

FIRST PRINT

**UNIVERSITY OF NEW ENGLAND (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 of New England Act 1953 so as to alter the membership of the Council of the University of New England. The Bill also makes minor amendments relating to—

- (a) the election of certain members of that Council;
- (b) the vacating of office by certain of those members; and
- (c) the appointment of an acting Vice-Chancellor or Chairman of the Academic Board of the University.

Clause 1 specifies the short title of the proposed Act.

Clause 2 states 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 provides that the University of New England Act 1953 is referred to in the proposed Act as the Principal Act.

Clause 4 is a formal provision that gives effect to the Schedule 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) permits the making of By-laws declaring that members of the University staff shall be academic staff and removes the provision stating that all Faculty members are academic staff.

Schedule 1 (2) (a) provides that a person acting in the office of Vice-Chancellor shall be an official member of the Council if that person is not otherwise a member.

Schedule 1 (2) (b) varies the membership of the Council so that—

- (a) members of the Council elected by Convocation shall not include any University staff;
- (b) 2 additional members of the academic staff who are professors are to be elected to the Council; and
- (c) the general staff member of the Council shall be elected by members of both the full time and part time general staff.

Schedule 1 (2) (c) reduces to 6 the number of members of the Council to be appointed by the Minister.

Schedule 1 (2) (d) is a consequential amendment.

Schedule 1 (2) (e) empowers the Minister to fix the terms of office of the appointed members of the Council.

Schedule 1 (3) (a) provides that an elected or appointed member of the Council shall vacate office if absent from 3 consecutive Council meetings without the leave of the Council.

Schedule 1 (3) (b) is a consequential amendment.

Schedule 1 (3) (c) provides that an elected member of the Council shall vacate office if he or she ceases to have any qualification which was necessary for his or her election.

Schedule 1 (3) (d) provides that a person who was a professor or was not a professor when elected as a member of the Council by the academic staff shall vacate office if he or she ceases to be a professor or becomes a professor, as the case may be.

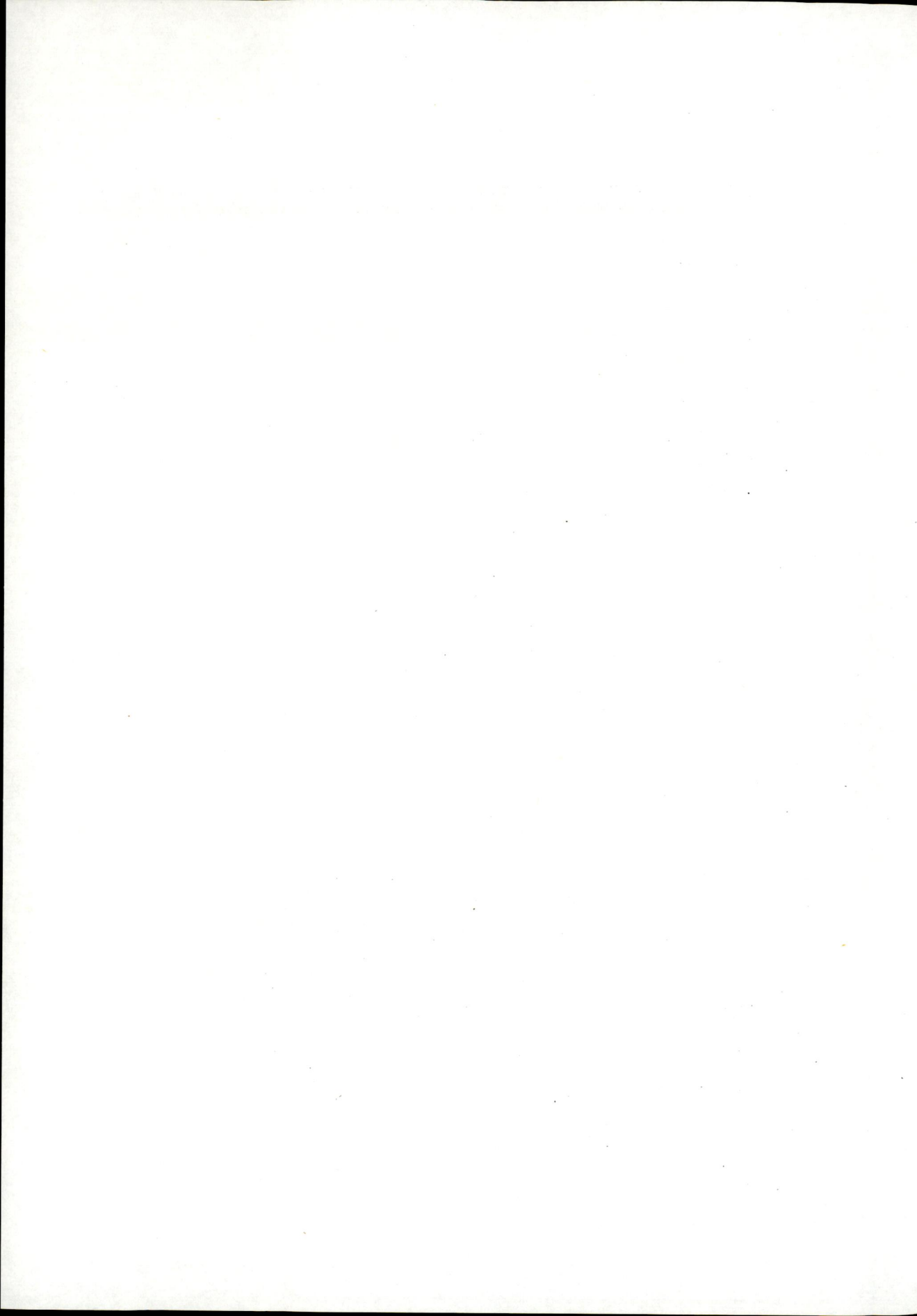
Schedule 1 (4) (a) enables By-laws to be made relating to rolls of electors.

Schedule 1 (4) (b) enables By-laws to be made relating to the appointment of an acting Vice-Chancellor and an acting Chairman of the Academic Board of the University.

Schedule 2 contains savings and provisions of a transitional nature. These will—

- (a) save the membership of certain persons already elected to the Council (clause 2);
- (b) require the election of additional members to the Council and fix the terms of office of those members in conformity with existing terms of office (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 Council meetings of elected or appointed members which might have already occurred (clause 5).
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**UNIVERSITY OF NEW ENGLAND (AMENDMENT) BILL
1986**

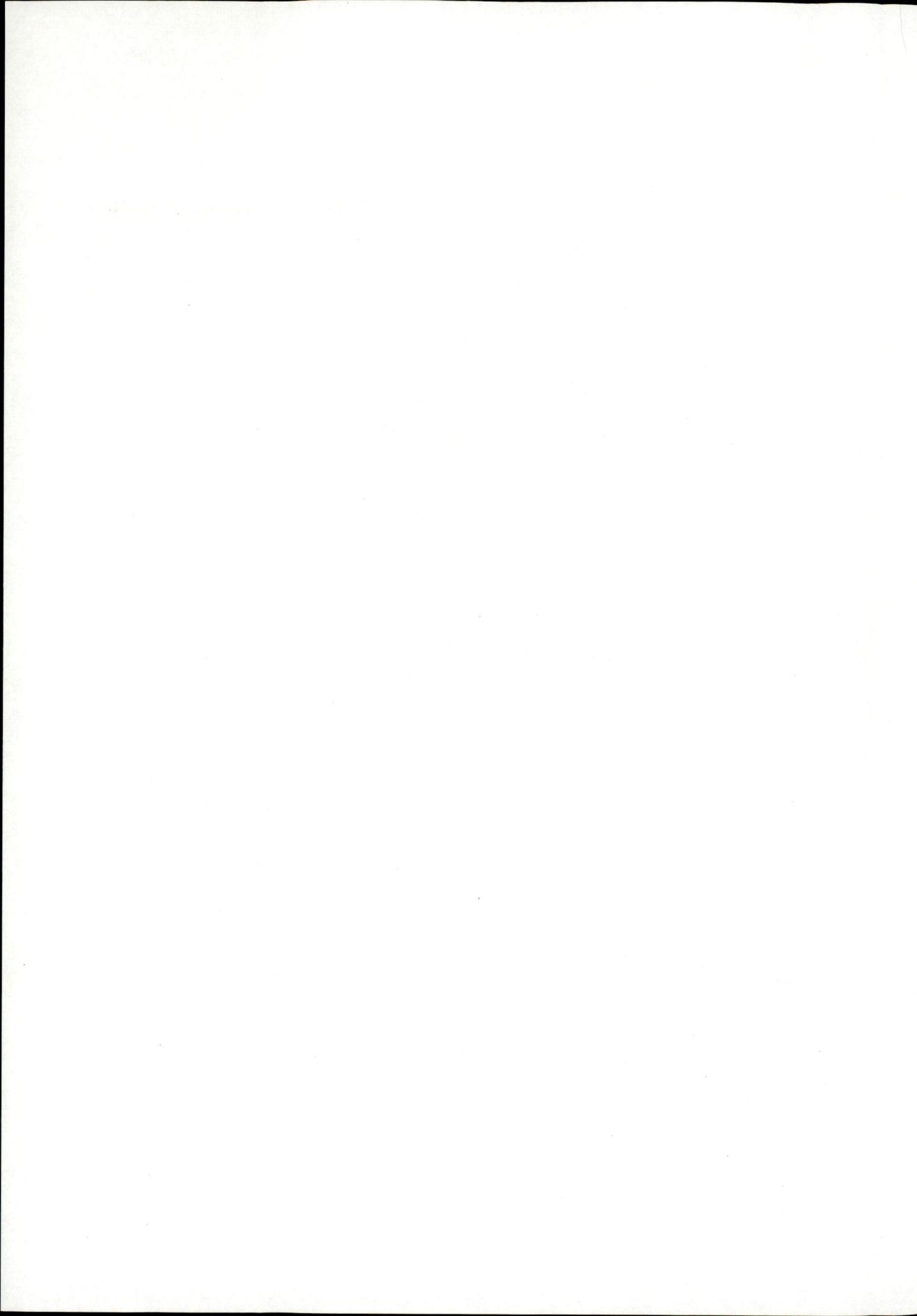
NEW SOUTH WALES



TABLE OF PROVISIONS

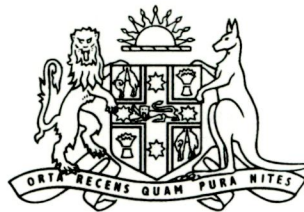
1. Short title
2. Commencement
3. Principal Act
4. Amendment of Act No. 34, 1953
5. Savings and transitional provisions

SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT
SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS



**UNIVERSITY OF NEW ENGLAND (AMENDMENT) BILL
1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the University of New England Act 1953 with respect to the constitution of the Council of the University of New England, and for other purposes.

University of New England (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 of New England (Amendment) Act 1986".

Commencement

2. (1) Sections 1, 2 and 3 shall commence on the date of assent to this
10 Act.

(2) Schedule 1 (2) (c)-(e), and section 4 in its application to those provisions, shall commence on 1 November 1987.

(3) For the purpose only of enabling the Council of the University of New England to be constituted in accordance with the Principal Act, as amended
15 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.

(4) Except as provided by subsections (1)-(3), this Act shall commence
20 on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

3. The University of New England Act 1953 is referred to in this Act as the Principal Act.

Amendment of Act No. 34, 1953

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

Savings and transitional provisions

5. Schedule 2 has effect.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 3 (**Interpretation**)—

5 Section 3 (2) (a)—

Omit the paragraph, insert instead:

(a) a reference to the academic staff of the University or to members of the academic staff of the University is a reference to—

10 (i) the members of the staff of the University whose terms of appointment require them to undertake teaching or research duties in the University; and

15 (ii) such other members of that staff as may be declared by the By-laws to be members of the academic staff of the University;

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

(a) Section 10 (3A) (a1)—

Before section 10 (3A) (a), insert:

(a1) the Vice-Chancellor;

20 (b) Section 10 (4), (4A)—

Omit section 10 (4), including the proviso, insert instead:

(4) The elected members of the Council shall be elected as prescribed by the By-laws and shall consist of—

25 (a) 2 students of the University (not being full time members of the staff of the University) elected by the students of the University;

(b) 6 persons (not being members of the staff of the University) elected by the members of Convocation;

30 (c) 6 members of the academic staff of the University (of whom 2 but not more shall be professors) elected by the members of that academic staff; and

University of New England (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(d) 1 full time member of the staff of the University (not being a member of the academic staff of the University) elected by members of the staff of the University who are not academic staff.

5 (4A) Whether or not a person is to be treated as a full time member of the staff of the University for the purposes of subsection (4) shall be determined by the By-laws.

(c) Section 10 (5)—

Omit “7”, insert instead “6”.

10 (d) Section 10 (6) (b)—

Omit “and”.

(e) Section 10 (6) (c), (d)—

Omit section 10 (6) (c), insert instead:

15 (c) in the case of an elected member, for such period not exceeding 3 years as may be prescribed by the By-laws; and

(d) in the case of an appointed member, for such period not exceeding 3 years as may be specified in the instrument of appointment or a subsequent instrument signed by the Minister.

20 (3) Section 12 (**Vacation of office**)—

(a) Section 12 (c)—

Omit the paragraph, insert instead:

25 (c) being an elected or appointed member, is absent without leave of the Council from 3 consecutive meetings of the Council;

(b) Section 12 (d)—

Omit “or” where lastly occurring.

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

(c) Section 12 (e), (f)—

At the end of section 12 (e), insert:

; or

(f) being an elected member, ceases to meet a requirement which made the member eligible to be elected.

(d) Section 12 (2)—

At the end of section 12, insert:

(2) An elected member of the Council referred to in section 10 (4) (c)—

(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.

15 (4) Section 25 (**By-laws**)—

(a) Section 25 (1) (c)—

After “elected”, insert “; the preparation and keeping of rolls of electors and the requirement that the names of electors be on the appropriate roll for any such election”.

20 (b) Section 25 (1) (d1)—

After section 25 (1) (d), insert:

(d1) The appointment of a person to act in the office of the Vice-Chancellor or Chairman of the Academic Board of the University in a case of illness or absence from duty or a vacancy in that office and the powers, authorities, duties and functions of any person so appointed;

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University of New England (Amendment) 1986

SCHEDULE 2

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

5 1. In this Schedule—

“appointed day” means the day appointed under section 2 (4);

“Council” means the Council of the University of New England.

Saving of offices of members of the 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—

(a) to any member of the Council—

15 (i) elected before the appointed day pursuant to section 10 (4) (b) of the Principal Act; or

(ii) filling a casual vacancy arising in the office of any such member, and who is a full time member of the staff of the University; or

(b) to any member of the Council elected before the appointed day pursuant to section 10 (4) (d) of that Act,

20 and any person holding office as such a member of the Council immediately before the appointed day shall vacate that office on that day.

(3) If a member of the Council referred to in subclause (2) (a) vacates office before 10 December 1987 because of subclause (2), the vacancy shall be treated as a casual vacancy in the office.

25 **Election of certain members of the Council**

3. (1) As soon as practicable after the date of assent to this Act, elections shall be held in accordance with the By-laws under the Principal Act for the purpose of electing the members necessary to constitute the Council in accordance with section 10 (4) of the Principal Act, as amended by this Act.

30 (2) The additional members so elected under section 10 (4) (c) of the Principal Act, as amended by this Act, shall, subject to that Act, as so amended, 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 elected under section 10 (4) (c) of that Act.

Saving of certain By-laws

35 4. Any By-law—

(a) which was in force under the Principal Act immediately before the appointed day; and

University of New England (Amendment) 1986

SCHEDULE 2—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(b) which could be made under that Act, as amended by this Act, shall be deemed to have been made under that Act, as so amended.

Absence of members from meetings

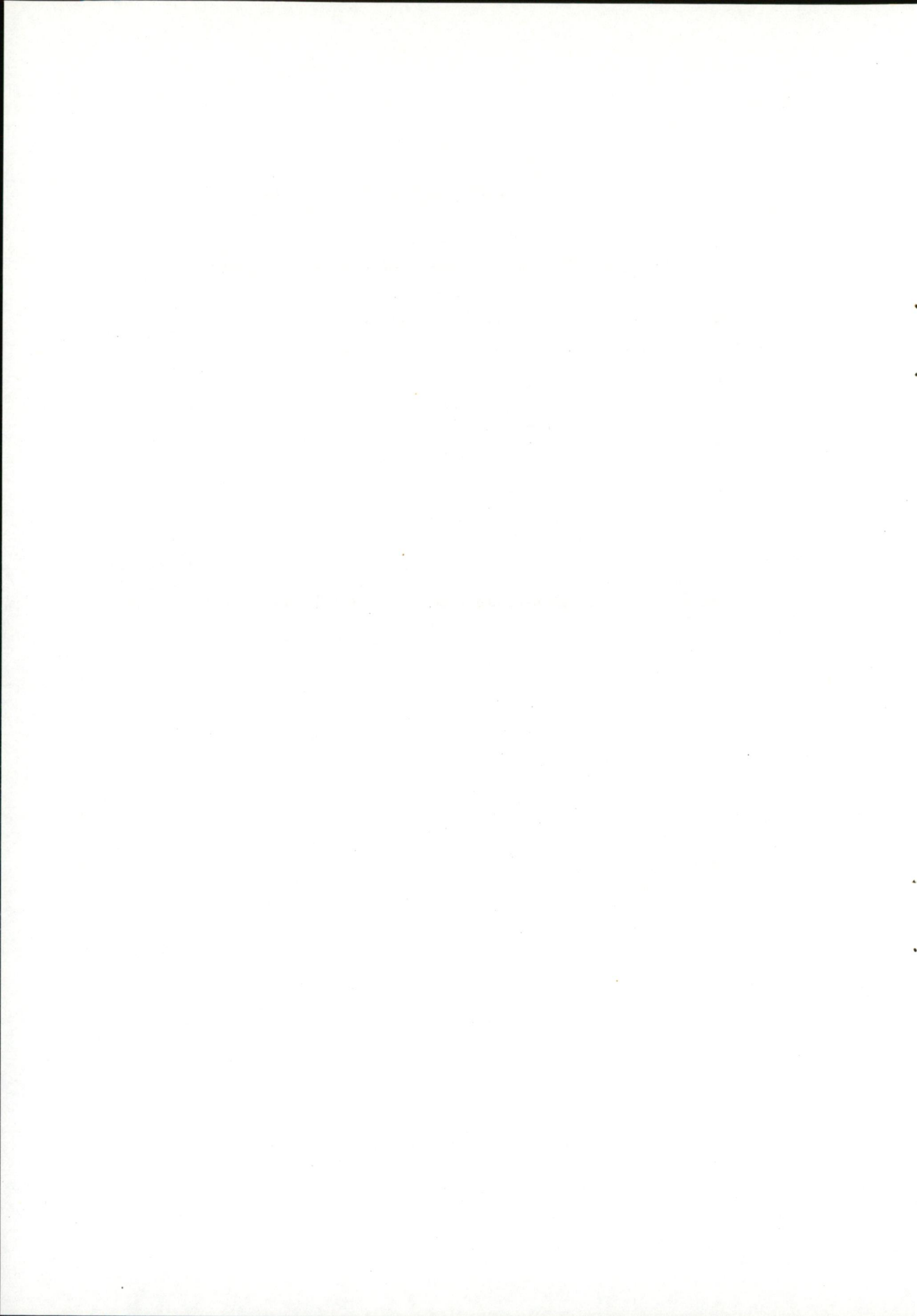
5 (1) An absence of a member from a meeting of the Council without the leave of the Council before the appointed day shall be deemed to be an absence of the member from a meeting of the Council without the leave of the Council for the purposes of section 12 (1) (c) of the Principal Act, as amended by this Act.

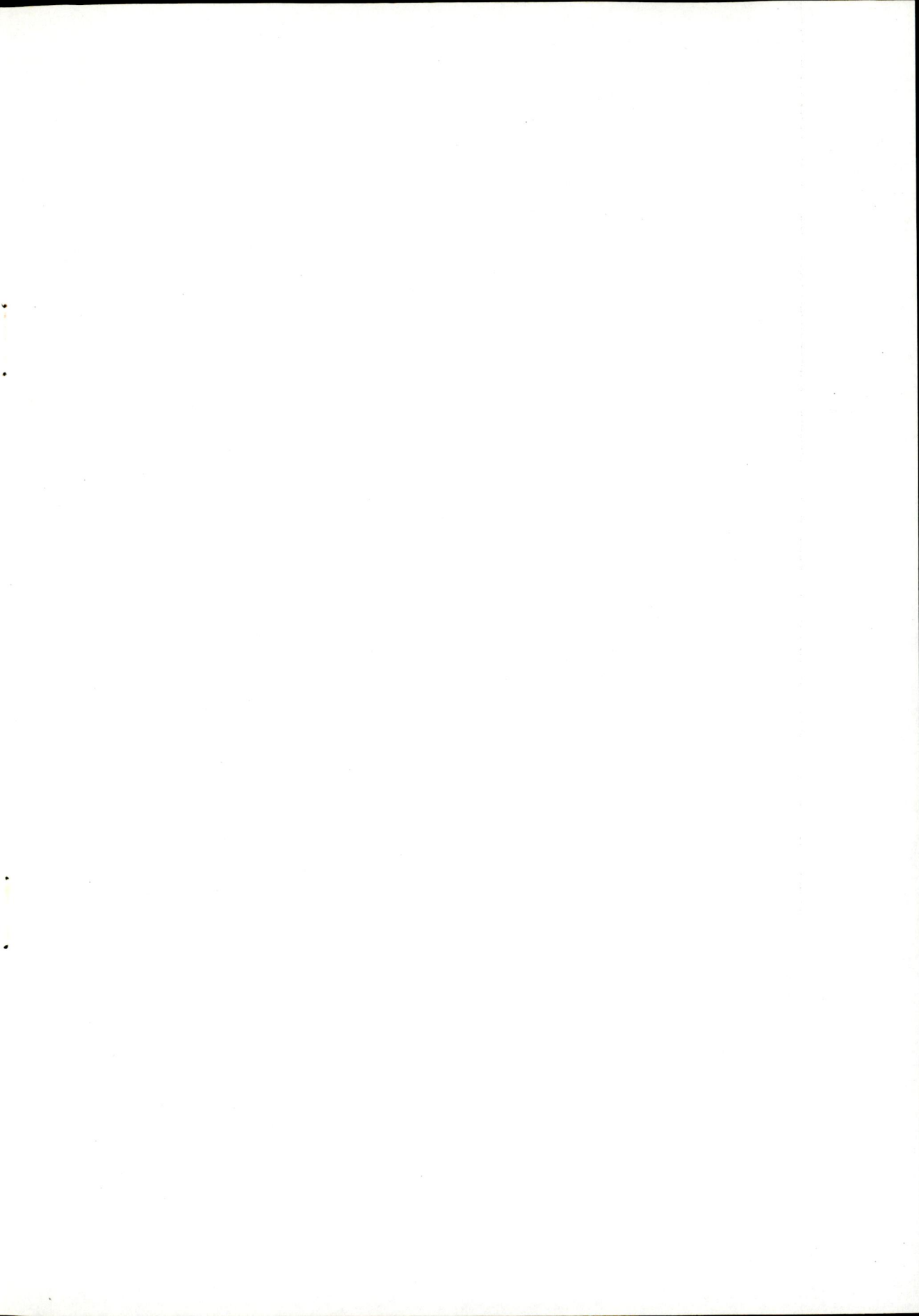
(2) Notwithstanding subclause (1)—

- 10 (a) the Council may, after the appointed day, give leave for any absence which occurred before the appointed day; and
- (b) the absence of a member before the appointed day from 3 or more consecutive meetings of the Council without leave of the Council shall be deemed to be an absence from 2 consecutive meetings of the Council without the leave of the Council.

BY AUTHORITY

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





**UNIVERSITY OF NEW ENGLAND (AMENDMENT) ACT
1986 No. 137**

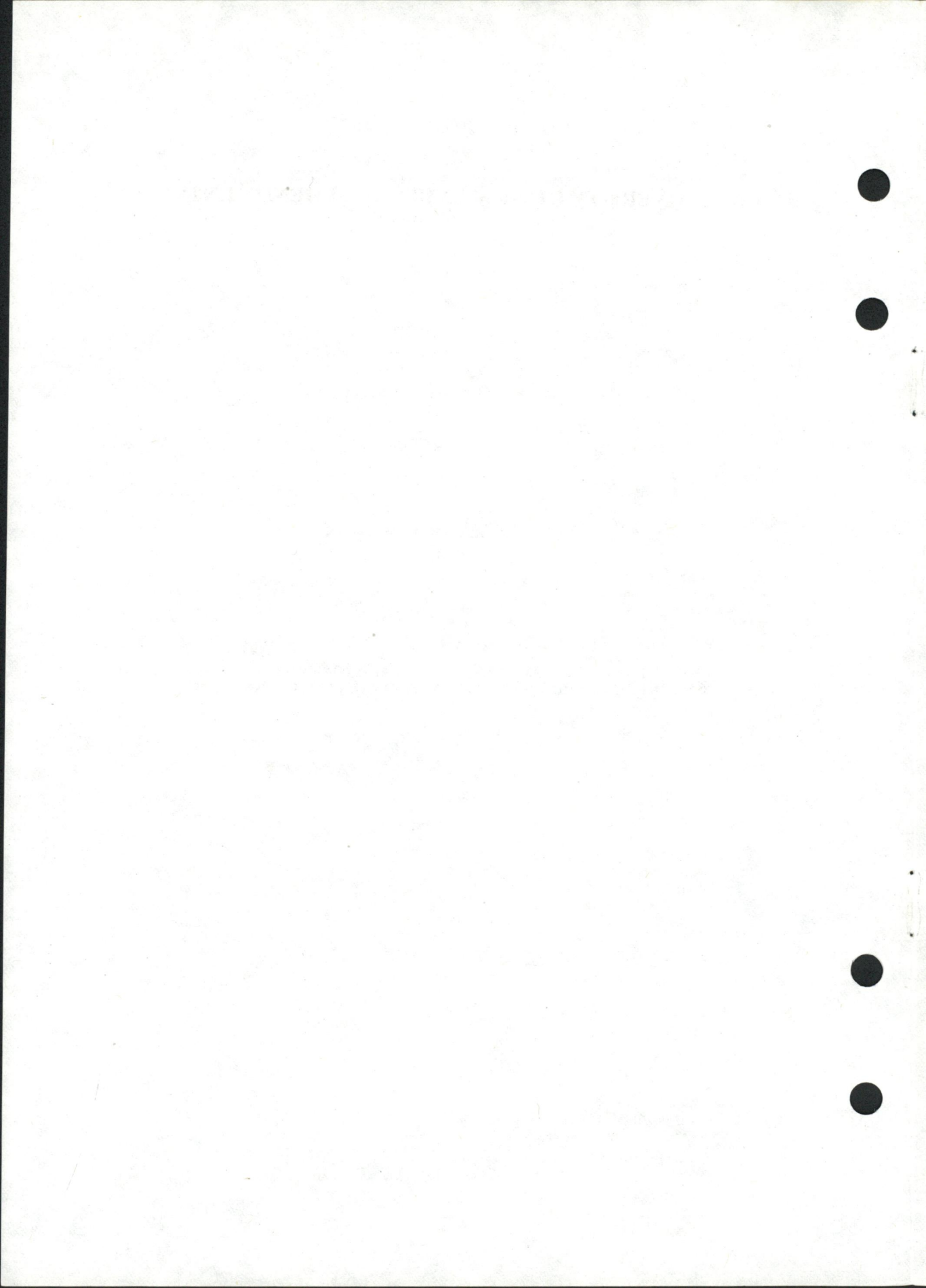
NEW SOUTH WALES



TABLE OF PROVISIONS

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SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT
SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS



UNIVERSITY OF NEW ENGLAND (AMENDMENT) ACT 1986
No. 137

NEW SOUTH WALES



Act No. 137, 1986

An Act to amend the University of New England Act 1953 with respect to the constitution of the Council of the University of New England, and for other purposes. [Assented to, 4 December 1986]

University of New England (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 of New England (Amendment) Act 1986".

Commencement

2. (1) Sections 1, 2 and 3 shall commence on the date of assent to this Act.

(2) Schedule 1 (2) (c)-(e), and section 4 in its application to those provisions, shall commence on 1 November 1987.

(3) For the purpose only of enabling the Council of the University of New England 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.

(4) Except as provided by subsections (1)-(3), this Act shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

3. The University of New England Act 1953 is referred to in this Act as the Principal Act.

Amendment of Act No. 34, 1953

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

Savings and transitional provisions

5. Schedule 2 has effect.

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 3 (**Interpretation**)—

Section 3 (2) (a)—

Omit the paragraph, insert instead:

- (a) a reference to the academic staff of the University or to members of the academic staff of the University is a reference to—
 - (i) the members of the staff of the University whose terms of appointment require them to undertake teaching or research duties in the University; and
 - (ii) such other members of that staff as may be declared by the By-laws to be members of the academic staff of the University;

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

(a) Section 10 (3A) (a1)—

Before section 10 (3A) (a), insert:

- (a1) the Vice-Chancellor;

(b) Section 10 (4), (4A)—

Omit section 10 (4), including the proviso, insert instead:

- (4) The elected members of the Council shall be elected as prescribed by the By-laws and shall consist of—
 - (a) 2 students of the University (not being full time members of the staff of the University) elected by the students of the University;
 - (b) 6 persons (not being members of the staff of the University) elected by the members of Convocation;
 - (c) 6 members of the academic staff of the University (of whom 2 but not more shall be professors) elected by the members of that academic staff; and

University of New England (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

- (d) 1 full time member of the staff of the University (not being a member of the academic staff of the University) elected by members of the staff of the University who are not academic staff.

(4A) Whether or not a person is to be treated as a full time member of the staff of the University for the purposes of subsection (4) shall be determined by the By-laws.

- (c) Section 10 (5)—

Omit “7”, insert instead “6”.

- (d) Section 10 (6) (b)—

Omit “and”.

- (e) Section 10 (6) (c), (d)—

Omit section 10 (6) (c), insert instead:

(c) in the case of an elected member, for such period not exceeding 3 years as may be prescribed by the By-laws; and

(d) in the case of an appointed member, for such period not exceeding 3 years as may be specified in the instrument of appointment or a subsequent instrument signed by the Minister.

- (3) Section 12 (**Vacation of office**)—

- (a) Section 12 (c)—

Omit the paragraph, insert instead:

(c) being an elected or appointed member, is absent without leave of the Council from 3 consecutive meetings of the Council;

- (b) Section 12 (d)—

Omit “or” where lastly occurring.

University of New England (Amendment) 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT—*continued*

(c) Section 12 (e), (f)—

At the end of section 12 (e), insert:

; or

- (f) being an elected member, ceases to meet a requirement which made the member eligible to be elected.

(d) Section 12 (2)—

At the end of section 12, insert:

- (2) An elected member of the Council referred to in section 10 (4) (c)—

- (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.

(4) Section 25 (**By-laws**)—

(a) Section 25 (1) (c)—

After “elected”, insert “; the preparation and keeping of rolls of electors and the requirement that the names of electors be on the appropriate roll for any such election”.

(b) Section 25 (1) (d1)—

After section 25 (1) (d), insert:

- (d1) The appointment of a person to act in the office of the Vice-Chancellor or Chairman of the Academic Board of the University in a case of illness or absence from duty or a vacancy in that office and the powers, authorities, duties and functions of any person so appointed;
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University of New England (Amendment) 1986

SCHEDULE 2

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

“appointed day” means the day appointed under section 2 (4);

“Council” means the Council of the University of New England.

Saving of offices of members of the 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—

(a) to any member of the Council—

(i) elected before the appointed day pursuant to section 10 (4) (b) of the Principal Act; or

(ii) filling a casual vacancy arising in the office of any such member, and who is a full time member of the staff of the University; or

(b) to any member of the Council elected before the appointed day pursuant to section 10 (4) (d) of that Act,

and any person holding office as such a member of the Council immediately before the appointed day shall vacate that office on that day.

(3) If a member of the Council referred to in subclause (2) (a) vacates office before 10 December 1987 because of subclause (2), the vacancy shall be treated as a casual vacancy in the office.

Election of certain members of the Council

3. (1) As soon as practicable after the date of assent to this Act, elections shall be held in accordance with the By-laws under the Principal Act for the purpose of electing the members necessary to constitute the Council in accordance with section 10 (4) of the Principal Act, as amended by this Act.

(2) The additional members so elected under section 10 (4) (c) of the Principal Act, as amended by this Act, shall, subject to that Act, as so amended, 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 elected under section 10 (4) (c) of that Act.

Saving of certain By-laws

4. Any By-law—

(a) which was in force under the Principal Act immediately before the appointed day; and

University of New England (Amendment) 1986

SCHEDULE 2—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(b) which could be made under that Act, as amended by this Act, shall be deemed to have been made under that Act, as so amended.

Absence of members from meetings

5. (1) An absence of a member from a meeting of the Council without the leave of the Council before the appointed day shall be deemed to be an absence of the member from a meeting of the Council without the leave of the Council for the purposes of section 12 (1) (c) of the Principal Act, as amended by this Act.

(2) Notwithstanding subclause (1)—

- (a) the Council may, after the appointed day, give leave for any absence which occurred before the appointed day; and
- (b) the absence of a member before the appointed day from 3 or more consecutive meetings of the Council without leave of the Council shall be deemed to be an absence from 2 consecutive meetings of the Council without the leave of the Council.

BY AUTHORITY

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

