

**UNIVERSITY OF NEW ENGLAND (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 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.

EXPLANATORY NOTE

(1) This explanatory note is intended to assist the reader in understanding the Bill.

The Bill amends the University and Colleges Act (Amendment) Bill 1975 (No. 2).

The Bill amends the University and Colleges Act (Amendment) Bill 1975 (No. 2) in relation to the powers of the Council of the University of New Brunswick.

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

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—13 *December*, 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 Act shall commence on the date of assent to this Act. Commence-
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) (b) to (f) and Schedule 1 (6), 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 (4) (c1) 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
30 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.

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)—

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After section 10 (4) (iv), insert :—

10

(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 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—

- 10 (i) entrance to the University;
- (ii) tuition;
- 10 (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 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.

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 appropria-
tion 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.

(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 (3) (d)—

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

(b) Section 10 (8), (9)—

10 Omit the subsections.

(3) (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,

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 the South (Amendment)

Section 3 - Continuation

AMENDMENT TO THE UNIVERSITY OF THE SOUTH ACT, 1978
BY WAY OF SECTION 3 - CONTINUATION

(1) Section 2 (3) shall be

omitted and shall be replaced by-

(3) The Board shall be a body to be appointed by the Council and shall be subject to the supervision and control of the Council and shall be subject to the supervision and control of the Council.

(4) The Board shall be appointed by the Council and shall be subject to the supervision and control of the Council and shall be subject to the supervision and control of the Council.

(a) Section 3 (1) shall be

omitted and shall be replaced by-

(b) Section 3 (1) shall be

omitted and shall be replaced by-

(c) Section 3 -

omitted and shall be replaced by-

**UNIVERSITY OF NEW ENGLAND (AMENDMENT)
ACT, 1978, No. 169**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 169, 1978.

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. [Assented to, 29th December, 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 :—

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

Commence- **2.** (1) Except as provided in subsections (2) to (7), this
ment. 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) (b) to (f) and Schedule 1 (6), 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 (4) (c1) 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 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 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.

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.

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.

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.

AMENDMENTS TO THE UNIVERSITY OF NEW ENGLAND ACT, 1953.

(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".

University of New England (Amendment).

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

(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) (a) Section 10 (3) (c)—

Omit "Professorial", insert instead "Academic".

(b) Section 10 (4) (c)—

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 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)—

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)—

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 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".

(b) Section 14 (5)—

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

(4) Section 15 (1A)—

After section 15 (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.

(5) Section 24 (2)—

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)—

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;
- (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;

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

(7) Sections 37A, 37B—

After section 37, insert :—

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.

University of New England (Amendment).

SCHEDULE 1—*continued.*

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

(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.

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 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)—

- (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.
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University of New England (Amendment).

Sec. 4.

SCHEDULE 2.

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

(1) Long title—

Omit “-1952”.

(2) (a) Section 10 (3) (d)—

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

(b) Section 10 (8), (9)—

Omit the subsections.

(3) (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,

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)—

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.

(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)—

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”.

(b) Section 33 (1)—

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

(6) Section 35—

Omit “and any Acts amending the same,”.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 29th December, 1978.*

University of New England (University)

SCHEDULE 1.2 - continued

AMOUNTS TO THE UNIVERSITY OF NEW ENGLAND ACT 1978
BY WAY OF STATUTE LAW 1978 - continued

(4) Section 23 (1) (4)

And the subsection inserted is—

Every law made by the Council shall be made
with the consent of the University and submitted
for consideration and approval of the Governor.

Section 21 of the last section will apply
in respect of the law made under the Act and
the Governor will exercise (3) as if this Act
had been made after the commencement of the last
mentioned Act 1978.

(5) Section 23 (1) -

And "students of teachers' colleges" published under
the Public Teachers Act of 1980 and teachers in
schools established under that Act" insert instead
teachers in schools established under the Public
Teachers Act of 1980.

Section 23 (1) -

And "each student, teacher, insert instead "and
teachers".

Section 25 -

And "and any law amending the same".

It is the intent and purpose of the Ministry of Education to this Act.

A. R. CUTLER

Governor

Government House
Sydney 26th December 1978

UNIVERSITY OF NEW ENGLAND
WEST PERTH



