

**UNIVERSITY OF NEWCASTLE (AMENDMENT) BILL, 1978**  
**(No. 2)**

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**EXPLANATORY NOTE**

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

This Bill is cognate with the University and University Colleges (Amendment) Bill, 1978 (No. 2).

The objects of this Bill are—

- (a) to enable a graduate or student of The University of Newcastle to be exempted by the Council of the University from membership of the body corporate on grounds of conscience (Schedule 1 (1));
  - (b) to enable certain persons to be exempted by the Council of the University from membership of Convocation on grounds of conscience (Schedule 1 (3));
  - (c) 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));
  - (d) to enable the University to acquire land by resumption or appropriation (Schedule 1 (7));
  - (e) to provide that various functions performed now by the Governor under the University of Newcastle Act, 1964, will be performed by the Minister;
  - (f) to make certain amendments to the University of Newcastle Act, 1964, by way of statute law revision (Schedule 2); and
  - (g) to make other provisions of a minor, consequential or ancillary nature.
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**UNIVERSITY OF NEWCASTLE (AMENDMENT) BILL,  
1978 (No. 2)**

No. , 1978.

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**A BILL FOR**

An Act to amend the University of Newcastle Act, 1964, to make further provision with respect to by-laws relating to fees and charges; to enable the University to acquire land by resumption or appropriation; and for certain other purposes.

[MR BEDFORD—13 *December*, 1978.]

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*University of Newcastle (Amendment).*

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5. A person who, immediately before the date of commencement of Schedule 1 (2), held office as a member of the Council of The University of Newcastle 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 Newcastle Act, 1964, as amended by this Act, be eligible for re-appointment.

Saving—  
members  
of the  
Council.

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SCHEDULE 1.

Sec. 4.

10 AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964.

(1) (a) Section 4 (1)—

Omit “and the graduates and undergraduates of the University”, insert instead “, the graduates of the University and students enrolled as candidates proceeding to a degree or diploma at the University”.

(b) Section 4 (3)—

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 University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

(2) Section 10 (2)—

Omit “Governor”, insert instead “Minister”.

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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964—  
*continued.*

(3) Section 14 (1A)—

5 After section 14 (1), insert :—

(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.

10 (4) Section 21 (1)—

Omit the subsection.

(5) Section 22 (1) (g), proviso—

Omit "Governor", insert instead "Minister".

(6) Section 24 (1) (h), (h1)—

15 Omit section 24 (1) (h), insert instead :—

(h) the payment of such fees and charges, including fines, as the Council deems necessary, including fees and charges to be paid in respect of—

- 20 (i) entrance to the University;
- (ii) tuition;
- (iii) lectures and classes;
- (iv) examinations;
- (v) residence;
- (vi) the conferring of degrees and diplomas;
- 25 (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;

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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964—  
*continued.*

5 (h1) the exemption from, or deferment of, payment of  
fees and charges, including fines;

(7) Sections 32A, 32B—

After section 32, insert :—

10 32A. (1) For the purposes of this Act, the Governor <sup>Acquisition</sup>  
may, on the recommendation of the Minister, resume or <sup>of land.</sup>  
appropriate any land under Division 1 of Part V of the  
Public Works Act, 1912.

15 (2) The Minister shall not make a recommenda-  
tion 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 resump-  
tion or appropriation and of all necessary charges and  
expenses incidental to the resumption or appropriation.

20 (3) A resumption or appropriation effected pur-  
suant 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 Author-  
ity within the meaning of that Act.

25 (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.

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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964—  
*continued.*

5           32B. (1) Where land is vested in the Minister as Con-  
          structing Authority within the meaning of the Public Works  
          Act, 1912, by virtue of a resumption or appropriation  
          effected pursuant to section 32A (1), the Minister may con-  
          vey or transfer that land to the University for such estate,  
10           and subject to such trusts and rights of way or other ease-  
          ments, 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  
15           (b) may be registered under any Act without fee.

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY  
WAY OF STATUTE LAW REVISION.

- (1) Section 3, definition of "Appointed day"—  
20           Omit "subsection one of section ten of this Act", insert  
          instead "section 10 (1)".

- (2) Section 9—  
          Omit the section.

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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY  
WAY OF STATUTE LAW REVISION—*continued.*

(3) Section 10 (1)—

5 Omit “constituted in accordance with this section” where  
secondly occurring.

(4) (a) Section 11 (b)—

Omit the paragraph, insert instead :—

10 (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  
their benefit;

(b) Section 11 (d)—

15 Omit the paragraph, insert instead :—

20 (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 deten-  
tion under Part VII of that Act,

(5) (a) Section 21 (1)—

Omit “or any Act amending that Act,”.

(b) Section 21 (1)—

Omit “any such Act”, insert instead “that Act”.

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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY  
WAY OF STATUTE LAW REVISION—*continued.*

(c) Section 21 (2)—

5 Omit “as amended by subsequent Acts,”.

(6) Section 24 (2), (3)—

Omit the subsections, insert instead :—

10 (2) 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.

15 (3) 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 (2) as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(7) Section 28—

Omit “and any Acts amending the same,”.

(8) (a) Section 32 (1)—

20 Omit “students of teachers’ colleges established under the Public Instruction Act of 1880, as amended by subsequent Acts, such teachers in schools established under that Act, as so amended,”, insert instead “teachers in schools established under the Public Instruction Act of 1880”.

25 (b) Section 32 (1)—

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

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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY  
WAY OF STATUTE LAW REVISION—*continued.*

(9) Section 37 (2)—  
5 Omit the subsection.

(10) Section 38 (2)—  
Omit the subsection.

(11) Section 40 (2)—  
Omit the subsection.

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BY AUTHORITY

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

[24c]

Section 37

(1) Section 37

MEMBER OF THE UNIVERSITY OF TORONTO ACT, 1964 a  
was the first LAW REVISION—continued

(2) Section 37

(3) Section 37

(4) Section 37

(5) Section 37

(6) Section 37

(7) Section 37