

# **UNIVERSITY OF NEW SOUTH WALES (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 New South Wales to be exempted by the Council of the University from membership of the body corporate on grounds of conscience (Schedule 1 (1));
  - (b) to provide that one member of the Council of the University shall be elected by the full time members of the non-academic staff of the University (Schedule 1 (2) (d));
  - (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 (5));
  - (d) to enable the University to acquire land by resumption or appropriation (Schedule 1 (6));
  - (e) to provide that various functions performed now by the Governor under the University of New South Wales Act, 1968, will be performed by the Minister;
  - (f) to make certain amendments to the University of New South Wales Act, 1968, 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 NEW SOUTH WALES (AMENDMENT)  
BILL 1978 (No. 2)

EXPLANATORY NOTE

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

The Bill is designed to amend the University of New South Wales (Amendment) Bill 1978 (No. 2).

The object of the Bill is to

amend the University of New South Wales Act 1952, in relation to the powers of the Council of the University of New South Wales, to enable the Council to exercise its powers in relation to the University of New South Wales, in accordance with the provisions of the University of New South Wales Act 1952, as amended.

The Bill also amends the University of New South Wales Act 1952, in relation to the powers of the Council of the University of New South Wales, to enable the Council to exercise its powers in relation to the University of New South Wales, in accordance with the provisions of the University of New South Wales Act 1952, as amended.

The Bill also amends the University of New South Wales Act 1952, in relation to the powers of the Council of the University of New South Wales, to enable the Council to exercise its powers in relation to the University of New South Wales, in accordance with the provisions of the University of New South Wales Act 1952, as amended.

The Bill also amends the University of New South Wales Act 1952, in relation to the powers of the Council of the University of New South Wales, to enable the Council to exercise its powers in relation to the University of New South Wales, in accordance with the provisions of the University of New South Wales Act 1952, as amended.

The Bill also amends the University of New South Wales Act 1952, in relation to the powers of the Council of the University of New South Wales, to enable the Council to exercise its powers in relation to the University of New South Wales, in accordance with the provisions of the University of New South Wales Act 1952, as amended.

The Bill also amends the University of New South Wales Act 1952, in relation to the powers of the Council of the University of New South Wales, to enable the Council to exercise its powers in relation to the University of New South Wales, in accordance with the provisions of the University of New South Wales Act 1952, as amended.

The Bill also amends the University of New South Wales Act 1952, in relation to the powers of the Council of the University of New South Wales, to enable the Council to exercise its powers in relation to the University of New South Wales, in accordance with the provisions of the University of New South Wales Act 1952, as amended.



Act No. 1978  
**UNIVERSITY OF NEW SOUTH WALES  
(AMENDMENT) BILL, 1978 (No. 2)**

No. , 1978.

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**A BILL FOR**

An Act to amend the University of New South Wales Act, 1968, to make further provision with respect to by-laws relating to fees and charges; to provide for the election of one 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.]

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*University of New South Wales (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 South Wales (Amendment) Act, 1978". Short title.

**2.** (1) Except as provided in subsections (2) to (8), this Act shall commence on the date of assent to this Act. Commencement.

(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 (1) (b), Schedule 1 (2) (b) to (e) 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 8 (5) (e) of the University of New South Wales Act, 1968, as amended by this Act, and of any matters necessary for or incidental to that election, the provisions of Schedule 1 (2) (b) to (e) shall commence on the date of assent to this Act.

(5) The person elected under section 8 (5) (e) of the  
25 University of New South Wales Act, 1968, 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 (e) 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.



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*University of New South Wales (Amendment).*

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(7) Schedule 1 (1) (b) shall be deemed to have commenced on 1st July, 1949.

(8) Schedule 1 (5) shall be deemed to have commenced on 1st January, 1969.

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

Schedules.

**SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT, 1968.**

10   **SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT, 1968, BY WAY OF STATUTE LAW REVISION.**

**4.** The University of New South Wales Act, 1968, is amended in the manner set forth in Schedules 1 and 2.

Amendment  
of  
Act No. 37,  
1968.

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 South Wales 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 South Wales Act, 1968, as  
20 amended by this Act, be eligible for re-appointment.

Saving—  
members of  
the Council.

*University of New South Wales (Amendment).*

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968.

(1) (a) Section 5 (1)—

- 5 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 5 (1A)—

- 10 After section 5 (1), insert :—

15 (1A) Notwithstanding subsection (1), 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.

(c) Section 5 (3)—

Omit “Governor”, insert instead “Minister”.

(2) (a) Section 8 (2) (d)—

Omit “nominated”, insert instead “appointed”.

20 (b) Section 8 (5) (c)—

Omit “and” where thirdly occurring.

(c) Section 8 (5) (d)—

Omit “paragraph :”, insert instead “paragraph; and”.



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*University of New South Wales (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968—*continued.*

- (d) Section 8 (5) (e)—  
5           After section 8 (5) (d), insert :—  
          (e) one person, being a full time member of the  
              non-academic staff of the University, so elected  
              by the full time members of the non-  
              academic staff of the University :
- 10       (e) Section 8 (5)—  
          At the end of section 8 (5), insert :—  
          The by-laws may make provision for or with  
          respect to determining whether or not a person is a  
15       full time member of the non-academic staff of the  
          University.
- (f) Section 8 (6)—  
          Omit “nominated” where firstly occurring, insert  
          instead “appointed”.
- (g) Section 8 (6)—  
20       Omit “Governor”, insert instead “Minister”.
- (h) Section 8 (6) (e)—  
          Omit the paragraph, insert instead :—  
          (e) six other persons appointed by the Minister.
- (i) Section 8 (7) (b)—  
25       Omit “nominations as he thinks fit in order to  
          complete the prescribed number thereof and any  
          nomination so made by the Minister shall be deemed  
          to be”, insert instead “appointments as he thinks fit  
          and any appointments so made by the Minister shall  
30       be deemed to have been made pursuant to”.

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*University of New South Wales (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968—*continued.*

(j) Section 8 (8) (c)—

5 Omit “nominated”, insert instead “appointed”.

(k) Section 8 (10)—

Omit “nominated” where firstly occurring, insert  
instead “appointed”.

(l) Section 8 (10) (b)—

10 Omit “a nominated”, insert instead “an appointed”.

(m) Section 8 (10) (b) (i)—

Omit “Governor”, insert instead “Minister”.

(n) Section 8 (11)—

Omit the subsection.

15 (3) Section 9 (b) (iv)—

Omit “a nominated”, insert instead “an appointed”.

(4) (a) Section 18 (1)—

Omit “Governor”, insert instead “Minister”.

(b) Section 18 (2)—

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



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*University of New South Wales (Amendment).*


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SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968—*continued.*

## (5) Section 20—

5 Omit the section, insert instead :—

20. The Council may make by-laws under section 22 Fees and other charges.  
for or with respect to—

- 10 (a) 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;
  - 15 (v) residence;
  - (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; and
- (b) the exemption from, or deferment of, payment of fees and charges, including fines.

## (6) Sections 29A, 29B—

After section 29, insert :—

- 25 29A. (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.

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*University of New South Wales (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968—*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 authorised work, be deemed to be the Constructing  
15 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 29B. (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 29A (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.

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*University of New South Wales (Amendment).*

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968, BY WAY OF STATUTE LAW REVISION.

(1) Section 3—

5 Omit the section.

(2) Section 8 (7)—

Omit "paragraphs (a), (b), (c) and (d) of subsection six of this section", insert instead "subsection (6) (a), (b), (c) and (d)".

10 (3) Section 9 (c), (d)—

Omit the paragraphs, insert instead :—

(c) becomes 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;

(d) becomes 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;

(4) Section 22 (4), (5)—

Omit the subsections, insert instead :—

(4) 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.



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*University of New South Wales (Amendment).*

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**SCHEDULE 2—continued.**

**AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968, BY WAY OF STATUTE LAW REVISION—continued.**

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

10 (5) Section 27—  
Omit “as subsequently amended,”.

(6) Section 32 (2)—

Omit the subsection, insert instead :—

15 (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(7) Section 33 (2)—

Omit the subsection.

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BY AUTHORITY

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



UNIVERSITY OF NEW SOUTH WALES  
(AMENDMENT) ACT, 1978, No. 170

New South Wales



ANNO VICESIMO SEPTIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 170, 1978.**

An Act to amend the University of New South Wales Act, 1968, to make further provision with respect to by-laws relating to fees and charges; to provide for the election of one 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.]

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*University of New South Wales (Amendment).*

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**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 South Wales (Amendment) Act, 1978".

Commence-  
ment.

**2.** (1) Except as provided in subsections (2) to (8), 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 (1) (b), Schedule 1 (2) (b) to (e) 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 8 (5) (e) of the University of New South Wales Act, 1968, as amended by this Act, and of any matters necessary for or incidental to that election, the provisions of Schedule 1 (2) (b) to (e) shall commence on the date of assent to this Act.

(5) The person elected under section 8 (5) (e) of the University of New South Wales Act, 1968, 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 (e) 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.



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*University of New South Wales (Amendment).*

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(7) Schedule 1 (1) (b) shall be deemed to have commenced on 1st July, 1949.

(8) Schedule 1 (5) shall be deemed to have commenced on 1st January, 1969.

3. This Act contains the following Schedules :—

Schedules.

SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT, 1968.

SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT, 1968, BY WAY OF STATUTE LAW REVISION.

4. The University of New South Wales Act, 1968, is amended in the manner set forth in Schedules 1 and 2.

Amendment of Act No. 37, 1968.

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 South Wales 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 South Wales Act, 1968, as amended by this Act, be eligible for re-appointment.

Saving—members of the Council.

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*University of New South Wales (Amendment).*

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Sec. 4.

## SCHEDULE 1.

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968.

## (1) (a) Section 5 (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 5 (1A)—

After section 5 (1), insert :—

(1A) Notwithstanding subsection (1), 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.

## (c) Section 5 (3)—

Omit “Governor”, insert instead “Minister”.

## (2) (a) Section 8 (2) (d)—

Omit “nominated”, insert instead “appointed”.

## (b) Section 8 (5) (c)—

Omit “and” where thirdly occurring.

## (c) Section 8 (5) (d)—

Omit “paragraph :”, insert instead “paragraph; and”.



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*University of New South Wales (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968—*continued.*

(d) Section 8 (5) (e)—

After section 8 (5) (d), insert :—

(e) one person, being a full time member of the non-academic staff of the University, so elected by the full time members of the non-academic staff of the University :

(e) Section 8 (5)—

At the end of section 8 (5), insert :—

The by-laws may make provision for or with respect to determining whether or not a person is a full time member of the non-academic staff of the University.

(f) Section 8 (6)—

Omit “nominated” where firstly occurring, insert instead “appointed”.

(g) Section 8 (6)—

Omit “Governor”, insert instead “Minister”.

(h) Section 8 (6) (e)—

Omit the paragraph, insert instead :—

(e) six other persons appointed by the Minister.

(i) Section 8 (7) (b)—

Omit “nominations as he thinks fit in order to complete the prescribed number thereof and any nomination so made by the Minister shall be deemed to be”, insert instead “appointments as he thinks fit and any appointments so made by the Minister shall be deemed to have been made pursuant to”.

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*University of New South Wales (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968—*continued.*

- (j) Section 8 (8) (c)—  
Omit “nominated”, insert instead “appointed”.
- (k) Section 8 (10)—  
Omit “nominated” where firstly occurring, insert  
instead “appointed”.
- (l) Section 8 (10) (b)—  
Omit “a nominated”, insert instead “an appointed”.
- (m) Section 8 (10) (b) (i)—  
Omit “Governor”, insert instead “Minister”.
- (n) Section 8 (11)—  
Omit the subsection.
- (3) Section 9 (b) (iv)—  
Omit “a nominated”, insert instead “an appointed”.
- (4) (a) Section 18 (1)—  
Omit “Governor”, insert instead “Minister”.
- (b) Section 18 (2)—  
Omit “Governor”, insert instead “Minister”.



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*University of New South Wales (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968—*continued.*

## (5) Section 20—

Omit the section, insert instead :—

20. The Council may make by-laws under section 22 <sup>Fees and other charges.</sup>  
for or with respect to—

(a) 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; and

(b) the exemption from, or deferment of, payment of fees and charges, including fines.

## (6) Sections 29A, 29B—

After section 29, insert :—

29A. (1) For the purposes of this Act, the Governor <sup>Acquisition of land.</sup> may, on the recommendation of the Minister, resume or appropriate any land under Division 1 of Part V of the Public Works Act, 1912.

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*University of New South Wales (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968—*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.

29B. (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 29A (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.

(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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Transfer  
of land to  
University.



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*University of New South Wales (Amendment).*

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968, BY WAY OF STATUTE LAW REVISION.

(1) Section 3—

Omit the section.

(2) Section 8 (7)—

Omit "paragraphs (a), (b), (c) and (d) of subsection six of this section", insert instead "subsection (6) (a), (b), (c) and (d)".

(3) Section 9 (c), (d)—

Omit the paragraphs, insert instead :—

- (c) becomes 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;
- (d) becomes 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;

(4) Section 22 (4), (5)—

Omit the subsections, insert instead :—

(4) 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.

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*University of New South Wales (Amendment).*


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SCHEDULE 2—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT,  
1968, BY WAY OF STATUTE LAW REVISION—*continued.*

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

## (5) Section 27—

Omit “as subsequently amended.”

## (6) Section 32 (2)—

Omit the subsection, insert instead :—

(2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

## (7) Section 33 (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.*

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BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979





