

**UNIVERSITY OF NEW SOUTH WALES (AMENDMENT)
BILL, 1985**

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 South Wales Act, 1968, so as—

- (a) to decrease the number of non-student members of the Council of the University of New South Wales ("the Council") elected by graduates of the University from 7 to 6 members and to make it clear that a person who is not a graduate of the University is eligible for election as such a member (Schedule 1 (1) (a));
- (b) to provide that the elected non-student members of the Council chosen from the academic staff of the University shall consist of 2 professorial members of the staff and 4 non-professorial members of the staff (Schedule 1 (1) (b) and (c));
- (c) to decrease the number of members of the Council appointed by the Minister from 21 to 8 members (Schedule 1 (1) (d));
- (d) to remove the requirement that the members of the Council appointed by the Minister be nominated by certain prescribed persons or classes of persons (Schedule 1 (1) (d) and (f));
- (e) to provide that the term of office of a member of the Council—
 - (i) being an elected non-student member elected by graduates shall be 4 years;
 - (ii) being an elected non-student member other than a member referred to in subparagraph (i) shall be 2 years; and
 - (iii) being an appointed member shall be a period, not exceeding 4 years, specified in the instrument of appointment of the member (Schedule 1 (1) (e)); and
- (f) to provide that an elected or appointed member of the Council vacates office if the member is absent from 3, instead of 4, consecutive meetings of the Council without the leave of the Council (Schedule 1 (2)).

The Bill also contains an amendment by way of statute law revision (Schedule 1 (3)) and provisions of a saving or transitional nature (Schedule 2).



**UNIVERSITY OF NEW SOUTH WALES (AMENDMENT)
BILL, 1985**

No. , 1985.

A BILL FOR

An Act to amend the University of New South Wales Act, 1968, with respect
to the constitution of the Council of The University of New South
Wales.

University of New South Wales (Amendment) 1985

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 South Wales (Amendment) Act, 1985".

Commencement.

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

(2) The provisions of Schedule 1 (1) (a)–(c) 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.

(3) The provisions of Schedule (1) (d)–(f) shall commence on 1st July,
15 1985.

(4) Section 5, in its application to a provision of Schedule 1, shall commence on the day on which the provision commences.

Principal Act.

3. The University of New South Wales Act, 1968, is referred to in this
20 Act as the Principal Act.

Schedules.

4. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

25 Amendment of Act No. 37, 1968.

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

Savings and transitional provisions.

6. Schedule 2 has effect.

SCHEDULE 1.

(Sec.5.)

AMENDMENTS TO THE PRINCIPAL ACT.

- (1) (a) Section 8 (5) (b)—
 5 Omit “seven persons”, insert instead “6 persons (who may, notwithstanding anything in the by-laws, be persons other than graduates of the University)”.
- (b) Section 8 (5) (c)—
 10 Omit “one person”, insert instead “2 persons, being professors within the University,”.
- (c) Section 8 (5) (d)—
 15 Omit “six persons, of whom one has been so elected by each of such six”, insert instead “4 persons (being non-professorial members of the academic staff of the University) of whom one has been elected by each of such 4”.
- (d) Section 8 (6), (7)—
 Omit the subsections, insert instead:—
 (6) The appointed members of the Council shall comprise 8 persons appointed by the Minister.
- 20 (e) Section 8 (8)—
 Omit the subsection, insert instead:—
 (8) A member of the Council shall hold office—
 (a) in the case of a parliamentary member—until a member of the House of Parliament that elected the member is
 25 elected by that House to replace the member;
 (b) in the case of an official member—while the member holds the office by virtue of which the member is such a member;
 (c) in the case of a person elected as a member under
 30 subsection (5) (b)—for a period of 4 years commencing on such day as may be prescribed by the by-laws;

University of New South Wales (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (d) in the case of a person elected as a member under subsection (5) (c) or (d)—for a period of 2 years commencing on such day as may be prescribed by the by-laws;
- (e) in the case of a person elected as a member under subsection 5 (e)—for such period, not exceeding 4 years, as may be prescribed by the by-laws;
- 10 (f) in the case of an elected student member—for such period, not exceeding 4 years, as may be prescribed by the by-laws; and
- 15 (g) in the case of an appointed member—for such period, not exceeding 4 years, as may be specified in the instrument of appointment of the member.

(f) Section 8 (10) (b)—

Omit the paragraph, insert instead:—

(b) in the case of an appointed member, by a person appointed by the Minister for the purpose,

20 (2) Section 9 (e)—

Omit “four”, insert instead “3”.

(3) Section 31—

Omit the section.

SCHEDULE 2.

25

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation.

1. In this Schedule—

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

*University of New South Wales (Amendment) 1985*SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

“Council” means the Council of The University of New South Wales.

Elected non-student members of Council.

5 2. (1) Notwithstanding the provisions of section 8 (8) of the Principal Act, as in force
before or after the appointed day, and any by-laws made thereunder, a person elected
under section 8 (5) (b)–(d) of the Principal Act, as in force before the appointed day,
and holding office as a member of the Council immediately before 1st July, 1985, shall,
10 subject to section 9 of the Principal Act, continue to hold that office until the appointed
day.

(2) A member of the Council holding office immediately before the appointed day by
virtue of the operation of subclause (1), shall vacate that office on the appointed day.

(3) For the purpose only of enabling the Council to be constituted in accordance with
section 8 (5) (b)–(d) of the Principal Act, as amended by this Act, on or after (but not
15 before) the appointed day, members of the Council may be elected under those provisions
and any other act, matter or thing may be done, before that day, as if the whole of this
Act commenced on the date of assent to this Act.

(4) Where, by reason of the operation of subclause (3), a person is elected as a member
of the Council before the appointed day, the member shall accede to the office to which
20 the member is elected on the appointed day.

Validation.

3. The Council shall be deemed to be duly constituted in accordance with section 8
(5) (b)–(d) of the Principal Act, as in force before the appointed day, notwithstanding
that the elections of members to take office (under section 8 (5) (b)–(d) of the Principal
25 Act) on 1st July, 1985, required to be held by the by-laws before 1st July, 1985, have
not been held.

Appointed members of Council.

4. (1) For the purpose only of enabling the Council to be constituted in accordance
with section 8 (6) of the Principal Act, as amended by this Act, on or after (but not
30 before) 1st July, 1985, members of the Council may be appointed under that provision
and any other act, matter or thing may be done, before that day, as if the whole of this
Act commenced on the date of assent to this Act.

(2) Where by reason of the operation of subclause (1), a member of the Council is
appointed before 1st July, 1985, the member shall accede to the office to which the
35 member is appointed on 1st July, 1985.

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 commencement of this Act shall be deemed to be an absence of
the member from a meeting of the Council without the leave of the Council for the
40 purposes of section 9 (e) of the Principal Act, as amended by this Act.

University of New South Wales (Amendment) 1985

SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

- 5 (2) Notwithstanding subclause (1), the Council may, after the commencement of this Act, give leave for any absence which occurred before the commencement of this Act and the absence of a member before the commencement of this Act from 3 consecutive meetings without the leave of the Council shall be deemed to be an absence of that member from 2 consecutive meetings of the Council without the leave of the Council for the purposes of section 9 (e) of the Principal Act, as amended by this Act.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985

**UNIVERSITY OF NEW SOUTH WALES (AMENDMENT) ACT, 1985,
No. 81**

New South Wales



ANNO TRICESIMO QUARTO

ELIZABETHÆ II REGINÆ

* * * * *

Act No. 81, 1985.

An Act to amend the University of New South Wales Act, 1968, with respect to the constitution of the Council of The University of New South Wales. [Assented to, 27th May, 1985.]

University of New South Wales (Amendment) 1985

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

Short title.

1. This Act may be cited as the "University of New South Wales (Amendment) Act, 1985".

Commencement.

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

(2) The provisions of Schedule 1 (1) (a)–(c) 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.

(3) The provisions of Schedule (1) (d)–(f) shall commence on 1st July, 1985.

(4) Section 5, in its application to a provision of Schedule 1, shall commence on the day on which the provision commences.

Principal Act.

3. The University of New South Wales Act, 1968, 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.—SAVINGS AND TRANSITIONAL PROVISIONS.

Amendment of Act No. 37, 1968.

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

Savings and transitional provisions.

6. Schedule 2 has effect.

University of New South Wales (Amendment) 1985

SCHEDULE 1.

(Sec.5.)

AMENDMENTS TO THE PRINCIPAL ACT.

(1) (a) Section 8 (5) (b)—

Omit "seven persons" , insert instead "6 persons (who may, notwithstanding anything in the by-laws, be persons other than graduates of the University)".

(b) Section 8 (5) (c)—

Omit "one person", insert instead "2 persons, being professors within the University,".

(c) Section 8 (5) (d)—

Omit "six persons, of whom one has been so elected by each of such six", insert instead "4 persons (being non-professorial members of the academic staff of the University) of whom one has been elected by each of such 4".

(d) Section 8 (6), (7)—

Omit the subsections, insert instead:—

(6) The appointed members of the Council shall comprise 8 persons appointed by the Minister.

(e) Section 8 (8)—

Omit the subsection, insert instead:—

(8) A member of the Council shall hold office—

- (a) in the case of a parliamentary member—until a member of the House of Parliament that elected the member is elected by that House to replace the member;
- (b) in the case of an official member—while the member holds the office by virtue of which the member is such a member;
- (c) in the case of a person elected as a member under subsection (5) (b)—for a period of 4 years commencing on such day as may be prescribed by the by-laws;

University of New South Wales (Amendment) 1985

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (d) in the case of a person elected as a member under subsection (5) (c) or (d)—for a period of 2 years commencing on such day as may be prescribed by the by-laws;
 - (e) in the case of a person elected as a member under subsection 5 (e)—for such period, not exceeding 4 years, as may be prescribed by the by-laws;
 - (f) in the case of an elected student member—for such period, not exceeding 4 years, as may be prescribed by the by-laws; and
 - (g) in the case of an appointed member—for such period, not exceeding 4 years, as may be specified in the instrument of appointment of the member.
- (f) Section 8 (10) (b)—
- Omit the paragraph, insert instead:—
- (b) in the case of an appointed member, by a person appointed by the Minister for the purpose,
- (2) Section 9 (e)—
- Omit “four”, insert instead “3”.
- (3) Section 31—
- Omit the section.

SCHEDULE 2.

(Sec. 6.)

SAVINGS AND TRANSITIONAL PROVISIONS.

Interpretation.

1. In this Schedule—

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

University of New South Wales (Amendment) 1985

SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

“Council” means the Council of The University of New South Wales.

Elected non-student members of Council.

2. (1) Notwithstanding the provisions of section 8 (8) of the Principal Act, as in force before or after the appointed day, and any by-laws made thereunder, a person elected under section 8 (5) (b)–(d) of the Principal Act, as in force before the appointed day, and holding office as a member of the Council immediately before 1st July, 1985, shall, subject to section 9 of the Principal Act, continue to hold that office until the appointed day.

(2) A member of the Council holding office immediately before the appointed day by virtue of the operation of subclause (1), shall vacate that office on the appointed day.

(3) For the purpose only of enabling the Council to be constituted in accordance with section 8 (5) (b)–(d) of the Principal Act, as amended by this Act, on or after (but not before) the appointed day, members of the Council may be elected under those provisions and any other act, matter or thing may be done, before that day, as if the whole of this Act commenced on the date of assent to this Act.

(4) Where, by reason of the operation of subclause (3), a person is elected as a member of the Council before the appointed day, the member shall accede to the office to which the member is elected on the appointed day.

Validation.

3. The Council shall be deemed to be duly constituted in accordance with section 8 (5) (b)–(d) of the Principal Act, as in force before the appointed day, notwithstanding that the elections of members to take office (under section 8 (5) (b)–(d) of the Principal Act) on 1st July, 1985, required to be held by the by-laws before 1st July, 1985, have not been held.

Appointed members of Council.

4. (1) For the purpose only of enabling the Council to be constituted in accordance with section 8 (6) of the Principal Act, as amended by this Act, on or after (but not before) 1st July, 1985, members of the Council may be appointed under that provision and any other act, matter or thing may be done, before that day, as if the whole of this Act commenced on the date of assent to this Act.

(2) Where by reason of the operation of subclause (1), a member of the Council is appointed before 1st July, 1985, the member shall accede to the office to which the member is appointed on 1st July, 1985.

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 commencement of this Act 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 9 (e) of the Principal Act, as amended by this Act.

University of New South Wales (Amendment) 1985

SCHEDULE 2—*continued.*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) Notwithstanding subclause (1), the Council may, after the commencement of this Act, give leave for any absence which occurred before the commencement of this Act and the absence of a member before the commencement of this Act from 3 consecutive meetings without the leave of the Council shall be deemed to be an absence of that member from 2 consecutive meetings of the Council without the leave of the Council for the purposes of section 9 (e) of the Principal Act, as amended by this Act.

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

J. A. ROWLAND,
Governor.

Government House,
Sydney, 27th May, 1985.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1985



