

FIRST PRINT

MACQUARIE UNIVERSITY (AMENDMENT) BILL 1986

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Macquarie University Act 1964 so as to alter the constitution of the Council of the Macquarie University. The Bill also makes minor amendments relating to the vacating of office by certain members of the Council.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the provisions of the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the Macquarie University Act 1964.

Clause 4 is a formal provision that gives effect to the Schedule of savings and transitional provisions.

Schedule 1 (1) (a) increases the number of members constituting the Council from 23 to 26.

Schedule 1 (1) (b) increases the number of members of the Council appointed by the Minister from 3 to 6.

Schedule 1 (1) (c) decreases the number of members of the Council who are professors from 3 to 2.

Schedule 1 (1) (d) provides that the 2 members of the Council who are professors shall be appointed or elected by the professors of the University.

Schedule 1 (1) (e) increases the number of members of the Council who are members of the academic staff (other than professors) from 2 to 4 and also provides that these members shall be appointed or elected by the non-professorial academic staff members of the University.

Schedule 1 (1) (f) increases the number of members of the Council elected by Convocation from 5 to 6. It also provides that members of the staff of the University or students of the University shall not be eligible to vote in an election of such a member or to be elected by Convocation.

Schedule 1 (1) (g) omits incidental references to the teaching staff of the University. The term academic staff is to be used instead in accordance with other provisions.

Schedule 1 (1) (h) removes the category of co-opted members of the Council, being those members who were appointed or elected by the other members of the Council. In the place of this category it is provided that the Vice-President of the Academic Senate of the University shall be an ex officio member of the Council.

Schedule 1 (1) (i) enables the term of office of members appointed by the Minister to be varied.

Schedule 1 (2) (a), (b) and (d) make amendments consequential upon the amendments effected by Schedule 1 (2) (c) and (e).

Schedule 1 (2) (c) and (e) provide that where the 2 members of the Council elected by the Legislative Council and Legislative Assembly wish to resign from the Council, they shall do so by notice in writing to the President of the Legislative Council or the Speaker of the Legislative Assembly, respectively.

Schedule 2 contains provisions of a savings or transitional nature.

MACQUARIE UNIVERSITY (AMENDMENT) BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 29, 1964
4. Savings and transitional provisions

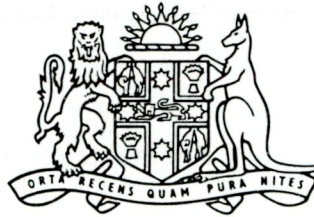
SCHEDULE 1—AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT 1964

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS



MACQUARIE UNIVERSITY (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Macquarie University Act 1964 with respect to the constitution of the Council of the Macquarie University.

Macquarie University (Amendment) 1986

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 "Macquarie University (Amendment) Act 1986".

Commencement

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

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

Amendment of Act No. 29, 1964

15 3. The Macquarie University Act 1964 is amended in the manner set forth in Schedule 1.

Savings and transitional provisions

4. Schedule 2 has effect.

SCHEDULE 1

20

(Sec. 3)

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT 1964

(1) Section 10 (**Constitution of Council**)—

(a) Section 10 (1)—

Omit "23", insert instead "26".

25

(b) Section 10 (2)—

Omit "Three", insert instead "Six".

*Macquarie University (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT 1964—
continued

(c) Section 10 (5) (a)—

Omit “Three”, insert instead “Two”.

(d) Section 10 (5) (a)—

Omit “and other members of the teaching staff”.

5 (e) Section 10 (5) (b)—

Omit the paragraph, insert instead:

10 (b) Four members, being members of the academic staff not having professorial rank, shall be appointed or elected, in the manner provided by the by-laws, by the members of the academic staff of the University not including those members having professorial rank.

(f) Section 10 (6), (6A)—

Omit section 10 (6), insert instead:

15 (6) Six members shall be elected, in the manner provided by the by-laws, by Convocation or such classes of members of Convocation as may be prescribed by the by-laws.

20 (6A) For the purposes of subsection (6) a person who is a full-time member of the staff of the University or who is a student of the University is ineligible to be elected as a member or to vote in any election under that subsection.

(g) Sections 10 (7A), 14 (1) (c)—

Omit “teaching” wherever occurring, insert instead “academic”.

(h) Section 10 (9)—

Omit the subsection, insert instead:

25 (9) The person holding office as Vice-President of the Academic Senate of the University shall, where that person is not a member of the Council by virtue of any other provision of this section, be ex officio a member of the Council.

Macquarie University (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT 1964—
continued

(i) Section 10 (11)—

Omit “elected under subsections (3) and (4)”, insert instead “appointed or elected under subsection (2), (3) or (4)”.

(2) Section 12 (**Vacation of office**)—

5 (a) Section 12 (b)—

Before “resigns”, insert “except in the case of a member referred to in paragraph (d) or (e)”.

(b) Section 12 (d) (i)—

Omit “or”.

10 (c) Section 12 (d) (iii)—

After section 12 (d) (ii), insert:

(iii) resigns from office by notice in writing addressed to the President of the Legislative Council; or

(d) Section 12 (e) (i)—

15 Omit “or” where secondly occurring.

(e) Section 12 (e) (iii)—

After section 12 (e) (ii), insert:

; or

20 (iii) resigns from office by notice in writing addressed to the Speaker of the Legislative Assembly.

Macquarie University (Amendment) 1986

SCHEDULE 2

(Sec. 4)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

5 1. In this Schedule—

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

“Council” means the Council of the Macquarie University;

“Principal Act” means the Macquarie University Act 1964.

Saving of members of Council

10 2. (1) An amendment made to the Principal Act by this Act does not affect the election or appointment or the term of office of any member of the Council holding office immediately before the appointed day.

(2) Subclause (1) does not apply to the repeal by this Act of section 10 (9) of the Principal Act and the members holding office under that provision immediately before
15 the appointed day shall vacate office on that day.

(3) Subclause (1) does not apply to the election or the term of office of the person referred to in clause 5.

Election of academic members of Council

20 3. (1) As soon as practicable after the appointed day, an election shall be held in accordance with the by-laws for the purpose of electing the additional members necessary to constitute the Council in accordance with section 10 (5) (b) of the Principal Act, as amended by this Act.

(2) The new members elected under section 10 (5) (b) of the Principal Act, as amended
25 by this Act, shall be deemed to hold office as members of the Council for the same term (to expire on the same day) as the term of office of the existing members who have been appointed or elected under section 10 (5) (b).

Additional member elected by Convocation

30 4. The first election of the additional member of the Council under section 10 (6) of the Principal Act, as amended by this Act, shall, for the purposes only of enabling the Council to be constituted as soon as practicable after the appointed day in accordance with that subsection, as so amended, be effected as if the member's position were to be filled as the consequence of a casual vacancy as provided by the by-laws under the Principal Act.

Macquarie University (Amendment) 1986

SCHEDULE 2—*continued*

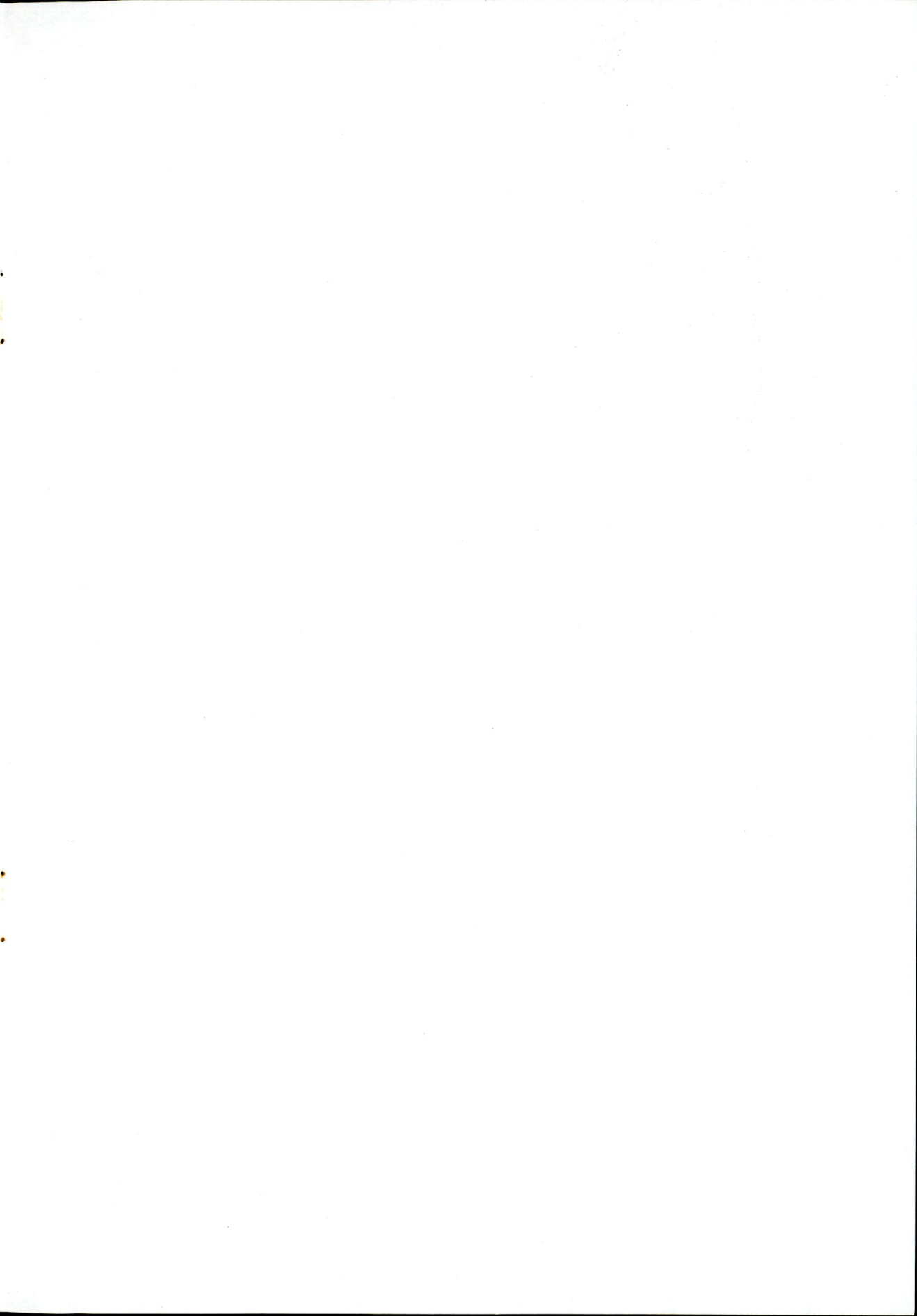
SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

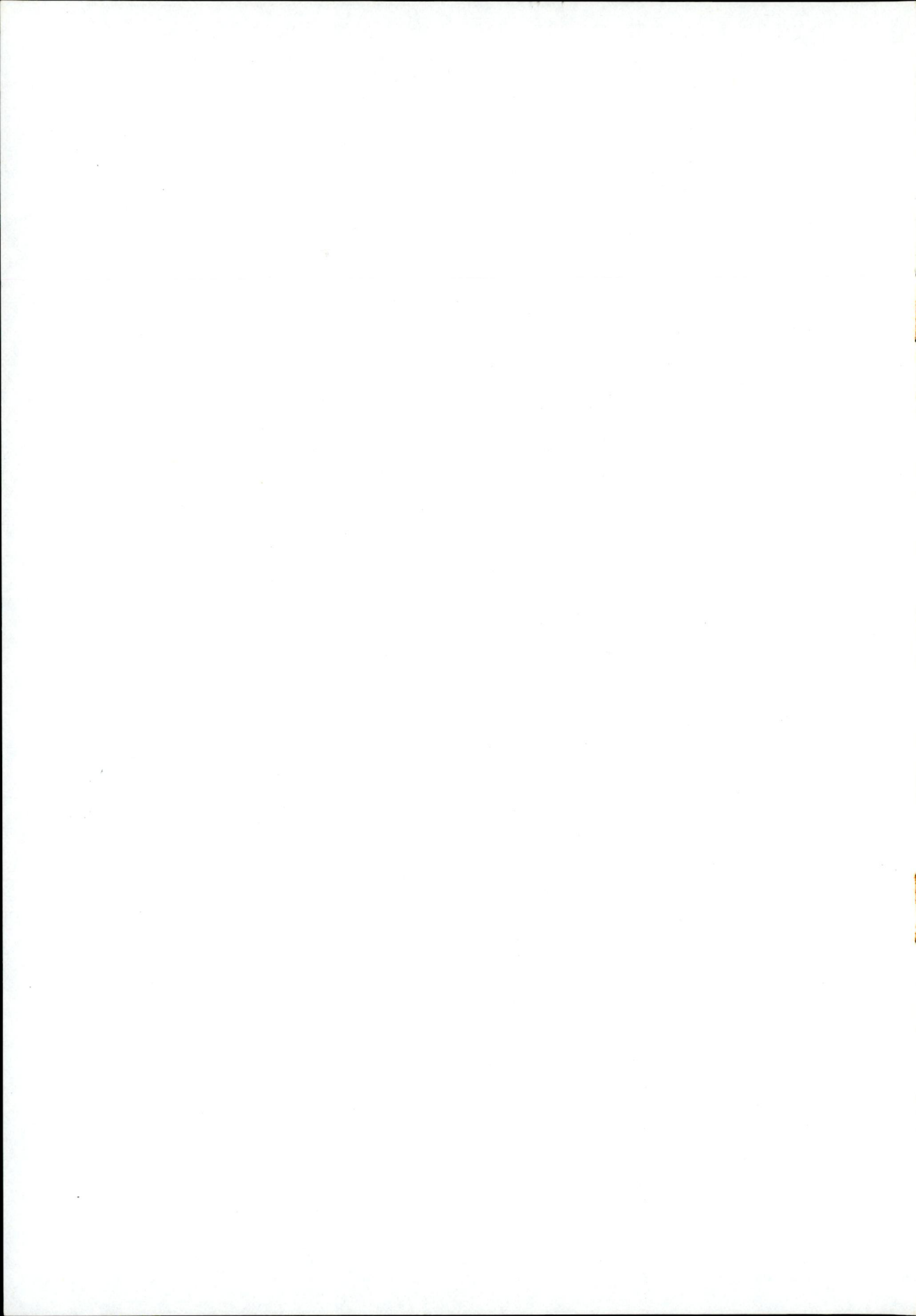
Members having professorial rank

5. The person who immediately before the appointed day held office as Vice-President of the Academic Senate of the University shall, on that day, cease to be a member of the Council elected under section 10 (5) (a) of the Principal Act and shall, on and from that day, subject to the Principal Act, as amended by this Act, and notwithstanding section 10 (9) of the Principal Act, as amended by this Act, be ex officio a member of the Council.

BY AUTHORITY

D. WEST. GOVERNMENT PRINTER. NEW SOUTH WALES—1986





MACQUARIE UNIVERSITY (AMENDMENT) ACT 1986
No. 31

NEW SOUTH WALES

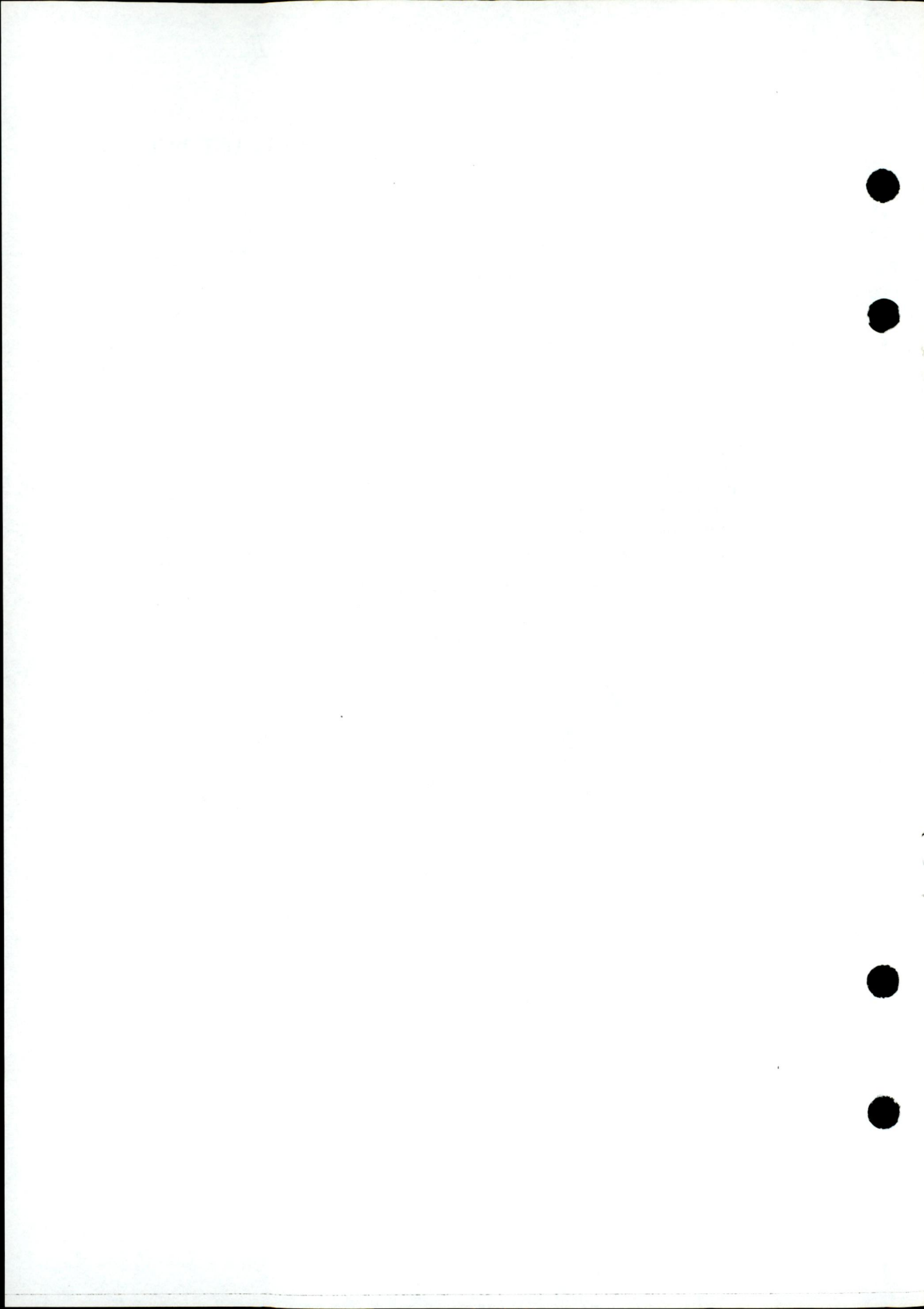


TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 29, 1964
4. Savings and transitional provisions

SCHEDULE 1—AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT 1964

SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS



MACQUARIE UNIVERSITY (AMENDMENT) ACT 1986 No. 31

NEW SOUTH WALES



Act No. 31, 1986

An Act to amend the Macquarie University Act 1964 with respect to the constitution of the Council of the Macquarie University. [Assented to 6 May 1986.]

Macquarie University (Amendment) 1986

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "Macquarie University (Amendment) Act 1986".

Commencement

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

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

Amendment of Act No. 29, 1964

3. The Macquarie University Act 1964 is amended in the manner set forth in Schedule 1.

Savings and transitional provisions

4. Schedule 2 has effect.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT 1964

(1) Section 10 (**Constitution of Council**)—

(a) Section 10 (1)—

Omit "23", insert instead "26".

(b) Section 10 (2)—

Omit "Three", insert instead "Six".

Macquarie University (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT 1964—
continued

(c) Section 10 (5) (a)—

Omit “Three”, insert instead “Two”.

(d) Section 10 (5) (a)—

Omit “and other members of the teaching staff”.

(e) Section 10 (5) (b)—

Omit the paragraph, insert instead:

(b) Four members, being members of the academic staff not having professorial rank, shall be appointed or elected, in the manner provided by the by-laws, by the members of the academic staff of the University not including those members having professorial rank.

(f) Section 10 (6), (6A)—

Omit section 10 (6), insert instead:

(6) Six members shall be elected, in the manner provided by the by-laws, by Convocation or such classes of members of Convocation as may be prescribed by the by-laws.

(6A) For the purposes of subsection (6) a person who is a full-time member of the staff of the University or who is a student of the University is ineligible to be elected as a member or to vote in any election under that subsection.

(g) Sections 10 (7A), 14 (1) (c)—

Omit “teaching” wherever occurring, insert instead “academic”.

(h) Section 10 (9)—

Omit the subsection, insert instead:

(9) The person holding office as Vice-President of the Academic Senate of the University shall, where that person is not a member of the Council by virtue of any other provision of this section, be ex officio a member of the Council.

Macquarie University (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE MACQUARIE UNIVERSITY ACT 1964—
continued

(i) Section 10 (11)—

Omit “elected under subsections (3) and (4)”, insert instead “appointed or elected under subsection (2), (3) or (4)”.

(2) Section 12 (**Vacation of office**)—

(a) Section 12 (b)—

Before “resigns”, insert “except in the case of a member referred to in paragraph (d) or (e)”.

(b) Section 12 (d) (i)—

Omit “or”.

(c) Section 12 (d) (iii)—

After section 12 (d) (ii), insert:

(iii) resigns from office by notice in writing addressed to the President of the Legislative Council; or

(d) Section 12 (e) (i)—

Omit “or” where secondly occurring.

(e) Section 12 (e) (iii)—

After section 12 (e) (ii), insert:

; or

(iii) resigns from office by notice in writing addressed to the Speaker of the Legislative Assembly.

Macquarie University (Amendment) 1986

SCHEDULE 2

(Sec. 4)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

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

“Council” means the Council of the Macquarie University;

“Principal Act” means the Macquarie University Act 1964.

Saving of members of Council

2. (1) An amendment made to the Principal Act by this Act does not affect the election or appointment or the term of office of any member of the Council holding office immediately before the appointed day.

(2) Subclause (1) does not apply to the repeal by this Act of section 10 (9) of the Principal Act and the members holding office under that provision immediately before the appointed day shall vacate office on that day.

(3) Subclause (1) does not apply to the election or the term of office of the person referred to in clause 5.

Election of academic members of Council

3. (1) As soon as practicable after the appointed day, an election shall be held in accordance with the by-laws for the purpose of electing the additional members necessary to constitute the Council in accordance with section 10 (5) (b) of the Principal Act, as amended by this Act.

(2) The new members elected under section 10 (5) (b) of the Principal Act, as amended by this Act, shall be deemed to hold office as members of the Council for the same term (to expire on the same day) as the term of office of the existing members who have been appointed or elected under section 10 (5) (b).

Additional member elected by Convocation

4. The first election of the additional member of the Council under section 10 (6) of the Principal Act, as amended by this Act, shall, for the purposes only of enabling the Council to be constituted as soon as practicable after the appointed day in accordance with that subsection, as so amended, be effected as if the member's position were to be filled as the consequence of a casual vacancy as provided by the by-laws under the Principal Act.

Macquarie University (Amendment) 1986

SCHEDULE 2—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

Members having professorial rank

5. The person who immediately before the appointed day held office as Vice-President of the Academic Senate of the University shall, on that day, cease to be a member of the Council elected under section 10 (5) (a) of the Principal Act and shall, on and from that day, subject to the Principal Act, as amended by this Act, and notwithstanding section 10 (9) of the Principal Act, as amended by this Act, be ex officio a member of the Council.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986