

CONCURRENCE COPY

UNIVERSITY OF NEW ENGLAND (AMENDMENT) BILL, 1978

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to enable a graduate or student of The University of New England to be exempted by the Council of the University from membership of the body corporate on grounds of conscience (Schedule 1 (1));
 - (b) to change a reference to the Professorial Board of the University to a reference to the Academic Board (Schedule 1 (2) (a));
 - (c) to provide that one of the members of the Council of the University shall be a person elected by the full time members of the non-academic staff of the University (Schedule 1 (2) (c));
 - (d) to enable certain persons to be exempted by the Council of the University from membership of Convocation on grounds of conscience (Schedule 1 (4));
 - (e) to make it clear that the Council of the University may make by-laws relating to fees and charges payable in respect of student organisations and in respect of such other matters as the Council may determine (Schedule 1 (6));
 - (f) to enable the University to acquire land by resumption or appropriation (Schedule 1 (7));
 - (g) to provide that various functions performed now by the Governor under the University of New England Act, 1953, will be performed by the Minister;
 - (h) to make certain amendments to the University of New England Act, 1953, by way of statute law revision (Schedule 2); and
 - (i) to make other provisions of a minor, consequential or ancillary nature.
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Act No. 1978.

**UNIVERSITY OF NEW ENGLAND (AMENDMENT)
BILL, 1978**

No. , 1978.

A BILL FOR

An Act to amend the University of New England Act, 1953, to make further provision with respect to By-laws relating to fees and charges; to provide for the election of a member of the Council of the University by the full time members of the non-academic staff of the University; to enable the University to acquire land by resumption or appropriation; and for certain other purposes.

[MR BEDFORD—2 March, 1978.]

University of New England (Amendment).

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 :—

5 **1.** This Act may be cited as the "University of New England Short title. (Amendment) Act, 1978".

2. (1) Except as provided in subsections (2) to (7), this Commence-
Act shall commence on the date of assent to this Act. ment.

(2) Section 4 shall, in its application to a provision of
10 Schedule 1 or 2, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) The several provisions of Schedules 1 and 2, except
Schedule 1 (2) (b) to (f) and Schedule 1 (6), shall commence
15 on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

(4) For the purposes only of the election of a person to
hold office as a member of the Council under section 10 (4) (c1)
20 of the University of New England Act, 1953, as amended by this Act, and of any matters necessary for or incidental to that election, the provisions of Schedule 1 (2) (b) to (f) shall commence on the date of assent to this Act.

(5) The person elected under section 10 (4) (c1) of the
25 University of New England Act, 1953, as amended by this Act, shall assume office as a member of the Council upon the day appointed and notified under subsection (6).

(6) Schedule 1 (2) (b) to (f) shall commence for all
purposes on such day as may be appointed by the Governor in
30 respect thereof and as may be notified by proclamation published in the Gazette.

University of New England (Amendment).

(7) Schedule 1 (6) shall be deemed to have commenced on 1st February, 1954.

3. This Act contains the following Schedules :—

Schedules.

5 SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953.

SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953, BY WAY OF STATUTE LAW REVISION.

10 4. The University of New England Act, 1953, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 34, 1953.

15 5. A person who, immediately before the date of commencement of Schedule 1 (2) (g), held office as a member of the Council of The University of New England by virtue of his appointment to that office by the Governor shall, on and from that date, continue to hold that office for the residue of the period for which he would have held that office if this Act had not been enacted and shall, subject to the University of New England Act, 1953, as amended by this Act, be eligible for re-appointment. Saving—members of the Council.

SCHEDULE 1.

Sec. 4.

20 AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953.

(1) (a) Section 4 (1)—

25 Omit “and Convocation and graduate and undergraduate members”, insert instead “, Convocation, graduates of the University and students enrolled as candidates proceeding to a degree or diploma at the University”.

University of New England (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND
ACT, 1953—*continued.*

(b) Section 4 (3)—

5 After section 4 (2), insert :—

10 (3) Notwithstanding subsections (1) and (2), a
graduate of the University or a student enrolled as a
candidate proceeding to a degree or diploma at the
University may be exempted by the Council, on
grounds of conscience, from membership of the body
corporate.

(2) (a) Section 10 (3) (c)—

Omit "Professorial", insert instead "Academic".

(b) Section 10 (4) (c)—

15 Omit "and".

(c) Section 10 (4) (c1)—

After section 10 (4) (c), insert :—

20 (c1) one person so elected by such members of the
full time staff of the University who are not
members of the academic staff as may be
prescribed by the By-laws; and

(d) Section 10 (4) (iii)—

Omit "and".

(e) Section 10 (4) (iv)—

25 Omit "that paragraph.", insert instead "that
paragraph; and".

University of New England (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND
ACT, 1953—*continued.*

(f) Section 10 (4) (v)—

5 After section 10 (4) (iv), insert :—

 (v) a person who is not a member of the full time
 staff of the University referred to in paragraph
 (c1) shall be ineligible to be elected as a
10 member of the Council in pursuance of that
 paragraph.

(g) Section 10 (5)—

 Omit “Governor”, insert instead “Minister”.

(3) (a) Section 14 (2) (a)—

 Omit “Governor”, insert instead “Minister”.

15 (b) Section 14 (5)—

 Omit “Governor” wherever occurring, insert instead
 “Minister”.

(4) Section 15 (1A)—

 After section 15 (1), insert :—

20 (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.

(5) Section 24 (2)—

25 Omit “Governor”, insert instead “Minister”.

University of New England (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND
ACT, 1953—*continued.*

(6) Section 25 (1) (q), (q1)—

5 Omit section 25 (1) (q), insert instead :—

(q) 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;
- 10 (ii) tuition;
- (iii) lectures and classes;
- (iv) examinations;
- (v) residence;
- (vi) the conferring of degrees and diplomas;
- 15 (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;

20 (q1) The exemption from, or deferment of, payment of fees and charges, including fines;

(7) Sections 37A, 37B—

After section 37, insert :—

25 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. Acquisition of land.

University of New England (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND
ACT, 1953—*continued.*

5 (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 of all necessary charges and expenses incidental to the resumption or appropriation.

10 (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
15 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.

20 37B. (1) Where land is vested in the Minister 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), the Minister may convey or transfer that land to the University for such
25 estate, and subject to such trusts and rights of way or other easements, as he thinks fit.

Transfer of
land to
University.

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

30 (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 New England (Amendment).

SCHEDULE 2.

Sec. 4.

**AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953,
BY WAY OF STATUTE LAW REVISION.****(1) Long title—**

5 Omit “—1952”.

(2) (a) Section 10 (2) (a)—Omit “subsection five of section 17F”, insert instead
“section 17F (5)”.**(b) Section 10 (3) (d)—**10 Omit “Teachers’ College”, insert instead “College of
Advanced Education”.**(c) Section 10 (8), (9)—**

Omit the subsections.

(3) (a) Section 11 (b)—

15 Omit the paragraph, insert instead :—

(b) is bankrupt, applies to take the benefit of any
law for the relief of bankrupt or insolvent
debtors, compounds with his creditors or
makes an assignment of his remuneration for
20 their benefit;**(b) Section 11 (d)—**

Omit the paragraph, insert instead :—

(d) is a temporary patient, 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
25 under Part VII of that Act,

University of New England (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953,
BY WAY OF STATUTE LAW REVISION—*continued.*

(4) Section 25 (3), (4)—

5 Omit the subsections, insert instead :—

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

10 (4) Section 41 of the Interpretation Act, 1897, applies in respect of a By-law made under this Act and approved by the Governor under subsection (3) as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(5) (a) Section 33 (1)—

15 Omit “students of teachers’ colleges established under the Public Instruction Act of 1880, such teachers in schools established under that Act”, insert instead “teachers in schools established under the Public Instruction Act of 1880”.

20 (b) Section 33 (1)—

Omit “such students, teachers”, insert instead “such teachers”.

(6) Section 35—

Omit “and any Acts amending the same.”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1978

**UNIVERSITY OF NEW ENGLAND (AMENDMENT)
BILL, 1978**

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to enable a graduate or student of The University of New England to be exempted by the Council of the University from membership of the body corporate on grounds of conscience (Schedule 1 (1));
 - (b) to change a reference to the Professorial Board of the University to a reference to the Academic Board (Schedule 1 (2) (a));
 - (c) to provide that one of the members of the Council of the University shall be a person elected by the full time members of the non-academic staff of the University (Schedule 1 (2) (c));
 - (d) to enable certain persons to be exempted by the Council of the University from membership of Convocation on grounds of conscience (Schedule 1 (4));
 - (e) to make it clear that the Council of the University may make by-laws relating to fees and charges payable in respect of student organisations and in respect of such other matters as the Council may determine (Schedule 1 (6));
 - (f) to enable the University to acquire land by resumption or appropriation (Schedule 1 (7));
 - (g) to provide that various functions performed now by the Governor under the University of New England Act, 1953, will be performed by the Minister;
 - (h) to make certain amendments to the University of New England Act, 1953, by way of statute law revision (Schedule 2); and
 - (i) to make other provisions of a minor, consequential or ancillary nature.
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UNIVERSITY OF NEW ENGLAND (AMENDMENT) BILL, 1953

EXPLANATORY NOTE

(This explanatory note relates to this Bill as introduced into Parliament.)

The objects of the Bill are—

(a) to enable a graduate or student of the University of New England to be exempted from the Council of the University from membership of the University on grounds of conscience (Schedule 1 (1));

(b) to change a reference in the Statute Book of the University to a reference to the Academic Board (Schedule 1 (2) (a));

(c) to provide that one of the members of the Council of the University shall be a person nominated by the full-time members of the non-student staff of the University (Schedule 1 (2) (c));

(d) to make certain provisions relating to the Council of the University from membership of Council which are in force at the date of the Bill; and

(e) to make it clear that the Council of the University may make by-laws relating to fees and charges payable in respect of student organisations and to the conduct of such organisations in the Council may determine the fees and charges payable in respect of such organisations (Schedule 1 (3)).

(f) to enable the University to receive land by donation or appropriation (Schedule 1 (3)).

(g) to give the University power to make by-laws relating to the University and the University of New England (Schedule 1 (3)).

(h) to make certain amendments in the University of New England Act, 1952, by way of statute law revision (Schedule 2); and

(i) to make other provisions of a minor consequential or ancillary nature.

**UNIVERSITY OF NEW ENGLAND (AMENDMENT)
BILL, 1978**

No. , 1978.

A BILL FOR

An Act to amend the University of New England Act, 1953, to make further provision with respect to By-laws relating to fees and charges; to provide for the election of a member of the Council of the University by the full time members of the non-academic staff of the University; to enable the University to acquire land by resumption or appropriation; and for certain other purposes.

[MR FERGUSON—2 March, 1978.]

University of New England (Amendment).

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 :—

5 **1.** This Act may be cited as the "University of New England Short title.
(Amendment) Act, 1978".

2. (1) Except as provided in subsections (2) to (7), this Commence-
Act shall commence on the date of assent to this Act. ment.

(2) Section 4 shall, in its application to a provision of
10 Schedule 1 or 2, commence or be deemed to have commenced on
the day on which that provision commences or is deemed to have
commenced, as the case may require.

(3) The several provisions of Schedules 1 and 2, except
Schedule 1 (2) (b) to (f) and Schedule 1 (6), shall commence
15 on such day or days as may be appointed by the Governor in
respect thereof and as may be notified by proclamation published
in the Gazette.

(4) For the purposes only of the election of a person to
hold office as a member of the Council under section 10 (4) (c1)
20 of the University of New England Act, 1953, as amended by this
Act, and of any matters necessary for or incidental to that election,
the provisions of Schedule 1 (2) (b) to (f) shall commence on
the date of assent to this Act.

(5) The person elected under section 10 (4) (c1) of the
25 University of New England Act, 1953, as amended by this Act,
shall assume office as a member of the Council upon the day
appointed and notified under subsection (6).

(6) Schedule 1 (2) (b) to (f) shall commence for all
purposes on such day as may be appointed by the Governor in
30 respect thereof and as may be notified by proclamation published
in the Gazette.

University of New England (Amendment).

(7) Schedule 1 (6) shall be deemed to have commenced on 1st February, 1954.

3. This Act contains the following Schedules :—

Schedules.

5 SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953.

SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953, BY WAY OF STATUTE LAW REVISION.

10 4. The University of New England Act, 1953, is amended in the manner set forth in Schedules 1 and 2.

Amendment of Act No. 34, 1953.

15 5. A person who, immediately before the date of commencement of Schedule 1 (2) (g), held office as a member of the Council of The University of New England by virtue of his appointment to that office by the Governor shall, on and from that date, continue to hold that office for the residue of the period for which he would have held that office if this Act had not been enacted and shall, subject to the University of New England Act, 1953, as amended by this Act, be eligible for re-appointment.

Saving—members of the Council.

SCHEDULE 1.

Sec. 4.

20 AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953.

(1) (a) Section 4 (1)—

25 Omit “and Convocation and graduate and undergraduate members”, insert instead “, Convocation, graduates of the University and students enrolled as candidates proceeding to a degree or diploma at the University”.

University of New England (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND
ACT, 1953—*continued.*

(b) Section 4 (3)—

5 After section 4 (2), insert :—

(3) Notwithstanding subsections (1) and (2), a
graduate of the University or a student enrolled as a
candidate proceeding to a degree or diploma at the
10 University may be exempted by the Council, on
grounds of conscience, from membership of the body
corporate.

(2) (a) Section 10 (3) (c)—

Omit "Professorial", insert instead "Academic".

(b) Section 10 (4) (c)—

15 Omit "and".

(c) Section 10 (4) (c1)—

After section 10 (4) (c), insert :—

(c1) one person so elected by such members of the
full time staff of the University who are not
20 members of the academic staff as may be
prescribed by the By-laws; and

(d) Section 10 (4) (iii)—

Omit "and".

(e) Section 10 (4) (iv)—

25 Omit "that paragraph.", insert instead "that
paragraph; and".

University of New England (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND
ACT, 1953—*continued.*

(f) Section 10 (4) (v)—

5 After section 10 (4) (iv), insert :—

(v) a person who is not a member of the full time
staff of the University referred to in paragraph
(c1) shall be ineligible to be elected as a
10 member of the Council in pursuance of that
paragraph.

(g) Section 10 (5)—

Omit "Governor", insert instead "Minister".

(3) (a) Section 14 (2) (a)—

Omit "Governor", insert instead "Minister".

15 (b) Section 14 (5)—

Omit "Governor" wherever occurring, insert instead
"Minister".

(4) Section 15 (1A)—

After section 15 (1), insert :—

20 (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.

(5) Section 24 (2)—

25 Omit "Governor", insert instead "Minister".

University of New England (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND
ACT, 1953—*continued.*

(6) Section 25 (1) (q), (q1)—

5 Omit section 25 (1) (q), insert instead :—

(q) 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;

10 (ii) tuition;

(iii) lectures and classes;

(iv) examinations;

(v) residence;

(vi) the conferring of degrees and diplomas;

15 (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;

20 (q1) The exemption from, or deferment of, payment of fees and charges, including fines;

(7) Sections 37A, 37B—

After section 37, insert :—

25 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. Acquisition of land.

University of New England (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND
ACT, 1953—*continued.*

5 (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 of all necessary charges and expenses incidental to the resumption or appropriation.

10 (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
15 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.

20 37B. (1) Where land is vested in the Minister 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), the Minister may
25 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.

Transfer of
land to
University.

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

30 (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 New England (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953,
BY WAY OF STATUTE LAW REVISION.

(1) Long title—

5 Omit “-1952”.

(2) (a) Section 10 (2) (a)—

Omit “subsection five of section 17F”, insert instead
“section 17F (5)”.

(b) Section 10 (3) (d)—

10 Omit “Teachers’ College”, insert instead “College of
Advanced Education”.

(c) Section 10 (8), (9)—

Omit the subsections.

(3) (a) Section 11 (b)—

15 Omit the paragraph, insert instead :—

(b) is bankrupt, applies to take the benefit of any
law for the relief of bankrupt or insolvent
debtors, compounds with his creditors or
makes an assignment of his remuneration for
20 their benefit;

(b) Section 11 (d)—

Omit the paragraph, insert instead :—

(d) is a temporary patient, a continued treatment
25 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,

University of New England (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953,
BY WAY OF STATUTE LAW REVISION—*continued.*

(4) Section 25 (3), (4)—

5 Omit the subsections, insert instead :—

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

10 (4) Section 41 of the Interpretation Act, 1897, applies in respect of a By-law made under this Act and approved by the Governor under subsection (3) as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(5) (a) Section 33 (1)—

15 Omit “students of teachers’ colleges established under the Public Instruction Act of 1880, such teachers in schools established under that Act”, insert instead “teachers in schools established under the Public Instruction Act of 1880”.

20 (b) Section 33 (1)—

Omit “such students, teachers”, insert instead “such teachers”.

(6) Section 35—

Omit “and any Acts amending the same,”.

SCHEDULE 2—continued.

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT 1953
BY WAY OF STATUTE LAW REVISION—continued.

(4) Section 22 (3) (4) —

Over the appropriate insert instead:—

(3) Every By-law made by the Council shall be sealed with the common seal of the University and submitted for consideration and approval of the Governor.
Section 41 of the Interpretation Act 1987 applies in respect of a By-law made under this Act and approved by the Governor under subsection (3) of this Act and from passed after the commencement of the Interpretation (Amendment) Act 1989.

(5) Section 23 (1) —

Omit "students of teachers' colleges established under the Public Instruction Act of 1880" such teachers in schools established under that Act" insert instead "teachers in schools established under the Public Instruction Act of 1880".

(6) Section 25 (1) —

Omit "such students teachers" insert instead "such teachers".

(7) Section 25 —

Omit "and any Act amending the same".