

FIRST PRINT

**UNIVERSITY AND UNIVERSITY COLLEGES
(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 University and University Colleges Act 1900 so as to alter the membership of the Senate of the University of Sydney. The Bill also makes amendments relating to—

- (a) the electing or appointing of certain of the Fellows constituting the Senate; and
- (b) the vacating of office by certain of those Fellows.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement on specified days of the proposed amendments relating to appointed Fellows, elected Fellows and official Fellows.

Clause 3 states that the University and University Colleges Act 1900 is referred to in the proposed Act as the Principal Act.

Clause 4 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

Clause 5 is a formal provision that gives effect to the Schedule of savings and transitional provisions.

Schedule 1 (1) increases the number of Fellows to be appointed by the Minister from 4 to 6.

Schedule 1 (2) provides that a Fellow appointed by the Minister shall hold office for a term of 4 years or such shorter period as may be specified in the instrument of appointment.

Schedule 2 repeals all of the provisions of the Principal Act relating to the 3 Fellows who are presently elected by the other Fellows.

Schedule 3 (1) states that the person holding the office of Chairman of the Academic Board of the University shall be a Fellow.

Schedule 3 (2) prevents the person who holds that office from vacating office as a Fellow for non-attendance at meetings of the Senate of the University.

Schedule 3 (3) empowers the making of by-laws under the Principal Act relating to the election of a Chairman of the Academic Board.

Schedule 4 (1) (a) reduces the number of Fellows to be elected by the staff of the University from 8 to 7 and requires that—

(a) of the Fellows elected by the academic staff, a minimum number fixed by the by-laws shall be professors and a minimum number so fixed shall not be professors; and

(b) one of the 7 Fellows shall be from the general staff of the University.

Schedule 4 (1) (b) is a consequential amendment.

Schedule 4 (1) (c) requires that, of the 3 Fellows to be elected by students at the University, at least one shall be an undergraduate and one a postgraduate candidate proceeding to a degree or diploma.

Schedule 4 (1) (d) and (e) are consequential amendments.

Schedule 4 (1) (f) enables the by-laws to determine who is to be treated—

(a) as a member of the full-time permanent staff of the University or as an academic member of that staff; or

(b) as a postgraduate candidate or as an undergraduate candidate,

for the purposes of elections of Fellows.

Schedule 4 (2) and (3) (a) are consequential amendments.

Schedule 4 (3) (b) provides that appointed or elected Fellows shall vacate office as Fellows if they fail to attend 3 consecutive meetings of the Senate without leave of the Senate.

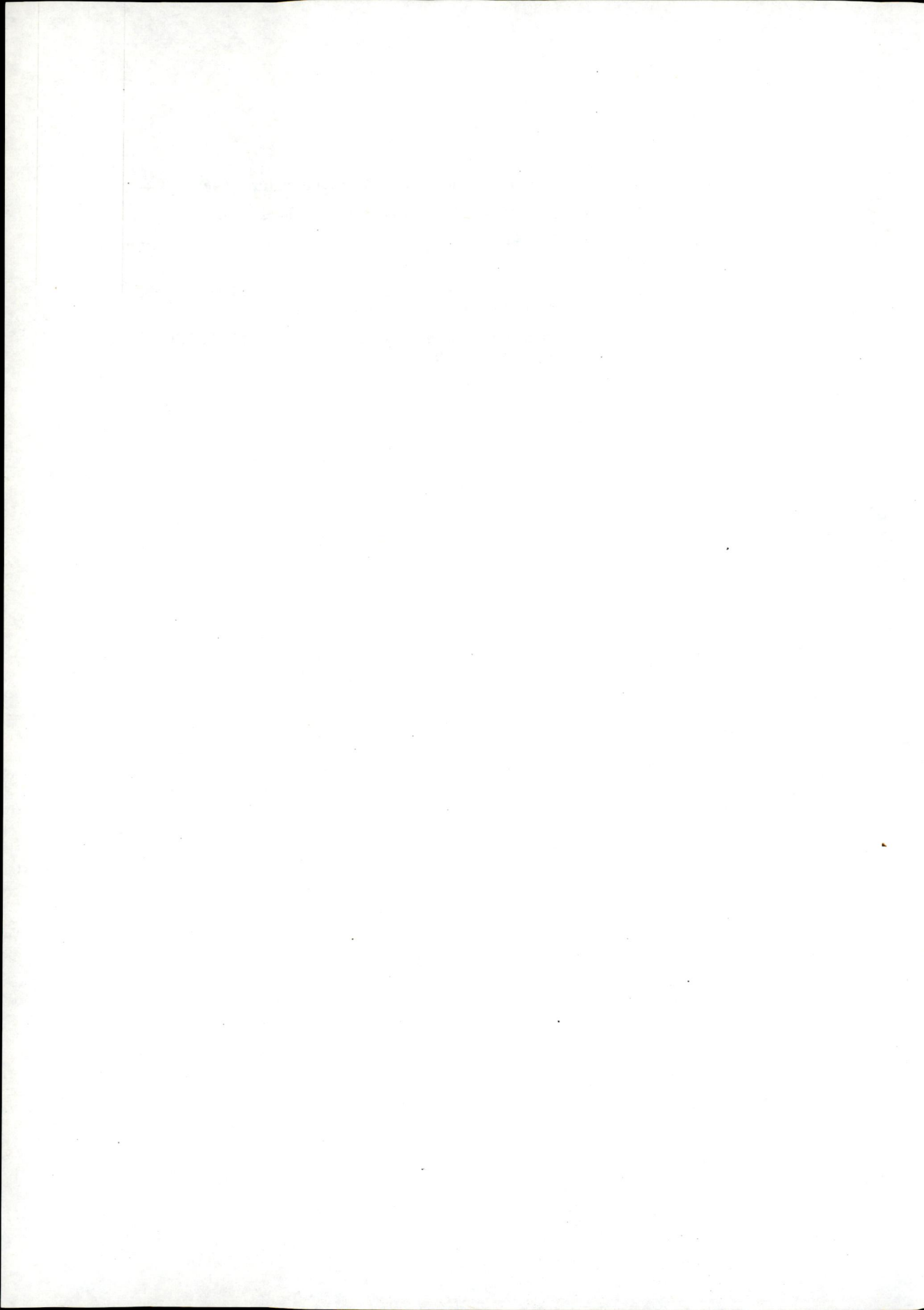
Schedule 4 (3) (c) provides that an elected Fellow shall vacate office on losing a qualification which made the Fellow eligible to be elected.

Schedule 4 (3) (d) prevents a member of the academic staff who is not a professor when elected a Fellow from continuing to be a Fellow after becoming a professor or a student who was not a postgraduate candidate when elected a Fellow from continuing to be a Fellow after becoming a postgraduate candidate.

Schedule 4 (4) is a consequential amendment.

Schedule 5 contains savings and provisions of a transitional nature. These will—

- (a) save the offices of certain persons already elected as Fellows (clause 2);
 - (b) require the appointment and election of Fellows so that the Senate is reconstituted in accordance with the proposed amendments (clause 3);
 - (c) save by-laws which would otherwise be repealed because of the repeal and re-enactment of provisions of the Principal Act (clause 4); and
 - (d) make transitional arrangements relating to absences from meetings of the Senate which may have already occurred (clause 5).
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UNIVERSITY AND UNIVERSITY COLLEGES (AMENDMENT) BILL 1986

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 22, 1900
5. Savings and transitional provisions

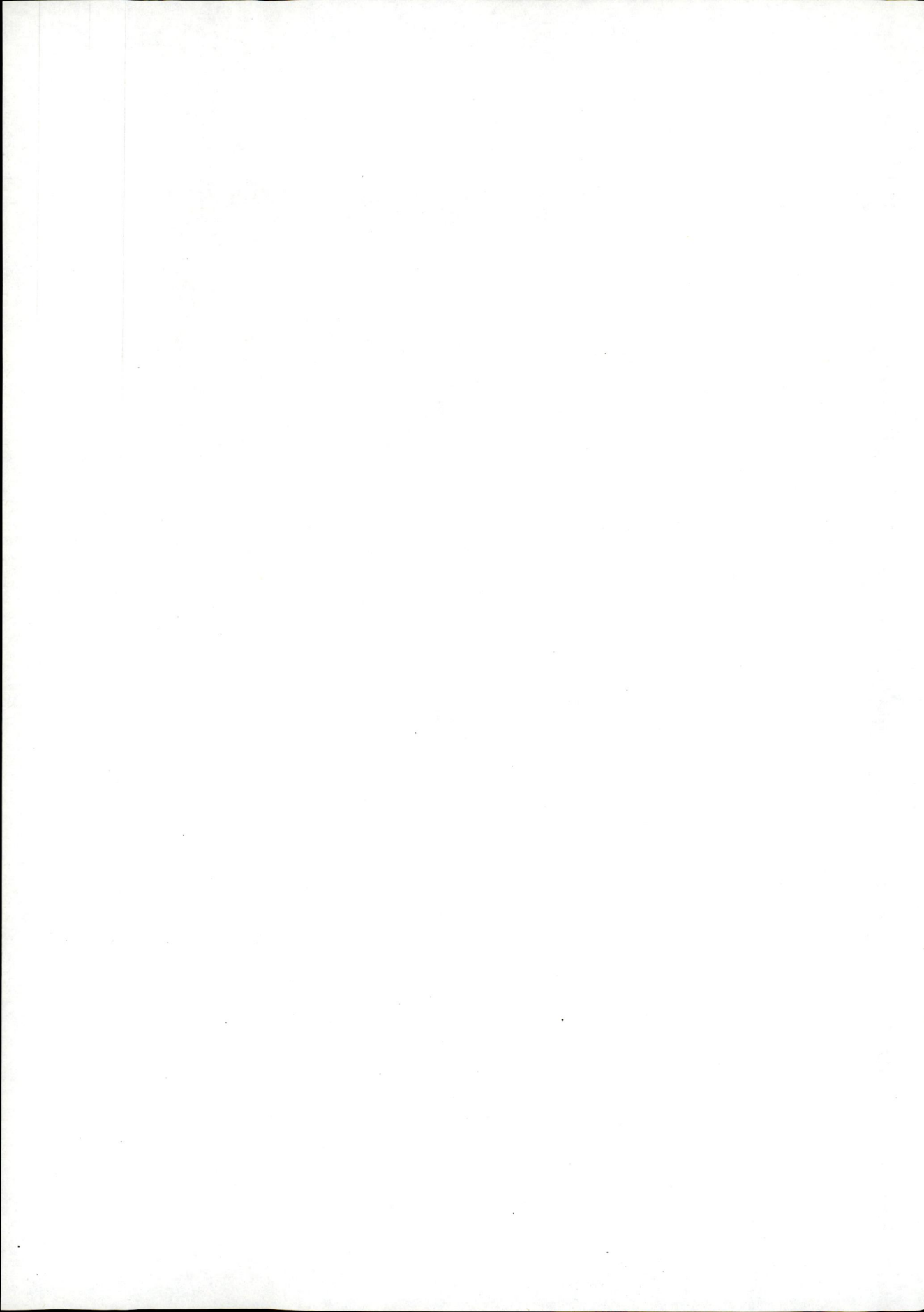
SCHEDULE 1—AMENDMENTS RELATING TO APPOINTED FELLOWS

SCHEDULE 2—AMENDMENTS RELATING TO FELLOWS ELECTED BY OTHER FELLOWS

SCHEDULE 3—AMENDMENTS RELATING TO OFFICIAL FELLOWS

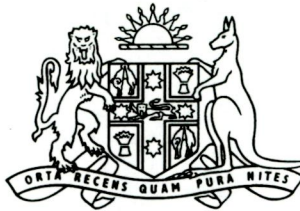
SCHEDULE 4—AMENDMENTS RELATING TO ELECTED FELLOWS

SCHEDULE 5—SAVINGS AND TRANSITIONAL PROVISIONS



**UNIVERSITY AND UNIVERSITY COLLEGES
(AMENDMENT) BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the University and University Colleges Act 1900 with respect to the constitution of the Senate of the University of Sydney, and for other purposes.

University and University Colleges (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 "University and University Colleges (Amendment) Act 1986".

Commencement

2. (1) Except as provided by subsections (2)–(4), this Act shall
10 commence on the date of assent to this Act.

(2) Schedule 2, and section 4 in its application to that Schedule, shall commence on 1 March 1987.

(3) Schedules 3 and 4, and section 4 in its application to those Schedules, shall commence on 1 January 1988.

15 (4) For the purpose only of enabling the Senate of the University of Sydney to be constituted in accordance with the Principal Act, as amended by this Act, by-laws may be made under that Act, elections may be held and any other action may be taken as if the whole of this Act had commenced on the date of assent.

20 Principal Act

3. The University and University Colleges Act 1900 is referred to in this Act as the Principal Act.

Amendment of Act No. 22, 1900

4. The Principal Act is amended in the manner set forth in Schedules
25 1–4.

Savings and transitional provisions

5. Schedule 5 has effect.

SCHEDULE 1

(Sec. 4)

AMENDMENTS RELATING TO APPOINTED FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

5 Section 7 (1) (a)—

Omit “four”, insert instead “six”.

(2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (a)—

10 Omit “a term of four years”, insert instead “such term not exceeding four years as may be specified in the instrument of appointment or, if no term is so specified, for a term of four years commencing on the date of appointment”.

SCHEDULE 2

(Sec. 4)

15 AMENDMENTS RELATING TO FELLOWS ELECTED BY OTHER FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (g)—

After “Fellow;”, insert “and”.

20 (b) Section 7 (1) (h)—

Omit “Vice-Chancellor; and”, insert instead “Vice-Chancellor.”.

(c) Section 7 (1) (i)—

Omit the paragraph.

(d) Section 7 (2) (c)—

25 Omit “, (f) and (i)”, insert instead “and (f)”.

University and University Colleges (Amendment) 1986

SCHEDULE 2—*continued*

AMENDMENTS RELATING TO FELLOWS ELECTED BY OTHER
FELLOWS—*continued*

(2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (c)—

Omit “, (f) or (i)”, insert instead “or (f)”.

(3) Section 9 (**Vacation of office of Fellow**)—

5 Section 9 (d) (iv), (e), (f)—

Omit “, (f) or (i)” wherever occurring, insert instead “or (f)”.

(4) Section 9A (**Casual vacancy**)—

Section 9A (b)—

Omit “, (f) or (i)”, insert instead “or (f)”.

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SCHEDULE 3

(Sec. 4)

AMENDMENTS RELATING TO OFFICIAL FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (g)—

15 Omit “and”.

(b) Section 7 (1) (h), (i)—

At the end of section 7 (1) (h), insert:

; and

20 (i) one Fellow who shall be the person for the time being holding
the office of Chairman of the Academic Board.

(2) Section 9 (**Vacation of office of Fellow**)—

Section 9 (g)—

Omit “or (h)”, insert instead “, (h) or (i)”.

University and University Colleges (Amendment) 1986

SCHEDULE 3—*continued*

AMENDMENTS RELATING TO OFFICIAL FELLOWS—*continued*

(3) Section 15 (**By-laws**)—

Section 15 (1) (b1)—

After section 15 (1) (b), insert:

(b1) the election of a Chairman of the Academic Board;

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SCHEDULE 4

(Sec. 4)

AMENDMENTS RELATING TO ELECTED FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (d), (d1)—

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Omit section 7 (1) (d), insert instead:

(d) six Fellows elected by and from the academic members of the full-time permanent staff of the University, the Fellows so elected to include at least—

15

(i) such number of professors; and

(ii) such number of those members who are not professors,

as is in each case prescribed by the by-laws;

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(d1) one Fellow elected by and from the members (other than the academic members) of the full-time permanent staff of the University;

(b) Section 7 (1) (e), (f)—

After “(d)”, insert “or (d1)”.

(c) Section 7 (1) (f)—

25

After “University” where secondly occurring, insert “, the Fellows so elected to include at least one undergraduate candidate and one postgraduate candidate”.

University and University Colleges (Amendment) 1986

SCHEDULE 4—*continued*

AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*

(d) Section 7 (2) (c)—

After “(d)”, insert “, (d1)”.

(e) Section 7 (3A)—

5 Omit “subsection (1) (d), ‘members of the full-time’”, insert instead
“this section, ‘members of the full-time permanent’”.

(f) Section 7 (3B), (3C)—

After section 7 (3A), insert:

(3B) Whether or not a person is, for the purposes of this section,
to be treated as—

10 (a) a member of the full-time permanent staff of the
University, except as provided by subsection (3A); or

(b) an academic member of that full-time permanent staff,

15 shall be determined by the by-laws which may require that, for
persons of a specified category to be treated as full-time permanent
staff, they shall have completed or contracted to complete a
specified minimum period of service.

(3C) For the purposes of paragraph (f) of subsection (1),
candidates referred to in that paragraph shall be treated as—

20 (a) postgraduate candidates, if they are proceeding to the
degree of Doctor or Master or to a postgraduate diploma
in the University or to any other degree or diploma
prescribed by the by-laws; or

(b) undergraduate candidates, if they are proceeding to any
other degree or diploma in the University.

25 (2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (c)—

After “(d)”, insert “, (d1)”.

*University and University Colleges (Amendment) 1986*SCHEDULE 4—*continued*AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*(3) Section 9 (**Vacation of office of Fellow**)—

(a) Section 9 (d) (iv), (e), (f)—

After “(d)” wherever occurring, insert “, (d1)”.

(b) Section 9 (g)—

5 Omit “four”, insert instead “3”.

(c) Section 9 (j)—

Omit the paragraph, insert instead:

10 (j) ceases, in the case of a Fellow referred to in section 7 (1) (d), (d1) or (f), to meet a requirement which made the Fellow eligible to be elected;

(d) Section 9 (2), (3)—

At the end of section 9, insert:

(2) A Fellow referred to in section 7 (1) (d)—

15 (a) who was a professor when elected, but who ceases to be a professor; or

(b) who was not a professor when elected, but who becomes a professor,

shall be deemed to have vacated office.

(3) A Fellow referred to in section 7 (1) (f)—

20 (a) who was a postgraduate candidate when elected, but who ceases to be a postgraduate candidate; or

(b) who was an undergraduate candidate when elected, but who ceases to be an undergraduate candidate,

shall be deemed to have vacated office.

University and University Colleges (Amendment) 1986

SCHEDULE 4—*continued*

AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*

(4) Section 9A (**Casual vacancy**)—

Section 9A (b)—

After “(d)”, insert “, (d1)”.

SCHEDULE 5

5

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

“Senate” means the Senate of the University of Sydney.

10 Saving of offices of Fellows

2. An amendment made to the Principal Act by this Act does not affect the election or appointment or the term of office of any Fellow of the Senate holding office immediately before the date of assent to this Act.

Appointment and election of certain Fellows

15 3. As soon as practicable after the date of assent to this Act, appointments shall be made, and elections shall be held in accordance with the by-laws made under the Principal Act, for the purpose of constituting the Senate in accordance with the Principal Act, as amended by this Act.

Saving of certain by-laws

20 4. Any by-law—

(a) which was in force under the Principal Act immediately before the commencement of any amendment to that Act made by this Act; and

(b) which could be made under that Act, as amended by this Act,

shall be deemed to have been made under that Act, as amended by this Act.

25 Absences of Fellows from meetings

5. (1) An absence of a Fellow from a meeting of the Senate before the commencement of Schedule 4 shall be deemed to be an absence of the member from a meeting of the Senate without the leave of the Senate for the purposes of section 9 (g) of the Principal Act, as amended by this Act.

University and University Colleges (Amendment) 1986

SCHEDULE 5—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

- (2) Notwithstanding subclause (1)—
- (a) the Senate may, after the commencement of Schedule 4, give leave for any absence which occurred before that commencement; and
- 5 (b) the absence of a Fellow before that commencement from 3 or more consecutive meetings of the Senate shall be deemed to be an absence from 2 consecutive meetings of the Senate without the leave of the Senate.

**UNIVERSITY AND UNIVERSITY COLLEGES
(AMENDMENT) ACT 1986 No. 172**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 22, 1900
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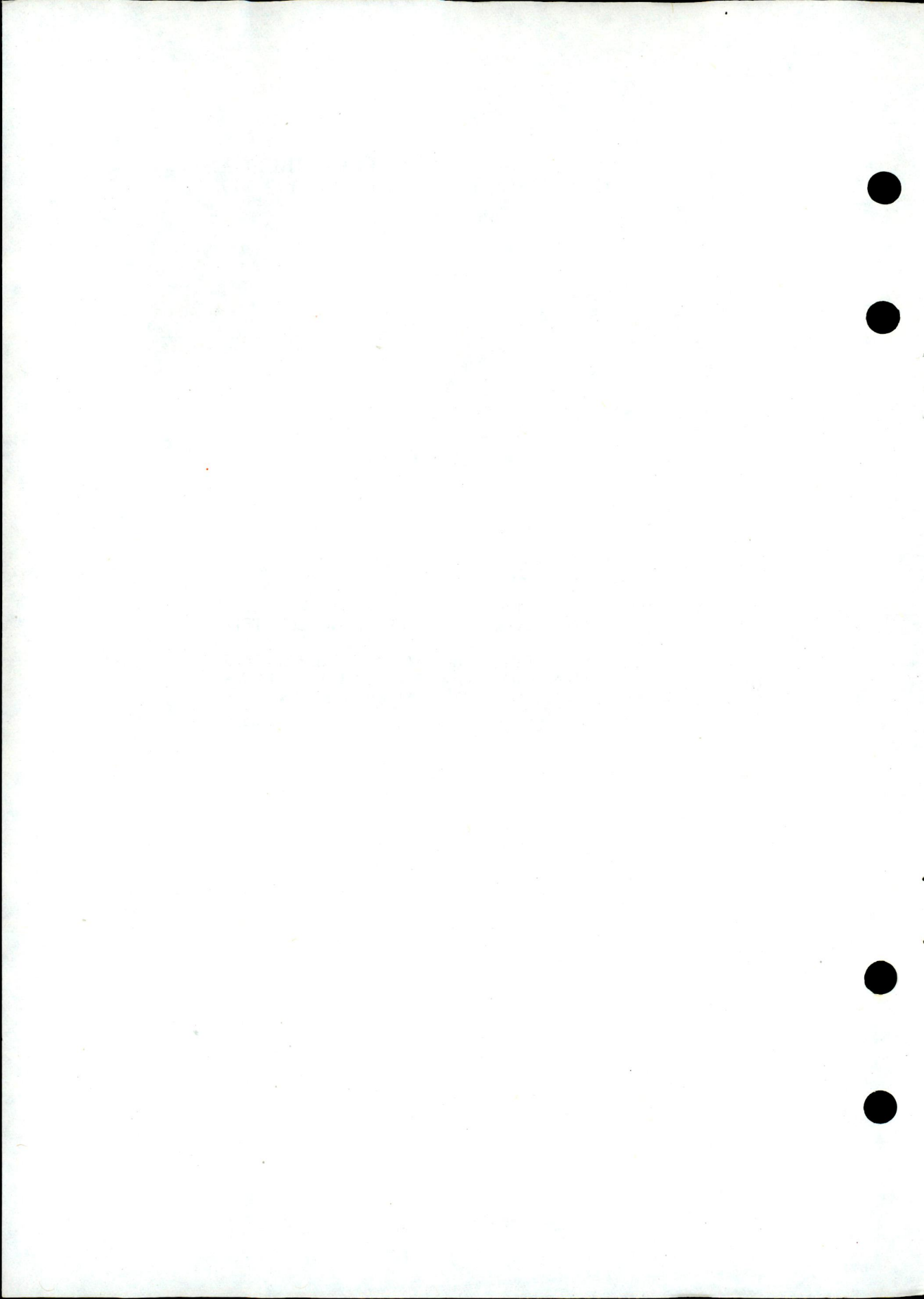
SCHEDULE 1—AMENDMENTS RELATING TO APPOINTED FELLOWS

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FELLOWS

SCHEDULE 3—AMENDMENTS RELATING TO OFFICIAL FELLOWS

SCHEDULE 4—AMENDMENTS RELATING TO ELECTED FELLOWS

SCHEDULE 5—SAVINGS AND TRANSITIONAL PROVISIONS



**UNIVERSITY AND UNIVERSITY COLLEGES (AMENDMENT) ACT
1986 No. 172**

NEW SOUTH WALES



Act No. 172, 1986

An Act to amend the University and University Colleges Act 1900 with respect to the constitution of the Senate of the University of Sydney, and for other purposes. [Assented to 17 December 1986]

University and University Colleges (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 "University and University Colleges (Amendment) Act 1986".

Commencement

2. (1) Except as provided by subsections (2)–(4), this Act shall commence on the date of assent to this Act.

(2) Schedule 2, and section 4 in its application to that Schedule, shall commence on 1 March 1987.

(3) Schedules 3 and 4, and section 4 in its application to those Schedules, shall commence on 1 January 1988.

(4) For the purpose only of enabling the Senate of the University of Sydney to be constituted in accordance with the Principal Act, as amended by this Act, by-laws may be made under that Act, elections may be held and any other action may be taken as if the whole of this Act had commenced on the date of assent.

Principal Act

3. The University and University Colleges Act 1900 is referred to in this Act as the Principal Act.

Amendment of Act No. 22, 1900

4. The Principal Act is amended in the manner set forth in Schedules 1–4.

Savings and transitional provisions

5. Schedule 5 has effect.

University and University Colleges (Amendment) 1986

SCHEDULE 1

(Sec. 4)

AMENDMENTS RELATING TO APPOINTED FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

Section 7 (1) (a)—

Omit “four”, insert instead “six”.

(2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (a)—

Omit “a term of four years”, insert instead “such term not exceeding four years as may be specified in the instrument of appointment or, if no term is so specified, for a term of four years commencing on the date of appointment”.

SCHEDULE 2

(Sec. 4)

AMENDMENTS RELATING TO FELLOWS ELECTED BY OTHER FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (g)—

After “Fellow;”, insert “and”.

(b) Section 7 (1) (h)—

Omit “Vice-Chancellor; and”, insert instead “Vice-Chancellor.”.

(c) Section 7 (1) (i)—

Omit the paragraph.

(d) Section 7 (2) (c)—

Omit “, (f) and (i)”, insert instead “and (f)”.

University and University Colleges (Amendment) 1986

SCHEDULE 2—*continued*

AMENDMENTS RELATING TO FELLOWS ELECTED BY OTHER
FELLOWS—*continued*

(2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (c)—

Omit “, (f) or (i)”, insert instead “or (f)”.

(3) Section 9 (**Vacation of office of Fellow**)—

Section 9 (d) (iv), (e), (f)—

Omit “, (f) or (i)” wherever occurring, insert instead “or (f)”.

(4) Section 9A (**Casual vacancy**)—

Section 9A (b)—

Omit “, (f) or (i)”, insert instead “or (f)”.

SCHEDULE 3

(Sec. 4)

AMENDMENTS RELATING TO OFFICIAL FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (g)—

Omit “and”.

(b) Section 7 (1) (h), (i)—

At the end of section 7 (1) (h), insert:

; and

(i) one Fellow who shall be the person for the time being holding the office of Chairman of the Academic Board.

(2) Section 9 (**Vacation of office of Fellow**)—

Section 9 (g)—

Omit “or (h)”, insert instead “, (h) or (i)”.

*University and University Colleges (Amendment) 1986*SCHEDULE 3—*continued*AMENDMENTS RELATING TO OFFICIAL FELLOWS—*continued*(3) Section 15 (**By-laws**)—

Section 15 (1) (b1)—

After section 15 (1) (b), insert:

(b1) the election of a Chairman of the Academic Board;

SCHEDULE 4

(Sec. 4)

AMENDMENTS RELATING TO ELECTED FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (d), (d1)—

Omit section 7 (1) (d), insert instead:

(d) six Fellows elected by and from the academic members of the full-time permanent staff of the University, the Fellows so elected to include at least—

(i) such number of professors; and

(ii) such number of those members who are not professors,

as is in each case prescribed by the by-laws;

(d1) one Fellow elected by and from the members (other than the academic members) of the full-time permanent staff of the University;

(b) Section 7 (1) (e), (f)—

After “(d)”, insert “or (d1)”.

(c) Section 7 (1) (f)—

After “University” where secondly occurring, insert “, the Fellows so elected to include at least one undergraduate candidate and one postgraduate candidate”.

University and University Colleges (Amendment) 1986

SCHEDULE 4—*continued*

AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*

(d) Section 7 (2) (c)—

After “(d)”, insert “, (d1)”.

(e) Section 7 (3A)—

Omit “subsection (1) (d), ‘members of the full-time’”, insert instead “this section, ‘members of the full-time permanent’”.

(f) Section 7 (3B), (3C)—

After section 7 (3A), insert:

(3B) Whether or not a person is, for the purposes of this section, to be treated as—

(a) a member of the full-time permanent staff of the University, except as provided by subsection (3A); or

(b) an academic member of that full-time permanent staff,

shall be determined by the by-laws which may require that, for persons of a specified category to be treated as full-time permanent staff, they shall have completed or contracted to complete a specified minimum period of service.

(3C) For the purposes of paragraph (f) of subsection (1), candidates referred to in that paragraph shall be treated as—

(a) postgraduate candidates, if they are proceeding to the degree of Doctor or Master or to a postgraduate diploma in the University or to any other degree or diploma prescribed by the by-laws; or

(b) undergraduate candidates, if they are proceeding to any other degree or diploma in the University.

(2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (c)—

After “(d)”, insert “, (d1)”.

University and University Colleges (Amendment) 1986

SCHEDULE 4—*continued*

AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*

(3) Section 9 (**Vacation of office of Fellow**)—

(a) Section 9 (d) (iv), (e), (f)—

After “(d)” wherever occurring, insert “, (d1)”.

(b) Section 9 (g)—

Omit “four”, insert instead “3”.

(c) Section 9 (j)—

Omit the paragraph, insert instead:

- (j) ceases, in the case of a Fellow referred to in section 7 (1) (d), (d1) or (f), to meet a requirement which made the Fellow eligible to be elected;

(d) Section 9 (2), (3)—

At the end of section 9, insert:

(2) A Fellow referred to in section 7 (1) (d)—

- (a) who was a professor when elected, but who ceases to be a professor; or
 (b) who was not a professor when elected, but who becomes a professor.

shall be deemed to have vacated office.

(3) A Fellow referred to in section 7 (1) (f)—

- (a) who was a postgraduate candidate when elected, but who ceases to be a postgraduate candidate; or
 (b) who was an undergraduate candidate when elected, but who ceases to be an undergraduate candidate.

shall be deemed to have vacated office.

*University and University Colleges (Amendment) 1986*SCHEDULE 4—*continued*AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*(4) Section 9A (**Casual vacancy**)—

Section 9A (b)—

After “(d)”, insert “, (d1)”.

SCHEDULE 5

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

“Senate” means the Senate of the University of Sydney.

Saving of offices of Fellows

2. An amendment made to the Principal Act by this Act does not affect the election or appointment or the term of office of any Fellow of the Senate holding office immediately before the date of assent to this Act.

Appointment and election of certain Fellows

3. As soon as practicable after the date of assent to this Act, appointments shall be made, and elections shall be held in accordance with the by-laws made under the Principal Act, for the purpose of constituting the Senate in accordance with the Principal Act, as amended by this Act.

Saving of certain by-laws

4. Any by-law—

(a) which was in force under the Principal Act immediately before the commencement of any amendment to that Act made by this Act; and

(b) which could be made under that Act, as amended by this Act.

shall be deemed to have been made under that Act, as amended by this Act.

Absences of Fellows from meetings

5. (1) An absence of a Fellow from a meeting of the Senate before the commencement of Schedule 4 shall be deemed to be an absence of the member from a meeting of the Senate without the leave of the Senate for the purposes of section 9 (g) of the Principal Act, as amended by this Act.

University and University Colleges (Amendment) 1986

SCHEDULE 5—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(2) Notwithstanding subclause (1)—

- (a) the Senate may, after the commencement of Schedule 4, give leave for any absence which occurred before that commencement; and
- (b) the absence of a Fellow before that commencement from 3 or more consecutive meetings of the Senate shall be deemed to be an absence from 2 consecutive meetings of the Senate without the leave of the Senate.

