prescribed by this subsection and shall comprise—

(a) a person who is a professor, and a person who is not a professor, both elected by and from the professors, associate professors, senior lecturers and lecturers of the full-time staff of the College, the Librarian, the Bursar, the Registrar and the Secretary of the College; and

(b) two persons elected by and from the members of the College Council, both being persons who are ineligible for election to the Committee pursuant to paragraph (a).

(3) A casual vacancy occurs in the Committee where—

(a) in the case of the member referred to in subsection (1) (b), that member ceases to be the Chairman of the New South Wales Universities Board, or where the member referred to in subsection (1) (b) is a member of the Board nominated by that Chairman, that member ceases to be a member of the Board;

(b)

University of Wollongong.

- (b) in the case of an elected member, that member ceases to hold the qualification by reason of which he was eligible for election to the Committee;
 - (c) a member dies;
 - (d) a member becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
 - (e) a member resigns his membership in writing under his hand addressed to the Minister; or
 - (f) for any reason the Minister deems fit, a member is removed by the Minister from office as a member of the Committee.
- (4) A casual vacancy shall—
- (a) in the case of an elected member, be filled by a person qualified and elected in accordance with subsection (2); and
 - (b) in any other case, be filled by a person qualified in accordance with subsection (1) (a), (b) or (c) to fill the vacancy concerned.
- (5) Meetings of the Committee shall be convened by the Chairman of the Committee.
- (6) At any meeting of the Committee—
- (a) six members shall form a quorum;
 - (b) a decision of the majority of the members present at the meeting shall be the decision of the Committee; and
 - (c) the Chairman, in the event of there being an equality of votes, may give a casting vote.

(7)

University of Wollongong.

(7) Any act or proceeding of the Committee is, notwithstanding that at any time when the act or proceeding was done, taken or commenced there was—

- (a) a vacancy in the office of the membership of the Committee; or
- (b) any defect in the appointment, or any disqualification, of a member of the Committee,

as valid as if the vacancy, defect or disqualification did not exist and the Committee were fully and properly constituted.

(8) Any election for the purpose of electing the elected members of the Committee shall be conducted by the Registrar of The University of New South Wales at such time or times and in such manner as that Registrar deems fit.

Powers,
duties and
functions
of Com-
mittee.

5. The Committee shall be charged with the power to select a person to be the Vice-Chancellor designate of the University and for that purpose shall—

- (a) at a meeting convened as soon as practicable whenever the Minister notifies the Chairman that there is a vacancy in the office of Vice-Chancellor designate of the University, arrange to call for applications for that office to be made on or before a stated day;
- (b) meet as soon as practicable after that stated day with a view to selecting a person to be the holder of that office;

(c)

University of Wollongong.

- (c) determine in consultation with the Council of The University of New South Wales and the College Council or, where either Council has appointed persons to be its representatives for the purpose, those persons, the terms upon which and conditions subject to which a person may, pursuant to section 6, continue or be appointed as a member of the full-time staff of the College and take office under section 20 (1) as Vice-Chancellor; and
- (d) where a person is selected for appointment to that office, recommend the appointment to the Council of The University of New South Wales.

6. (1) Subject to subsection (2) the Council of The University of New South Wales shall, upon such terms and conditions as are determined pursuant to section 5 (c), appoint the person recommended by the Committee pursuant to section 5 (d) as the Vice-Chancellor designate of the University who shall be a member of the full-time staff of the College.

(2) Notwithstanding the terms and conditions determined pursuant to section 5 (c), where the person appointed under subsection (1) is, at the time of his appointment, a member of the full-time staff of The University of New South Wales, he shall not be appointed to the office of Vice-Chancellor designate of the University upon terms and conditions less favourable than those upon which he was employed immediately before that appointment.

7. (1) Where the Committee is unable to determine any matter the Chairman shall refer the matter to the Minister for resolution.

Reference
of certain
matters to
Minister.

(2)

University of Wollongong.

(2) Any decision of the Minister in respect of any matter referred to him under this section shall be as final and binding as if the decision were made by the Committee.

PART III.**THE UNIVERSITY OF WOLLONGONG.**

Establish-
ment of
University.

8. A University, consisting of—

- (a) a Council;
- (b) Convocation;
- (c) the professors and such other classes of persons giving instruction within the University as may be prescribed by the by-laws and such superior officers within the University as may be so prescribed; and
- (d) the graduates and students of the University,

is hereby established at Wollongong in the State of New South Wales.

Incorpora-
tion of
University.

9. (1) The University is a body corporate under the name of "The University of Wollongong".

(2) The common seal of the University shall be kept in such custody as the Council may direct and shall not be used except by resolution of the Council.

10.

University of Wollongong.

10. The functions of the University shall, within the limits of its resources and subject to this Act and the by-laws, include—

Functions
of the
University.

- (a) the provision at Wollongong or elsewhere of educational facilities at university standard for any persons enrolled therein;
- (b) the dissemination and increase of knowledge and the promotion of scholarship; and
- (c) the conferring and awarding of degrees and diplomas.

11. The University may, for the purpose of discharging its functions, provide from time to time such facilities for its students as it deems desirable.

Facilities
to be
provided for
students.

12. (1) There shall be a Council of the University which, subject to subsection (3), shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Act.

The
Council.

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

(3) The provisions of sections 17, 18 and 19 do not apply to and in respect of the Council constituted under section 14.

13.

University of Wollongong.

Committees. **13.** (1) The Council may by resolution appoint such committees as it thinks fit to assist and advise it in the carrying out of its functions and the exercise of its powers under this Act.

(2) A committee appointed under subsection (1) shall have, and may exercise and discharge, such powers, authorities, duties and functions as the Council may determine.

Constitution
of first
Council.

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

- (a) the persons who immediately before the commencement of this Part held office as members of the College Council other than such members of that Council as, at that commencement, are members of the full-time staff of The University of New South Wales; and
- (b) the person who, immediately before that commencement, held office, pursuant to section 6, as Vice-Chancellor designate of the University, unless he becomes a member of the Council pursuant to paragraph (a).

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section 15 assumes office.

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

(4)

University of Wollongong.

(4) The first meeting of the first Council shall be convened by the Vice-Chancellor who shall preside until a Chairman is elected pursuant to subsection (6).

(5) At any meeting of the first Council one-half (or where one-half is not a whole number the whole number next higher than one-half) of the total number of members for the time being of that Council, shall form a quorum.

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

(7) Subject to subsection (4), at every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall elect a person from among their number to preside as Chairman.

(8) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section 15 so as to take office within six months after the commencement of this Part or within such extended time as the Governor may, by proclamation published in the Gazette at any time during that period of six months, specify.

15. (1) The Council, other than the first Council—
- (a) shall be constituted in accordance with this section; and
- (b) shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

Constitution
of Council
other than
first
Council.

(2)

University of Wollongong.

(2) The Council shall consist of—

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

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

(a) a member of the Legislative Council elected by that Council—

(i) as soon as practicable after the commencement of this Part and thereafter as soon as practicable after the commencement of the term of service of the members of that Council elected as required by section 17F (5) of the Constitution Act, 1902; or

(ii) where there is a casual vacancy in the office of a parliamentary member of the Council held pursuant to subparagraph (i), as soon as practicable after that office becomes vacant; and

(b) a member of the Legislative Assembly elected by that Assembly—

(i) as soon as practicable after the commencement of this Part and thereafter as soon as practicable after each general election of members of the Legislative Assembly; or

(ii) where there is a casual vacancy in an office of a parliamentary member of the Council held pursuant to subparagraph (i), as soon as practicable after that office becomes vacant.

(4)

University of Wollongong.

(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; and
- (b) the person for the time being holding the office of Vice-Chancellor.

(5) The nominated members shall comprise four persons appointed by the Governor on the nomination of the Minister.

(6) The elected student members of the Council shall comprise two persons who are qualified and elected in each case as may be prescribed by the by-laws by and from persons who are enrolled as candidates proceeding to a degree or diploma in the University (other than persons so enrolled who are members of the full-time staff of the University).

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

- (a) three persons, none of whom shall be a member of the full-time staff of the University, so elected by such of the members of Convocation as are included in a list prepared for the purposes of this subsection in accordance with the by-laws;
- (b) four persons, of whom one shall not be, and each of the others shall be, a professor within the University, so elected by and from 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;

(c)

University of Wollongong.

(c) one person, being a member of the staff of the University ineligible for election pursuant to paragraph (b), so elected by and from such members of the staff of the University as may be prescribed by the by-laws; and

(d) three persons so elected by the members of the Council for the time being referred to in subsections (3), (4), (5), (6) and paragraphs (a), (b) and (c).

(8) Where a person (not being a person who is a member of the Council) is appointed at any time by the Council to act in the place of the Vice-Chancellor, that person shall, while so acting, be deemed to be an official member of the Council.

(9) 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;

(c) in the case of a nominated member, for such term not exceeding three years as may be prescribed by the by-laws; and

(d) in the case of an elected member, for such term not exceeding three years as may be prescribed by the by-laws.

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

(11) A casual vacancy shall—

(a) in the case of a nominated member, be filled by such person as the Governor may appoint; and

(b)

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(b) in the case of an elected member, be filled by a person qualified in accordance with subsection (6) or (7) to be elected to the vacancy concerned in such manner as may be prescribed by the by-laws, and any member filling a casual vacancy under this subsection shall hold office for the residue of his predecessor's term of office.

(12) A by-law for the purposes of subsection (6) or (7) may be made with respect to—

- (a) all persons of a specified class; or
- (b) all persons of a specified class other than persons of a specified class or classes.

(13) A by-law for the purposes of subsection (9) (c) and (d) may—

- (a) prescribe a term of office by reference to determined, or determinable, days of commencement and termination;
- (b) prescribe different terms of office in respect of the nominated members or the different classes of elected members; and
- (c) provide for the retirement in rotation of the nominated members or the different classes of elected members.

16. A member of the Council shall be deemed to have ^{Vacation of} vacated his office if he— _{office.}

- (a) dies;
- (b) in the case of a nominated or elected member, transfers his place of permanent residence to a place that is not within the State or the Australian Capital Territory;
- (c) declines to act;

(d)

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(d) resigns his office by writing under his hand addressed—

- (i) in the case of the parliamentary member who is a member of the Legislative Council, to the President of the Legislative Council;
- (ii) in the case of the parliamentary member who is a member of the Legislative Assembly, to the Speaker of the Legislative Assembly;
- (iii) in the case of a nominated member, to the Minister; or
- (iv) in the case of an elected member, to the Vice-Chancellor;

(e) is a nominated or elected member who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his estate for their benefit;

(f) is a nominated or elected member who becomes a temporary patient or a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;

(g) is a nominated member or elected member and absents himself from four consecutive meetings of the Council without leave of the Council;

(h) ceases, in the case of the parliamentary member elected by the Legislative Council, to be a member of the Legislative Council;

(i) ceases, in the case of the parliamentary member elected by the Legislative Assembly—

- (i) to be a member of that Assembly otherwise than by reason of its dissolution or its expiration by effluxion of time; or

(ii)

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- (ii) to be a member of that Assembly by reason of its dissolution or its expiration by effluxion of time and is not re-elected as a member of that Assembly at the next general election of members of that Assembly; or
- (j) being an elected member referred to in section 15 (7) (b) or (c), ceases to be an employee of the University.

17. (1) The Council shall, at its first meeting and whenever a vacancy in the office of Chancellor occurs, elect a person (whether a member of the Council or not) to be Chancellor of the University. ^{Election of Chancellor.}

(2) The Chancellor shall hold office for such period not exceeding three years and on such terms and conditions as may be prescribed by the by-laws.

18. (1) The Council shall, at its first meeting and whenever a vacancy in the office of Deputy Chancellor occurs, elect one of its members to be Deputy Chancellor of the University. ^{Deputy Chancellor.}

(2) The Deputy Chancellor shall, unless he sooner ceases to be a member of the Council, hold office for one year from the date of his election and on such conditions as may be prescribed by the by-laws.

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

19.

University of Wollongong.

Chairman.

19. (1) The Chancellor shall preside at all meetings of the Council and all committees constituted by the Council at which he is present.

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

Appoint-
ment of
Vice-
Chancellor.

20. (1) The first Vice-Chancellor of the University shall be the person who, immediately before the commencement of this Part, was the member of the full-time staff of the College holding office as Vice-Chancellor designate pursuant to section 6 (1) and he shall, subject to this section, continue in office under the terms and conditions determined under section 5 (c) in relation to his tenure of the office of Vice-Chancellor.

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

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

(4) The Vice-Chancellor shall be the chief executive officer of the University and shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and, subject to the by-laws, as the Council determines.

Quorum.

21. At any meeting of the Council one-half (or where one-half is not a whole number the whole number next higher than one-half) of the total number of members for the time being of the Council, shall form a quorum.

22.

University of Wollongong.

22. Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is eligible and otherwise qualified, for the time being, to hold that office or place.

Re-appoint-
ment or
re-election.

23. (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor or any other person acting pursuant to any direction of the Council, shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy or a number of vacancies in the office or offices of any member or members of the Council.

Validity of
acts and
proceedings.

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

24. The provisions of the Public Service Act, 1902, do not apply to and in respect of the appointment of any member of the Council, and a member shall not, as such a member, be subject to the provisions of that Act.

Public
Service Act
not to
apply.

25.

University of Wollongong.

Powers of
Council.

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

- (a) may provide such courses as it deems fit and in conferring and awarding degrees and diplomas issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- (c) shall have the control and management of the affairs and concerns of the University and may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University;
- (d) may acquire by gift, bequest or devise any property for the purposes of this Act and may agree to carry out the conditions of any such gift, bequest or devise;
- (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, for the renewal of loans or the discharge or partial discharge of any indebtedness to the Treasurer or to any bank within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Treasurer may approve;
- (f) may invest any funds belonging to or vested in the University in any manner for the time being authorised for the investment of trust funds or in any manner approved by the Governor, generally or in any particular case or class of cases, upon the recommendation of the Treasurer; and

(g)

University of Wollongong.

- (g) shall have the control and management of all real and personal property at any time vested in or acquired by the University, and may, subject to subsection (2), dispose of real or personal property in the name and on behalf of the University.

(2) Except as provided in subsection (3) the Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any lands of the University.

(3) The Council may, without the approval of the Governor, lease any lands of the University where—

- (a) the term of the lease does not exceed twenty-one years; and
- (b) subject to subsection (4) (b), there is reserved for the whole of the term, the highest rent that can reasonably be obtained without fine.

(4) In the case of a lease of any lands of the University or any renewal thereof to a residential college affiliated with the University, the lease shall—

- (a) be for a term not exceeding ninety-nine years;
- (b) be at a nominal rent; and
- (c) contain such other conditions as the University deems fit including a condition that the lease shall not be assigned.

(5) The rule of law against remoteness of vesting does not apply to and in respect of any condition of a gift, bequest or devise to which the University has agreed.

University of Wollongong.

**Delegation
by Council.**

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

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

By-laws.

27. (1) The Council may make by-laws, not inconsistent with this Act, with respect to all matters pertaining to the University.

(2) Without prejudice to the generality of subsection (1) the Council may make by-laws for or 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 and 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)

University of Wollongong.

- (e) the entrance standards for students;
- (f) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and conferring of degrees and diplomas, and the exemption from, or deferment of, payment of fees and charges;
- (g) the course of lectures or studies for, the examinations for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates therefor;
- (h) the examinations for, and the granting of, fellowships, scholarships, exhibitions, bursaries and prizes;
- (i) 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;
- (j) the establishment of residential colleges and halls of residence within the University and their conduct or the affiliation of residential colleges;
- (k) the affiliation with the University of any educational or research establishment;
- (l) the provision of a scheme of superannuation for the professors of the University; and
- (m) the form and use of academic costume.

(3) Every by-law made by the Council shall be sealed with the common seal of the University and shall be submitted for the approval of the Governor.

28. (1) 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

Regulations,
rules or
orders.

University of Wollongong.

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.

(2) Any regulation, rule or order referred to in subsection (1)—

- (a) shall have the same force and effect as a by-law;
- (b) may, from time to time as the occasion requires, be amended or repealed by any authority (including the Council) or officer of the University empowered by subsection (1) to make such a regulation, rule or order; and
- (c) shall be deemed not to be within the meaning of the term "regulation" as defined in section 41 of the Interpretation Act, 1897.

Convocation. **29.** (1) Convocation shall consist of—

- (a) all members and past members of the Council;
- (b) all graduates of the University;
- (c) all members of the full-time academic staff of the University and such other members or classes of members of the staff of the University as the by-laws may prescribe;
- (d) such graduates of other universities, or other persons, as are, in accordance with the by-laws, admitted as members of Convocation; and
- (e) without prejudice to the generality of paragraph (d), graduates of The University of New South Wales who spent at least three years as properly enrolled students of the College.

(2)

University of Wollongong.

(2) The first meeting of Convocation shall be convened by the Vice-Chancellor.

(3) Meetings of Convocation shall be convened and the business at such meetings shall, subject to the by-laws, be as determined by Convocation.

(4) A quorum at any meeting of Convocation shall be such number of members as may be prescribed by the by-laws.

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

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

30. (1) There shall be paid to the University in respect of the year commencing upon the first day of January of the year of commencement of this Part and in respect of each succeeding year, such sum as the Treasurer may, upon taking into consideration the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements, determine. Treasurer
to meet
certain
costs.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection (1) the University shall, in respect of the year commencing upon the first day of January that next preceded the

commencement

University of Wollongong.

commencement of this Part, as soon as practicable after that commencement, and in respect of each succeeding year either before or as soon as practicable after its commencement, submit to the Treasurer estimates of the expenditure and income of the University for that 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.

**Advance by
Treasurer.**

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

**Accounts to
be rendered**

32. 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 for the year.

Audit.

33. (1) The accounts of the University shall be audited by the Auditor-General who shall, in respect thereof, have all the powers conferred on the Auditor-General by any law for the time being in force relating to the audit of public accounts.

(2) The provisions of the Audit Act, 1902, apply to and in respect of the members of the Council and to the officers and employees of the University in the same manner as they apply to accounting officers of public departments.

34.

University of Wollongong.

34. (1) As soon as practicable after the first day of January 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 including a summary of the work, researches and investigations carried out by the University during that period. **Report of proceedings.**

(2) A copy of each report under subsection (1) shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

35. A person shall not, by reason of his religious or political views or beliefs, be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof. **No religious test or political discrimination.**

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

37. (1) The Council shall allow such persons as are— **Teachers' college students and school teachers.**

- (a) students of teachers' colleges established under the Public Instruction Act of 1880, teachers in schools established under that Act or members of the Public Service of New South Wales approved by the Minister;
- (b) qualified in such manner as may be prescribed by the by-laws to be enrolled as students of the University;
- (c) selected by the University for admission to the University; and

(d)

University of Wollongong.

(d) not otherwise excluded from the University, to attend University lectures for the purpose of proceeding to a first degree and to receive tuition for the period required for admission to that degree without payment of lecture, class or tuition fees.

(2) Nothing in subsection (1) shall exempt any person referred to in that subsection from the payment of such fees, other than lecture, class or tuition fees, as may be approved by the Council.

Provisions
relating to
Wollongong
University
College.

38. (1) The College is hereby dissolved.

(2) All real and personal property which immediately before the commencement of this Part was held by or was vested in The University of New South Wales or any other body in trust for, or on behalf of, the College shall, by virtue of this Act, be divested from The University of New South Wales or such other body and shall vest in the University to be applied by the University, subject to any trusts or conditions on which it was held immediately before that commencement, for the objects and purposes for which the University is established.

Transfer by
University
of New
South Wales
of certain
property to
University.

39. (1) This section applies to and in respect of real and personal property, including real and personal property vested in the University pursuant to section 38 (2), which immediately before the commencement of this Part was held by or was vested in The University of New South Wales and used by that University for the purposes of the College.

(2) The Minister shall cause to be constituted a Joint Committee consisting of five members of whom—

(a) one shall be the Auditor-General, or such person as he may nominate, who shall be Chairman and who shall convene, and preside at, all meetings of that Committee;

(b)

University of Wollongong.

- (b) two shall be such persons as are selected by the Council of The University of New South Wales to be representatives of that University; and
- (c) two shall be such persons as are selected by the Council to be representatives of the University.

(3) The function of the Joint Committee is to determine as soon as practicable—

- (a) what property to which this section applies (other than property vested pursuant to section 38) is to be transferred to the University;
- (b) what debts and liabilities in respect of property to which this section applies are to be transferred to the University;
- (c) the manner in which payments on account of leave or upon the retirement or death of a member of the staff of The University of New South Wales who is transferred to the University pursuant to this Act are to be met and the extent to which those payments should be apportioned between The University of New South Wales and the University;
- (d) what books, documents, records and papers are to be handed over to the University; and
- (e) such other matters relating to the matters referred to in paragraphs (a), (b), (c) and (d) as that committee deems necessary or expedient.

(4) Where a difference of opinion arises between the members of the Joint Committee representing The University of New South Wales and the University in respect of a determination of any of the matters referred to in subsection (3) the matter shall be determined in such manner as the Auditor-General or the person nominated by him to represent him on that Committee directs.

(5)

University of Wollongong.

(5) Any determination made by the Joint Committee pursuant to subsection (3) shall have effect according to its tenor.

(6) The Chairman of the Joint Committee shall forward or cause to be forwarded to the Minister, The University of New South Wales and the University written notice of any determination it may make with respect to the matters referred to in subsection (3) and each University shall keep a record of that notice.

(7) Upon the receipt of a notice of any determination made by the Joint Committee, The University of New South Wales shall, as soon as practicable, thereafter give effect to the determination.

Persons
holding
office in
the
College.

40. (1) In this section a reference to an "officer of the College" is a reference to a person who, immediately before the commencement of this Part, held any salaried office or employment at the College otherwise than as—

- (a) a part-time lecturer, tutor or demonstrator;
- (b) a temporary senior lecturer, lecturer, senior tutor, tutor, senior demonstrator or demonstrator; or
- (c) a staff member employed on a fixed term contract.

(2) Every officer of the College shall become, at the commencement of this Part, an officer and an employee of the University on such terms and conditions (including terms and conditions as to remuneration and duration of appointment), not less favourable than those upon which he was employed at the College immediately before that commencement, as the Council determines.

(3) The Council may, in determining terms and conditions in respect of the title, duties or status attaching to offices or employment at the University, determine in relation to an officer of the College terms and conditions less favourable than those on which the officer of the College was employed immediately before the commencement of this Part.

(4)

University of Wollongong.

(4) An officer of the College shall not have any right to damages or compensation in respect of the termination, in consequence of the commencement of this Part, of his tenure of any office or employment at the College but he shall be entitled to enforce or enjoy any right or privilege to which he was, by virtue of section 2 of the University of New South Wales Act, 1968, entitled immediately before that commencement as if the right or privilege had been conferred by this Act.

41. An Act specified in the first column of the Schedule is amended to the extent specified opposite that Act in the second column of the Schedule. **Amendments.**

SCHEDULE.**Sec. 41.**

First Column.		Second Column.
Year and No. of Act.	Short title.	Extent of amendment.
1916, No. 28.	Super-annuation Act, 1916.	<p>Insert in the definition of "Employee" in section 3 (1) after the words "University of New South Wales," the words "or, subject to subsection (5), a professor of The University of Wollongong,".</p> <p>Insert next after section 3 (4) the following new subsection:—</p> <p>(5) (a) Subject to this subsection the exclusion from the definition of "Employee" of a professor of The University of Wollongong shall not extend to a person whose rights as a contributor are continued by section 40 of the University of Wollongong Act, 1972.</p>

SCHEDULE

*University of Wollongong.*SCHEDULE—*continued.*

First Column.		Second Column.
Year and No. of Act.	Short title.	Extent of amendment.
1916, No. 28 — <i>continued.</i>	Superannuation Act, 1916— <i>continued.</i>	(b) A professor of The University of Wollongong shall cease to be a contributor if, after the commencement of Part III of the University of Wollongong Act, 1972, he becomes, or continues to be, 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 (3) shall apply, mutatis mutandis, to professors of The University of Wollongong other than those who are employees by virtue of paragraph (a). Insert at the end of Schedule III the following words:— The University of Wollongong.
1919, No. 41.	Local Government Act, 1919.	Insert next after section 132 (1) (iv) the following new paragraph:— (fv) land which is vested in The University of Wollongong or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof; and.
1924, No. 50.	Metropolitan Water, Sewerage, and Drainage Act, 1924.	Insert next after section 88 (1) (f2) the following new paragraph:— (f3) land which is vested in The University of Wollongong or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof.

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 30th November, 1972.