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UNIVERSITY OF WOLLONGONG (ADVANCED EDUCATION) AMENDMENT BILL, 1982

EXPLANATORY NOTE

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

The objects of this Bill are—

- (a) to provide that the functions of the University of Wollongong include the provision of advanced education courses (Schedule 1 (1) (a) and (2) (a));
 - (b) to establish an Institute of Advanced Education of the University of Wollongong and to provide for the appointment of a Director of that Institute (Schedule 1 (5));
 - (c) to require the University of Wollongong to have particular regard to the university and advanced education needs of the Illawarra region (Schedule 1 (2) (b));
 - (d) to reconstitute the Council of the University of Wollongong (Schedule 1 (3) and (4));
 - (e) to make provision for an interim Council of the University of Wollongong on the date that the Wollongong Institute of Education ("the Institute") is dissolved (Schedule 2);
 - (f) to dissolve the Institute and make provision for the transfer of the staff, students and assets and liabilities of the Institute to the University of Wollongong (Schedule 3); and
 - (g) to make other provisions of a minor, consequential or ancillary nature.
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UNIVERSITY OF WOLLONGONG (ADVANCED EDUCATION) AMENDMENT BILL, 1982

No. , 1982.

A BILL FOR

An Act to amend the University of Wollongong Act, 1972, in relation to the provision of advanced education courses at the University of Wollongong and the constitution of the Council of that University; to dissolve the Wollongong Institute of Education; and for other purposes.

[MR MULOCK—18 March, 1982.]

University of Wollongong (Advanced Education) 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 Short title.

1. This Act may be cited as the "University of Wollongong (Advanced Education) Amendment Act, 1982".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to 10 this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

15 3. The University of Wollongong Act, 1972, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

20 SCHEDULE 2.—INTERIM COUNCIL OF THE UNIVERSITY.

SCHEDULE 3.—DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION.

Amendment of Act No. 72, 1972.

5. The Principal Act is amended in the manner set forth in Schedule 1.

University of Wollongong (Advanced Education) Amendment.

Interim Council of the University.

6. Schedule 2 has effect.

Dissolution of the Wollongong Institute of Education.

7. Schedule 3 has effect.

5

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 3, definition of "advanced education course"—

Before the definition of "by-laws", insert:—

10

"advanced education course" means a course of study approved under the Higher Education Act, 1975, as an advanced education course;

(b) Section 3, definitions of "Deputy Vice-Chancellor", "Director", "Institute"—

15

After the definition of "Deputy Chancellor", insert:—

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor of the University;

"Director" means the Director of the Institute;

20

"Institute" means the Institute of Advanced Education of the University;

(2) (a) Section 10 (a)—

After "university standard", insert "and of advanced education courses".

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 10 (2)—

At the end of section 10, insert:—

- 5 (2) The University shall, in the discharge of its functions, have particular regard to the need for educational facilities of university standard and for advanced education courses in the Illawarra region.

(3) (a) Section 15 (4) (a)—

- 10 Omit "and".

(b) Section 15 (4) (b), (c)—

Omit section 15 (4) (b), insert instead:—

- (b) the persons for the time being holding the offices of Vice-Chancellor and Director; and
- 15 (c) the member of the staff of the University for the time being designated by the Council as the Deputy Vice-Chancellor.

(c) Section 15 (5)—

Omit the subsection, insert instead:—

- 20 (5) The appointed members shall comprise 8 persons appointed by the Minister as far as practicable from the following categories:—
- (a) persons experienced in the field of education;
- (b) persons experienced in industry or commerce;
- 25 (c) persons who are practising, or have practised, a profession;
- (d) persons associated with trade unions;

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (e) persons having such other qualifications and experience as the Minister thinks appropriate.
- 5 (d) Section 15 (6)—
Omit “two”, insert instead “3”.
- (e) Section 15 (7) (b), (b1)—
Omit section 15 (7) (b), insert instead:—
- 10 (b) four persons, of whom at least two but not more than three shall be professors within the University, so elected by and from the professors and such other persons, being persons giving instruction within the University (but not being persons prescribed for the purposes of paragraph (b1)) or being superior officers within the University, as may be prescribed by the by-laws;
- 15 (b1) two persons so elected by and from such persons giving instruction within the Institute as may be prescribed by the by-laws;
- (f) Section 15 (7) (c)—
- 20 Omit “one person, being a member”, insert instead “three persons, being members”.
- (g) Section 15 (7) (c)—
After “paragraph (b)”, insert “or (b1)”.
- (h) Section 15 (7) (d)—
- 25 After “(b)”, insert “, (b1)”.
- (i) Section 15 (8)—
After “Vice-Chancellor”, insert “, Deputy Vice-Chancellor or Director”.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 16 (j)—

After “(b)”, insert “, (b1)”.

5 (5) Section 20A—

After section 20, insert:—

Institute of Advanced Education.

10 20A. (1) There shall be an Institute of Advanced Education of the University which shall comprise that part of the University in which advanced education courses are conducted.

(2) The first Director of the Institute shall be the person who, immediately before the dissolution of the Wollongong Institute of Education, was the Director of the Wollongong Institute of Education.

15 (3) Whenever a vacancy occurs in the office of Director, the Council shall appoint a person, whether a member of the Council or not, to be Director.

(4) The Director shall hold office for such period and on such terms and conditions as the Council determines.

20 (5) The Director shall, subject to section 20 (4), be the executive officer of the Institute and shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and, subject to the by-laws, as the Council determines.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 2.

(Sec. 6.)

INTERIM COUNCIL OF THE UNIVERSITY.

Interpretation.

5 1. (1) In this Schedule—

“first appointed day” means the day appointed and notified under section 2 (2);

10 “second appointed day” means the day that is 6 months after the first appointed day or such later day as may be appointed by the Governor for the purposes of this Schedule and as may be notified by proclamation published in the Gazette.

(2) The Governor may appoint a later day as referred to in the definition of “second appointed day” in subclause (1) on 1 or more than 1 occasion, but any such appointment shall be notified before the day that is 6 months after the first appointed day or that is the next previous later day, as the case may require.

15 (3) Expressions used in this Schedule shall, unless the contrary intention appears, have the same meanings respectively as in the Principal Act.

Interim Council.

20 2. Notwithstanding anything to the contrary in section 15 of the Principal Act, as amended by this Act, the Council shall, between the first appointed day and the second appointed day, be constituted in accordance with this Schedule instead of that section.

Existing members.

3. (1) The Council shall, until the second appointed day, consist of—

- 25 (a) the parliamentary members;
-
- (b) the persons for the time being holding the offices of Chancellor and Vice-Chancellor;
-
- (c) the persons who were, immediately before the first appointed day, the appointed members and elected members of the Council; and
-
- (d) the persons who were, immediately before the first appointed day, members of the Council of the Wollongong Institute of Education.

30 (2) On the second appointed day, the persons referred to in subclause (1) (c) and (d) shall cease to be members of the Council, but are not thereby disqualified from again becoming members of the Council.

*University of Wollongong (Advanced Education) Amendment.*SCHEDULE 2—*continued.*INTERIM COUNCIL OF THE UNIVERSITY—*continued.***Casual vacancies.**

4. (1) If an appointed member or elected member of the Council vacates his office under section 16 of the Principal Act at any time after the first appointed day and before the second appointed day, the vacancy in the office of that member shall not be filled.

(2) For the purposes of section 16 of the Principal Act, the persons referred to in clause 3 (1) (d) shall be deemed to be appointed members.

10 Holding of elections.

5. The election of persons to hold office as members of the Council under section 15 (6) and (7) of the Principal Act, as amended by this Act, shall be held as soon as practicable after the first appointed day and the persons so elected shall assume office on the second appointed day.

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SCHEDULE 3.

(Sec. 7.)

DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION.

Interpretation.

1. In this Schedule—

20 “appointed day” means the day appointed and notified under section 2 (2);

“Institute” means the Wollongong Institute of Education;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act;

25 “transferred servant” means a servant of the Institute who becomes, or who is deemed to have become, a member of the staff of the University in accordance with clause 4 (1);

“University” means The University of Wollongong.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.***Dissolution of Institute.**

2. The Institute is hereby dissolved.

5 Transfer of assets, etc., of Institute.

3. (1) On and from the appointed day—

(a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Institute shall vest in and belong to the University;

10 (b) all money and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Institute shall be money and liquidated and unliquidated claims payable to or recoverable by the University;

15 (c) all proceedings pending immediately before that day at the suit of the Institute shall be deemed to be proceedings pending on that day at the suit of the University and all proceedings so pending at the suit of any person against the Institute shall be deemed to be proceedings pending at the suit of that person against the University;

20 (d) all contracts, agreements, arrangements and undertakings (not being a contract of employment or a contract, agreement, arrangement or undertaking entered into by a student with respect to the provision to the student of an advanced education course or some other course or programme of study) entered into with, and all securities lawfully given to or by, the Institute and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or
25 by the University;

(e) the University may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this subclause and for the prosecution of proceedings so referred to as the Institute might have done but for its dissolution;
30

(f) the University may enforce and realise any security or charge existing immediately before that day in favour of the Institute and may exercise any powers thereby conferred on the Institute as if the security or charge were a security or charge in favour of the University;

35 (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Institute shall be debts due by, money payable by and claims recoverable against, the University;

*University of Wollongong (Advanced Education) Amendment.*SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

- 5 (h) all liquidated and unliquidated claims for which the Institute would, but for its dissolution, have been liable shall be liquidated and unliquidated claims for which the University shall be liable; and
- (i) a reference in any other Act, or in any regulation, by-law or other statutory instrument to the Institute shall be read and construed as a reference to the University.

10 (2) Subject to the Principal Act and this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the Institute shall, to the extent that, but for the dissolution of the Institute, that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the University.

15 (3) No attornment to the University by a lessee (not being the lessee under a lease to which subclause (4) relates) from the Institute shall be required.

(4) Notwithstanding any other provision of this clause, on the appointed day a lease granted by the Institute and in force immediately before that day, being a lease of a kind referred to in section 5 (9) of the Colleges of Advanced Education Act, 1975, is terminated.

20 **Transferred staff.**

4. (1) A person who, immediately before the appointed day, was a servant of the Institute (not being a casual employee) and who—

- 25 (a) presents himself for work at the University on the appointed day;
- (b) is on leave from the Institute immediately before the appointed day but presents himself for work at the University upon the expiration of that leave; or
- 30 (c) has, in the opinion of the Minister or the Vice-Chancellor, a reasonable excuse for not presenting himself for work at the University on the appointed day but presents himself for work at the University as soon as practicable after that day,

shall become or be deemed to have become, as the case may be, a member of the staff of the University on the appointed day.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

(2) Where the contract of employment with the Institute of a transferred servant, being a contract in force immediately before the appointed day, was expressed to
5 expire on a specified or ascertainable date after the appointed day, the transferred servant shall be deemed to have become a servant of the University subject to a contract of employment expressed to expire on that date.

(3) A transferred servant shall be paid salary or wages, and allowances, at a rate not less than the rate that was payable to him immediately before the appointed day,
10 subject, in the case of salary or wages, to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until his salary is, or his wages or allowances are, varied or altered—

(a) by an award of a competent tribunal or an industrial agreement or otherwise
15 in accordance with law; or

(b) where the variation or alteration increases the amount of his salary, wages or allowances—by the University.

(4) Except as otherwise provided by this clause, the conditions of employment of any transferred servant shall, subject to the variation of any such condition by an award
20 of a competent tribunal or an industrial agreement or otherwise in accordance with law, be no less favourable to the servant than the conditions of his employment with the Institute immediately before the appointed day.

(5) Subject to subclause (6), where a transferred servant was, immediately before the appointed day, a contributor to a superannuation scheme, he—

25 (a) shall retain any rights accrued or accruing to him as such a contributor; and

(b) may continue to contribute to any superannuation scheme to which he was a contributor immediately before the appointed day,

as if he had continued to be a servant of the Institute during his service with the
30 University and—

(c) his service with the University shall be deemed to be service with the Institute for the purposes of any law under which those rights accrued or were accruing or under which he continues to contribute; and

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

- 5 (d) he shall be deemed to be a servant of the Institute for the purposes of any superannuation scheme to which, by the operation of this subclause, he is entitled to contribute.
- 10 (6) A person who, but for this subclause, would be entitled under subclause (5) to contribute to a superannuation scheme shall not be so entitled upon his becoming a contributor to any other superannuation scheme, and the provisions of subclause (5) (d) cease to apply to or in respect of him in any case where he becomes a contributor to another superannuation scheme.
- (7) Subclause (6) does not prevent the payment to a transferred servant, upon his ceasing to be a contributor to a superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be a contributor.
- 15 (8) Where, pursuant to subclause (5) (b), a transferred servant continues to contribute to a superannuation scheme, the University shall contribute to the superannuation scheme the same amount as would have been payable by the Institute if that person had remained a servant of the Institute and been paid salary or wages at the rate paid to him by the University.
- 20 (9) For the purposes of sick leave, long service leave or leave in the nature of long service leave, service of a transferred servant with the Institute shall be deemed to be service with the University.
- (10) For the purpose of calculating the entitlement of a transferred servant to long service leave or leave in the nature of long service leave at any time, there shall be deducted from the amount of long service leave or leave in the nature of long service
25 leave to which, but for this subclause, the transferred servant would be entitled—
- (a) any long service leave or leave in the nature of long service leave; and
- (b) the equivalent, in long service leave or leave in the nature of long service leave, of any benefit instead of long service leave or leave in the nature of
30 taken or received by the transferred servant before that time.
- (11) A transferred servant shall retain any right to annual leave accrued to him in respect of his service with the Institute.

*University of Wollongong (Advanced Education) Amendment.*SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

(12) A transferred servant is not entitled to claim, both under this Act and any other Act, benefits in respect of the same period of service.

5 (13) Nothing in this clause affects the operation of the Industrial Arbitration Act, 1940.

Superannuation—employer's liability.

5. Where, before the appointed day—

(a) a person died or retired or was retrenched; and

10 (b) at the date of his death, retirement or retrenchment—

(i) he was a servant of the Institute;

(ii) the Institute was, for the purposes of any superannuation scheme, his employer,

15 then, for the purposes of the Act by or under which that scheme is established, the University shall, on and after the appointed day, be deemed to be the employer in the service of whom that person was employed at the date of his death, retirement or retrenchment for the purposes of any provision in that Act under which payments may be required to be made by that employer in respect of the superannuation scheme.

Students.

20 6. (1) Each person who was, immediately before the appointed day, a student of the Institute enrolled in an advanced education course shall, on the appointed day, become a student of the University and be enrolled in an advanced education course that is substantially the same, in academic content, as the advanced education course in which the student was enrolled at the Institute.

25 (2) The University shall, on the appointed day, provide such advanced education courses as are necessary for the purposes of subclause (1).

(3) Where a student is enrolled in an advanced education course pursuant to subclause (1), the University—

30 (a) shall, as far as it may practicably do so, give him credit in that course for any subject or work completed by him in the advanced education course from which he was transferred; and

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

(b) where—

- 5 (i) before the completion of that course the student requests the Council of the University to confer on him, on completion of that course, an academic award under the seal of the Institute;
- (ii) in the opinion of the Council of the University the student has completed such part of his course at the Institute as to warrant his academic award being conferred under the seal of the Institute; and
- 10 (iii) the student satisfactorily completes the course in which he has enrolled at the University before 1st January, 1986,
- shall confer that academic award on the student under the seal of the Institute.

15 (4) A person having custody or possession of the common seal of the Institute shall make the common seal available to the University for the purposes of this clause, but shall not use the common seal or make it available to any other person.

20 (5) Where a person completed an advanced education course provided by the Institute but an academic award had not been conferred on the person in respect of the course before the appointed day, the University shall confer the academic award on the person under the common seal of the Institute.

Regulations.

7. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the dissolution of the Institute.

25 (2) A provision made under subclause (1) may take effect as from the appointed day or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

30 (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*

DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

5 (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

(48c)

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—continued.

DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—continued.

(3) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

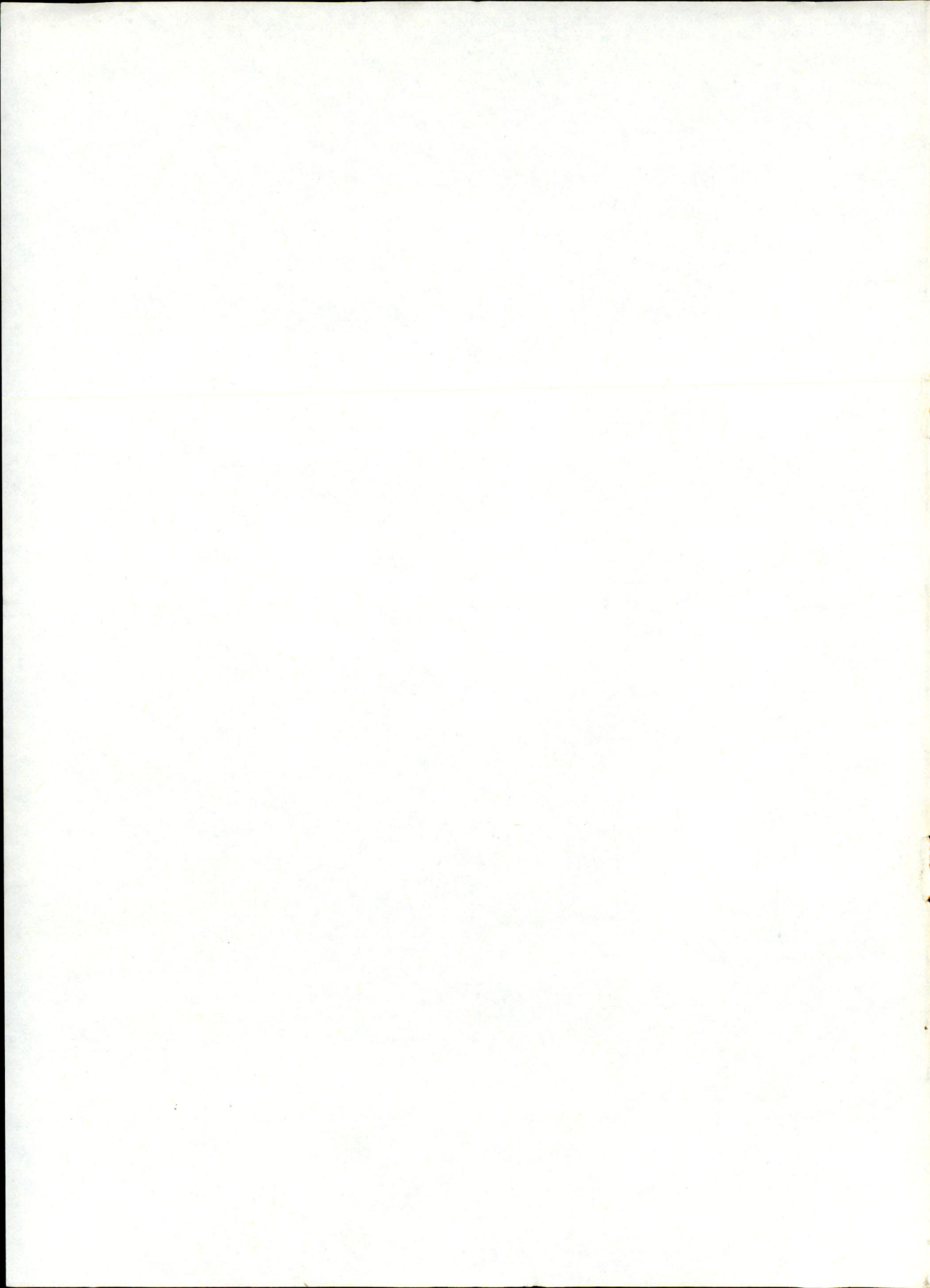
(4) A provision made under subsection (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule.

BY AUTHORITY
THE GOVERNMENT PRINTER, NEW SOUTH WALES—1982

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СОЮЗВЕКІСЕ СОБА



**UNIVERSITY OF WOLLONGONG (ADVANCED EDUCATION)
AMENDMENT ACT, 1982, No. 30**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 30, 1982.

An Act to amend the University of Wollongong Act, 1972, in relation to the provision of advanced education courses at the University of Wollongong and the constitution of the Council of that University; to dissolve the Wollongong Institute of Education; and for other purposes. [Assented to, 23rd April, 1982.]

University of Wollongong (Advanced Education) 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 Wollongong (Advanced Education) Amendment Act, 1982".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Principal Act.

3. The University of Wollongong Act, 1972, is referred to in this Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—INTERIM COUNCIL OF THE UNIVERSITY.

SCHEDULE 3.—DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION.

Amendment of Act No. 72, 1972.

5. The Principal Act is amended in the manner set forth in Schedule 1.

University of Wollongong (Advanced Education) Amendment.

Interim Council of the University.

6. Schedule 2 has effect.

Dissolution of the Wollongong Institute of Education.

7. Schedule 3 has effect.

SCHEDULE 1.

(Sec. 5.)

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 3, definition of "advanced education course"—

Before the definition of "by-laws", insert:—

"advanced education course" means a course of study approved under the Higher Education Act, 1975, as an advanced education course;

- (b) Section 3, definitions of "Deputy Vice-Chancellor", "Director", "Institute"—

After the definition of "Deputy Chancellor", insert:—

"Deputy Vice-Chancellor" means the Deputy Vice-Chancellor of the University;

"Director" means the Director of the Institute;

"Institute" means the Institute of Advanced Education of the University;

- (2) (a) Section 10 (a)—

After "university standard", insert "and of advanced education courses".

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 10 (2)—

At the end of section 10, insert:—

(2) The University shall, in the discharge of its functions, have particular regard to the need for educational facilities of university standard and for advanced education courses in the Illawarra region.

(3) (a) Section 15 (4) (a)—

Omit “and”.

(b) Section 15 (4) (b), (c)—

Omit section 15 (4) (b), insert instead:—

(b) the persons for the time being holding the offices of Vice-Chancellor and Director; and

(c) the member of the staff of the University for the time being designated by the Council as the Deputy Vice-Chancellor.

(c) Section 15 (5)—

Omit the subsection, insert instead:—

(5) The appointed members shall comprise 8 persons appointed by the Minister as far as practicable from the following categories:—

(a) persons experienced in the field of education;

(b) persons experienced in industry or commerce;

(c) persons who are practising, or have practised, a profession;

(d) persons associated with trade unions;

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (e) persons having such other qualifications and experience as the Minister thinks appropriate.
- (d) Section 15 (6)—
Omit “two”, insert instead “3”.
- (e) Section 15 (7) (b), (b1)—
Omit section 15 (7) (b), insert instead:—
- (b) four persons, of whom at least two but not more than three shall be professors within the University, so elected by and from the professors and such other persons, being persons giving instruction within the University (but not being persons prescribed for the purposes of paragraph (b1)) or being superior officers within the University, as may be prescribed by the by-laws;
- (b1) two persons so elected by and from such persons giving instruction within the Institute as may be prescribed by the by-laws;
- (f) Section 15 (7) (c)—
Omit “one person, being a member”, insert instead “three persons, being members”.
- (g) Section 15 (7) (c)—
After “paragraph (b)”, insert “or (b1)”.
- (h) Section 15 (7) (d)—
After “(b)”, insert “, (b1)”.
- (i) Section 15 (8)—
After “Vice-Chancellor”, insert “, Deputy Vice-Chancellor or Director”.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 16 (j)—

After “(b)”, insert “, (b1)”.

(5) Section 20A—

After section 20, insert:—

Institute of Advanced Education.

20A. (1) There shall be an Institute of Advanced Education of the University which shall comprise that part of the University in which advanced education courses are conducted.

(2) The first Director of the Institute shall be the person who, immediately before the dissolution of the Wollongong Institute of Education, was the Director of the Wollongong Institute of Education.

(3) Whenever a vacancy occurs in the office of Director, the Council shall appoint a person, whether a member of the Council or not, to be Director.

(4) The Director shall hold office for such period and on such terms and conditions as the Council determines.

(5) The Director shall, subject to section 20 (4), be the executive officer of the Institute and shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws and, subject to the by-laws, as the Council determines.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 2.

(Sec. 6.)

INTERIM COUNCIL OF THE UNIVERSITY.

Interpretation.

1. (1) In this Schedule—

“first appointed day” means the day appointed and notified under section 2 (2);

“second appointed day” means the day that is 6 months after the first appointed day or such later day as may be appointed by the Governor for the purposes of this Schedule and as may be notified by proclamation published in the Gazette.

(2) The Governor may appoint a later day as referred to in the definition of “second appointed day” in subclause (1) on 1 or more than 1 occasion, but any such appointment shall be notified before the day that is 6 months after the first appointed day or that is the next previous later day, as the case may require.

(3) Expressions used in this Schedule shall, unless the contrary intention appears, have the same meanings respectively as in the Principal Act.

Interim Council.

2. Notwithstanding anything to the contrary in section 15 of the Principal Act, as amended by this Act, the Council shall, between the first appointed day and the second appointed day, be constituted in accordance with this Schedule instead of that section.

Existing members.

3. (1) The Council shall, until the second appointed day, consist of—

- (a) the parliamentary members;
- (b) the persons for the time being holding the offices of Chancellor and Vice-Chancellor;
- (c) the persons who were, immediately before the first appointed day, the appointed members and elected members of the Council; and
- (d) the persons who were, immediately before the first appointed day, members of the Council of the Wollongong Institute of Education.

(2) On the second appointed day, the persons referred to in subclause (1) (c) and (d) shall cease to be members of the Council, but are not thereby disqualified from again becoming members of the Council.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 2—continued.**INTERIM COUNCIL OF THE UNIVERSITY—continued.****Casual vacancies.**

4. (1) If an appointed member or elected member of the Council vacates his office under section 16 of the Principal Act at any time after the first appointed day and before the second appointed day, the vacancy in the office of that member shall not be filled.

(2) For the purposes of section 16 of the Principal Act, the persons referred to in clause 3 (1) (d) shall be deemed to be appointed members.

Holding of elections.

5. The election of persons to hold office as members of the Council under section 15 (6) and (7) of the Principal Act, as amended by this Act, shall be held as soon as practicable after the first appointed day and the persons so elected shall assume office on the second appointed day.

SCHEDULE 3.

(Sec. 7.)

DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION.**Interpretation.**

1. In this Schedule—

“appointed day” means the day appointed and notified under section 2 (2);

“Institute” means the Wollongong Institute of Education;

“superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act;

“transferred servant” means a servant of the Institute who becomes, or who is deemed to have become, a member of the staff of the University in accordance with clause 4 (1);

“University” means The University of Wollongong.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.***Dissolution of Institute.**

2. The Institute is hereby dissolved.

Transfer of assets, etc., of Institute.

3. (1) On and from the appointed day—
- (a) all real and personal property and all right and interest therein and all management and control thereof that, immediately before that day, was vested in or belonged to the Institute shall vest in and belong to the University;
 - (b) all money and liquidated and unliquidated claims that, immediately before that day, were payable to or recoverable by the Institute shall be money and liquidated and unliquidated claims payable to or recoverable by the University;
 - (c) all proceedings pending immediately before that day at the suit of the Institute shall be deemed to be proceedings pending on that day at the suit of the University and all proceedings so pending at the suit of any person against the Institute shall be deemed to be proceedings pending at the suit of that person against the University;
 - (d) all contracts, agreements, arrangements and undertakings (not being a contract of employment or a contract, agreement, arrangement or undertaking entered into by a student with respect to the provision to the student of an advanced education course or some other course or programme of study) entered into with, and all securities lawfully given to or by, the Institute and in force immediately before that day shall be deemed to be contracts, agreements, arrangements and undertakings entered into with and securities given to or by the University;
 - (e) the University may, in addition to pursuing any other remedies or exercising any other powers that may be available to it, pursue the same remedies for the recovery of money and claims referred to in this subclause and for the prosecution of proceedings so referred to as the Institute might have done but for its dissolution;
 - (f) the University may enforce and realise any security or charge existing immediately before that day in favour of the Institute and may exercise any powers thereby conferred on the Institute as if the security or charge were a security or charge in favour of the University;
 - (g) all debts, money and claims, liquidated and unliquidated, that, immediately before that day, were due or payable by, or recoverable against, the Institute shall be debts due by, money payable by and claims recoverable against, the University;

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

- (h) all liquidated and unliquidated claims for which the Institute would, but for its dissolution, have been liable shall be liquidated and unliquidated claims for which the University shall be liable; and
- (i) a reference in any other Act, or in any regulation, by-law or other statutory instrument to the Institute shall be read and construed as a reference to the University.

(2) Subject to the Principal Act and this Act, any act, matter or thing done or omitted to be done before the appointed day by, to or in respect of the Institute shall, to the extent that, but for the dissolution of the Institute, that act, matter or thing would on or after that day have had any force or effect or been in operation, be deemed to have been done or omitted to be done by, to or in respect of the University.

(3) No attornment to the University by a lessee (not being the lessee under a lease to which subclause (4) relates) from the Institute shall be required.

(4) Notwithstanding any other provision of this clause, on the appointed day a lease granted by the Institute and in force immediately before that day, being a lease of a kind referred to in section 5 (9) of the Colleges of Advanced Education Act, 1975, is terminated.

Transferred staff.

4. (1) A person who, immediately before the appointed day, was a servant of the Institute (not being a casual employee) and who—
- (a) presents himself for work at the University on the appointed day;
 - (b) is on leave from the Institute immediately before the appointed day but presents himself for work at the University upon the expiration of that leave; or
 - (c) has, in the opinion of the Minister or the Vice-Chancellor, a reasonable excuse for not presenting himself for work at the University on the appointed day but presents himself for work at the University as soon as practicable after that day,

shall become or be deemed to have become, as the case may be, a member of the staff of the University on the appointed day.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

(2) Where the contract of employment with the Institute of a transferred servant, being a contract in force immediately before the appointed day, was expressed to expire on a specified or ascertainable date after the appointed day, the transferred servant shall be deemed to have become a servant of the University subject to a contract of employment expressed to expire on that date.

(3) A transferred servant shall be paid salary or wages, and allowances, at a rate not less than the rate that was payable to him immediately before the appointed day, subject, in the case of salary or wages, to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until his salary is, or his wages or allowances are, varied or altered—

- (a) by an award of a competent tribunal or an industrial agreement or otherwise in accordance with law; or
- (b) where the variation or alteration increases the amount of his salary, wages or allowances—by the University.

(4) Except as otherwise provided by this clause, the conditions of employment of any transferred servant shall, subject to the variation of any such condition by an award of a competent tribunal or an industrial agreement or otherwise in accordance with law, be no less favourable to the servant than the conditions of his employment with the Institute immediately before the appointed day.

(5) Subject to subclause (6), where a transferred servant was, immediately before the appointed day, a contributor to a superannuation scheme, he—

- (a) shall retain any rights accrued or accruing to him as such a contributor; and
- (b) may continue to contribute to any superannuation scheme to which he was a contributor immediately before the appointed day,

as if he had continued to be a servant of the Institute during his service with the University and—

- (c) his service with the University shall be deemed to be service with the Institute for the purposes of any law under which those rights accrued or were accruing or under which he continues to contribute; and

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

- (d) he shall be deemed to be a servant of the Institute for the purposes of any superannuation scheme to which, by the operation of this subclause, he is entitled to contribute.

(6) A person who, but for this subclause, would be entitled under subclause (5) to contribute to a superannuation scheme shall not be so entitled upon his becoming a contributor to any other superannuation scheme, and the provisions of subclause (5) (d) cease to apply to or in respect of him in any case where he becomes a contributor to another superannuation scheme.

(7) Subclause (6) does not prevent the payment to a transferred servant, upon his ceasing to be a contributor to a superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be a contributor.

(8) Where, pursuant to subclause (5) (b), a transferred servant continues to contribute to a superannuation scheme, the University shall contribute to the superannuation scheme the same amount as would have been payable by the Institute if that person had remained a servant of the Institute and been paid salary or wages at the rate paid to him by the University.

(9) For the purposes of sick leave, long service leave or leave in the nature of long service leave, service of a transferred servant with the Institute shall be deemed to be service with the University.

(10) For the purpose of calculating the entitlement of a transferred servant to long service leave or leave in the nature of long service leave at any time, there shall be deducted from the amount of long service leave or leave in the nature of long service leave to which, but for this subclause, the transferred servant would be entitled—

- (a) any long service leave or leave in the nature of long service leave; and
- (b) the equivalent, in long service leave or leave in the nature of long service leave, of any benefit instead of long service leave or leave in the nature of long service leave,

taken or received by the transferred servant before that time.

(11) A transferred servant shall retain any right to annual leave accrued to him in respect of his service with the Institute.

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

(12) A transferred servant is not entitled to claim, both under this Act and any other Act, benefits in respect of the same period of service.

(13) Nothing in this clause affects the operation of the Industrial Arbitration Act, 1940.

Superannuation—employer's liability.

5. Where, before the appointed day—

(a) a person died or retired or was retrenched; and

(b) at the date of his death, retirement or retrenchment—

(i) he was a servant of the Institute;

(ii) the Institute was, for the purposes of any superannuation scheme, his employer,

then, for the purposes of the Act by or under which that scheme is established, the University shall, on and after the appointed day, be deemed to be the employer in the service of whom that person was employed at the date of his death, retirement or retrenchment for the purposes of any provision in that Act under which payments may be required to be made by that employer in respect of the superannuation scheme.

Students.

6. (1) Each person who was, immediately before the appointed day, a student of the Institute enrolled in an advanced education course shall, on the appointed day, become a student of the University and be enrolled in an advanced education course that is substantially the same, in academic content, as the advanced education course in which the student was enrolled at the Institute.

(2) The University shall, on the appointed day, provide such advanced education courses as are necessary for the purposes of subclause (1).

(3) Where a student is enrolled in an advanced education course pursuant to subclause (1), the University—

(a) shall, as far as it may practicably do so, give him credit in that course for any subject or work completed by him in the advanced education course from which he was transferred; and

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

(b) where—

- (i) before the completion of that course the student requests the Council of the University to confer on him, on completion of that course, an academic award under the seal of the Institute;
- (ii) in the opinion of the Council of the University the student has completed such part of his course at the Institute as to warrant his academic award being conferred under the seal of the Institute; and
- (iii) the student satisfactorily completes the course in which he has enrolled at the University before 1st January, 1986,

shall confer that academic award on the student under the seal of the Institute.

(4) A person having custody or possession of the common seal of the Institute shall make the common seal available to the University for the purposes of this clause, but shall not use the common seal or make it available to any other person.

(5) Where a person completed an advanced education course provided by the Institute but an academic award had not been conferred on the person in respect of the course before the appointed day, the University shall confer the academic award on the person under the common seal of the Institute.

Regulations.

7. (1) The Governor may make regulations containing other provisions of a savings or transitional nature consequent on the dissolution of the Institute.

(2) A provision made under subclause (1) may take effect as from the appointed day or a later day.

(3) To the extent to which a provision referred to in subclause (1) takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—

- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication therein; or

University of Wollongong (Advanced Education) Amendment.

SCHEDULE 3—*continued.*

DISSOLUTION OF THE WOLLONGONG INSTITUTE OF EDUCATION—*continued.*

(b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication therein.

(4) A provision made under subclause (1) shall, if the regulations under this clause so provide, have effect notwithstanding any other clause of this Schedule.

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 23rd April, 1982.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1982

