

MACQUARIE UNIVERSITY (AMENDMENT) BILL, 1978
(No. 2)

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 Macquarie University to be exempted by the Council of the University from membership of the body corporate on grounds of conscience (Schedule 1 (1));
 - (b) to increase the membership of the Council of the University by including a member elected by the full time members of the non-teaching staff of the University (Schedule 1 (2));
 - (c) to enable certain persons to be exempted by the Council of the University from membership of Convocation on grounds of conscience (Schedule 1 (3));
 - (d) 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 (5));
 - (e) to enable the University to acquire land by resumption or appropriation (Schedule 1 (6));
 - (f) to make certain amendments to the Macquarie University 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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THE UNIVERSITY OF CHICAGO

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**MACQUARIE UNIVERSITY (AMENDMENT)
BILL, 1978 (No. 2)**

No. , 1978.

A BILL FOR

An Act to amend the Macquarie University Act, 1964, 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 by the full time members of the non-teaching staff of the University; to enable the University to acquire land by resumption or appropriation; and for certain other purposes.

[MR BEDFORD—13 *December*, 1978.]

Macquarie University (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 "Macquarie University 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
15 Schedule 1 (2) and Schedule 1 (5), shall commence 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
20 hold office as a member of the Council under section 10 (7A) of the Macquarie University Act, 1964, as amended by this Act, and of any matters necessary for or incidental to that election, the provisions of Schedule 1 (2) shall commence on the date of assent to this Act.

(5) The person elected under section 10 (7A) of the
25 Macquarie University Act, 1964, 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) shall commence for all purposes on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Macquarie University (Amendment).

(7) Schedule 1 (5) shall be deemed to have commenced on 12th June, 1964.

3. This Act contains the following Schedules :— Schedules.

5 SCHEDULE 1.—AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT, 1964.

SCHEDULE 2.—AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT, 1964, BY WAY OF STATUTE LAW REVISION.

4. The Macquarie University Act, 1964, is amended in the 10 manner set forth in Schedules 1 and 2. Amendment of Act No. 29, 1964.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT, 1964.

(1) (a) Section 4 (1)—

15 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”.

(b) Section 4 (3)—

20 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 25 grounds of conscience, from membership of the body corporate.

Macquarie University (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT,
1964—*continued.*

(2) (a) Section 10 (1)—

5 Omit “twenty-two”, insert instead “23”.

(b) Section 10 (7A), (7B)—

After section 10 (7), insert :—

10 (7A) One member shall be elected, in the manner provided by the by-laws, by such members of the full time staff of the University who are not members of the teaching staff as may be prescribed by the by-laws.

15 (7B) A person who is not a member of the full time staff of the University referred to in subsection (7A) shall be ineligible to be elected as a member under that subsection.

(3) Section 14 (1A)—

After section 14 (1), insert :—

20 (1A) Notwithstanding subsection (1), a person referred to in subsection (1) (b) or (c) may be exempted by the Council, on grounds of conscience, from membership of Convocation.

(4) Section 21 (1) (g)—

Omit “Governor”, insert instead “Minister”.

Macquarie University (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT,
1964—*continued.*

(5) (a) Section 23 (1) (h)—

5 Omit the paragraph, 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—

10 (i) entrance to the University;

(ii) tuition;

(iii) lectures and classes;

(iv) examinations;

(v) residence;

15 (vi) the conferring of degrees and
diplomas;

(vii) the provision of amenities and services,
whether or not of an academic nature;
and

20 (viii) an organisation of students or of
students and other persons;

(b) Section 23 (1) (i)—

After “from”, insert “, or deferment of”.

(c) Section 23 (1) (i)—

25 After “charges”, insert “, including fines”.

(6) Sections 31A, 31B—

After section 31, insert :—

Macquarie University (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT,
1964—*continued.*

5 31A. (1) For the purposes of this Act, the Governor Acquisition
of land.
may, on the recommendation of the Minister, resume or
appropriate any land under Division 1 of Part V of the
Public Works Act, 1912.

10 (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
resumption or appropriation and of all necessary charges
and expenses incidental to the resumption or appropriation.

15 (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.

20 (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.

25 31B. (1) Where land is vested in the Minister as Transfer of
land to
University.
Constructing Authority within the meaning of the Public
Works Act, 1912, by virtue of a resumption or appropria-
tion effected pursuant to section 31A (1), the Minister
may convey or transfer that land to the University for such
estate, and subject to such trusts and rights of way or
30 other easements, as he thinks fit.

Macquarie University (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT,
1964—*continued.*

- 5 (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.

SCHEDULE 2.

Sec. 4.

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

- (1) Long title—
Omit “—1963”.
- (2) Section 9—
15 Omit the section.
- (3) (a) Section 10 (1)—
Omit “, other than the first Council.”
- (b) Section 10 (1)—
20 Omit “constituted in accordance with this section”
where secondly occurring.

Macquarie University (Amendment).

SCHEDULE 2—*continued.*

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

(c) Section 10 (9)—

5 Omit “subsections two to eight, both inclusive, of this section”, insert instead “subsections (2) to (8)”.

(d) Section 10 (9)—

Omit “the said subsections”, insert instead “subsections (2) to (8)”.

10 (4) (a) Section 11 (b)—

Omit the paragraph, insert instead :—

15 (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)—

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 detention under Part VII of that Act,

Macquarie University (Amendment).

SCHEDULE 2—*continued.*

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

(5) (a) Section 20 (2)—

5 Omit “, nomination”.

(b) Section 20 (2)—

Omit “, nominated”.

(6) Section 23 (3), (4)—

Omit the subsections, insert instead :—

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

15 (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.

(7) Section 27—

Omit “and any Acts amending the same.”.

20 (8) (a) Section 31 (1)—

25 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”, insert instead “teachers in schools established under the Public Instruction Act of 1880”.

Macquarie University (Amendment).

SCHEDULE 2—*continued.*

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

(b) Section 31 (1)—

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

(9) Section 33 (2)—

Omit the subsection.

(10) Section 34 (2)—

- 10 Omit the subsection.

BY AUTHORITY

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

**MACQUARIE UNIVERSITY (AMENDMENT)
ACT, 1978, No. 172**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 172, 1978.

An Act to amend the Macquarie University Act, 1964, 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 by the full time members of the non-teaching staff of the University; to enable the University to acquire land by resumption or appropriation; and for certain other purposes. [Assented to, 29th December, 1978.]

Macquarie University (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 :—

Short title. **1.** This Act may be cited as the "Macquarie University (Amendment) Act, 1978".

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

(2) Section 4 shall, in its application to a provision of 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) and Schedule 1 (5), shall commence 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 (7A) of the Macquarie University Act, 1964, as amended by this Act, and of any matters necessary for or incidental to that election, the provisions of Schedule 1 (2) shall commence on the date of assent to this Act.

(5) The person elected under section 10 (7A) of the Macquarie University Act, 1964, 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) shall commence for all purposes on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Macquarie University (Amendment).

(7) Schedule 1 (5) shall be deemed to have commenced on 12th June, 1964.

3. This Act contains the following Schedules :—

Schedules.

SCHEDULE 1.—AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT, 1964.

SCHEDULE 2.—AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT, 1964, BY WAY OF STATUTE LAW REVISION.

4. The Macquarie University Act, 1964, is amended in the manner set forth in Schedules 1 and 2.

Amendment
of Act No.
29, 1964.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT, 1964.

(1) (a) Section 4 (1)—

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".

(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.

Macquarie University (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT,
1964—*continued.*

(2) (a) Section 10 (1)—

Omit “twenty-two”, insert instead “23”.

(b) Section 10 (7A), (7B)—

After section 10 (7), insert :—

(7A) One member shall be elected, in the manner provided by the by-laws, by such members of the full time staff of the University who are not members of the teaching staff as may be prescribed by the by-laws.

(7B) A person who is not a member of the full time staff of the University referred to in subsection (7A) shall be ineligible to be elected as a member under that subsection.

(3) Section 14 (1A)—

After section 14 (1), insert :—

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

(4) Section 21 (1) (g)—

Omit “Governor”, insert instead “Minister”.

Macquarie University (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT,
1964—*continued.*

(5) (a) Section 23 (1) (h)—

Omit the paragraph, 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—

- (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;

(b) Section 23 (1) (i)—

After “from”, insert “, or deferment of”.

(c) Section 23 (1) (i)—

After “charges”, insert “, including fines”.

(6) Sections 31A, 31B—

After section 31, insert :—

Macquarie University (Amendment)

SCHEDULE 1—*continued*.AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT,
1964—*continued*.

Acquisition
of land.

31A. (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 of 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.

31B. (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 31A (1), 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.

Macquarie University (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT,
1964—*continued.*

(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.

SCHEDULE 2.

Sec. 4.

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

(1) Long title—

Omit “—1963”.

(2) Section 9—

Omit the section.

(3) (a) Section 10 (1)—

Omit “, other than the first Council,”.

(b) Section 10 (1)—

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

Macquarie University (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT, 1964,
BY WAY OF STATUTE LAW REVISION—*continued.*

(c) Section 10 (9)—

Omit “subsections two to eight, both inclusive, of this section”, insert instead “subsections (2) to (8)”.

(d) Section 10 (9)—

Omit “the said subsections”, insert instead “subsections (2) to (8)”.

(4) (a) Section 11 (b)—

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 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 under Part VII of that Act,

Macquarie University (Amendment).

SCHEDULE 2—*continued.*

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

(5) (a) Section 20 (2)—

Omit “, nomination”.

(b) Section 20 (2)—

Omit “, nominated”.

(6) Section 23 (3), (4)—

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 the consideration and approval of the Governor.

(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.

(7) Section 27—

Omit “and any Acts amending the same”.

(8) (a) Section 31 (1)—

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”, insert instead “teachers in schools established under the Public Instruction Act of 1880”.

Macquarie University (Amendment).

SCHEDULE 2—continued.
**AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT, 1964,
BY WAY OF STATUTE LAW REVISION—continued.**
(b) Section 31 (1)—

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

(9) Section 33 (2)—

Omit the subsection.

(10) Section 34 (2)—

Omit the subsection.

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

A. R. CUTLER,
Governor.

Government House,
Sydney, 29th December, 1978.



