

FIRST PRINT

## UNIVERSITY OF NEWCASTLE (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 Newcastle Act 1964 so as to alter the constitution of the Council of the University of Newcastle. The Bill also makes minor amendments relating to the vacating of office by certain members of the Council.

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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 (being a day not earlier than 1 July 1986) to be appointed by the Governor-in-Council.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to the University of Newcastle 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 of the Council appointed by the Minister from 5 to 6.

Schedule 1 (1) (b) 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) (c) increases the number of members of the Council who are members of the academic staff (other than professors) from 2 to 3.

Schedule 1 (1) (d) provides that the 3 members of the Council who are members of the academic staff (other than professors) shall be appointed or elected by the non-professorial academic staff members of the University.

Schedule 1 (1) (e) makes it clear that the 2 members of the Council who are members of the non-academic staff of the University are appointed or elected by the non-academic staff members of the University.

Schedule 1 (1) (f) makes it clear that a member of the staff of the University is not eligible to be appointed or elected as a student member of the Council.

Schedule 1 (1) (g) increases the number of members of the Council elected by Convocation from 6 to 7. It also provides that members of the staff of the University or students of the University shall not be eligible to be elected by Convocation.

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.

Schedule 1 (1) (i) repeals a provision that is no longer operative.

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

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

Schedule 1 (2) (b) provides 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) (d) and (f) 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.

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**UNIVERSITY OF NEWCASTLE (AMENDMENT) BILL  
1986**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Act No. 72, 1964
4. Savings and transitional provisions

**SCHEDULE 1—AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT  
1964**

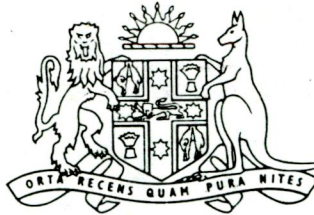
**SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS**

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# UNIVERSITY OF NEWCASTLE (AMENDMENT) BILL 1986

NEW SOUTH WALES



No. , 1986

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## A BILL FOR

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

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*University of Newcastle (Amendment) 1986*

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**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 Newcastle (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, being a day not earlier than 1 July 1986.

**Amendment of Act No. 72, 1964**

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

**Savings and transitional provisions**

**4.** Schedule 2 has effect.

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**SCHEDULE 1**

20

(Sec. 3)

**AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT 1964**

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

**(a) Section 10 (2)—**

Omit "Five", insert instead "Six".

*University of Newcastle (Amendment) 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT  
1964—*continued*

## (b) Section 10 (5) (a)—

Omit “such members of the academic staff of the University, as may be so prescribed”, insert instead “the professors of the University”.

## 5 (c) Section 10 (5) (b)—

Omit “Two”, insert instead “Three”.

## (d) Section 10 (5) (b)—

After “University” where secondly occurring, insert “(other than professors)”.

## 10 (e) Section 10 (5) (c)—

Omit “such staff”, insert instead “the non-academic staff of the University”.

## (f) Section 10 (6)—

15 After “University” where lastly occurring, insert “and who is not a member of the staff of the University”.

## (g) Section 10 (7), (7A)—

Omit section 10 (7), insert instead:

(7) Seven members shall be elected, in the manner prescribed by the by-laws, by Convocation.

20 (7A) For the purposes of subsection (7), a person who is a member of the staff of the University or who is a student of the University is ineligible to be elected as a member under that subsection.

## (h) Section 10 (9)—

25 Omit the subsection.

## (i) Section 10 (10)—

Omit the subsection.

*University of Newcastle (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT  
1964—*continued*

(j) Section 10 (11)—

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

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

5 (a) Section 12 (c)—

Omit the paragraph, insert instead:

(c) except in the case of a member referred to in paragraph (e) or (f), resigns from office by notice in writing addressed to the Vice-Chancellor;

10 (b) Section 12 (d)—

Omit “4”, insert instead “3”.

(c) Section 12 (e) (i)—

Omit “or”.

(d) Section 12 (e) (iii)—

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

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

(e) Section 12 (f) (i)—

Omit “or” where secondly occurring.

20 (f) Section 12 (f) (iii)—

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

; or

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

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*University of Newcastle (Amendment) 1986*

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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 University of Newcastle;

“member” means a person who immediately before the appointed day held office as a member of the Council;

10 “Principal Act” means the University of Newcastle 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.

15 (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.

**Election of academic member and member by Convocation**

20 3. (1) As soon as practicable after the appointed day, elections shall be held in accordance with the by-laws under the Principal Act for the purpose of electing the additional members necessary to constitute the Council in accordance with section 10 (5) (b) and (7) of the Principal Act, as amended by this Act.

25 (2) The additional members elected under section 10 (5) (b) and (7), respectively, of the Principal Act, as amended by this Act, shall each 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) or elected under section 10 (7) of the Principal Act.

**Absence of members from meetings**

30 4. (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 (d) of the Principal Act, as amended by this Act.

(2) Notwithstanding subclause (1)—

35 (a) the Council may, after the appointed day, give leave for any absence which occurred before the appointed day; and

*University of Newcastle (Amendment) 1986*

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SCHEDULE 2—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

- (b) the absence of a member before the appointed day from 3 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.
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BY AUTHORITY

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





**UNIVERSITY OF NEWCASTLE (AMENDMENT) ACT  
1986 No. 41**

**NEW SOUTH WALES**



**TABLE OF PROVISIONS**

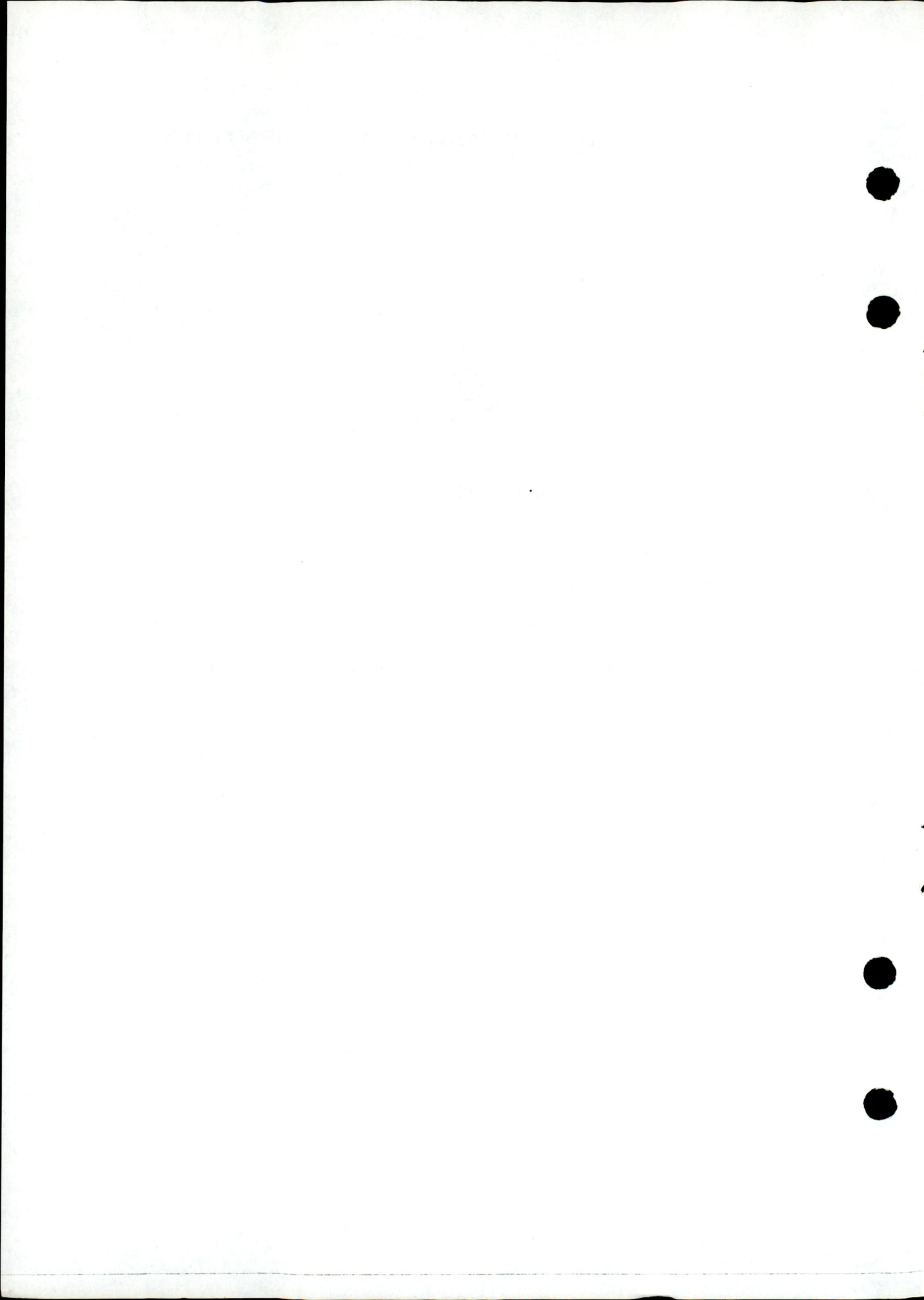
1. Short title
2. Commencement
3. Amendment of Act No. 72, 1964
4. Savings and transitional provisions

**SCHEDULE 1—AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT  
1964**

**SCHEDULE 2—SAVINGS AND TRANSITIONAL PROVISIONS**

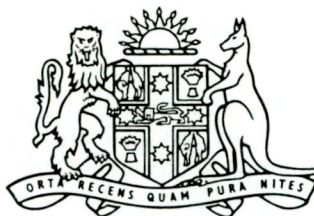
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**UNIVERSITY OF NEWCASTLE (AMENDMENT) ACT 1986 No. 41**

NEW SOUTH WALES



**Act No. 41, 1986**

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

*University of Newcastle (Amendment) 1986*

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**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 Newcastle (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, being a day not earlier than 1 July 1986.

**Amendment of Act No. 72, 1964**

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

**Savings and transitional provisions**

4. Schedule 2 has effect.

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**SCHEDULE 1**

(Sec. 3)

**AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT 1964**

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

(a) Section 10 (2)—

Omit "Five", insert instead "Six".

*University of Newcastle (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT  
1964—*continued*

(b) Section 10 (5) (a)—

Omit “such members of the academic staff of the University, as may be so prescribed”, insert instead “the professors of the University”.

(c) Section 10 (5) (b)—

Omit “Two”, insert instead “Three”.

(d) Section 10 (5) (b)—

After “University” where secondly occurring, insert “(other than professors)”.

(e) Section 10 (5) (c)—

Omit “such staff”, insert instead “the non-academic staff of the University”.

(f) Section 10 (6)—

After “University” where lastly occurring, insert “and who is not a member of the staff of the University”.

(g) Section 10 (7), (7A)—

Omit section 10 (7), insert instead:

(7) Seven members shall be elected, in the manner prescribed by the by-laws, by Convocation.

(7A) For the purposes of subsection (7), a person who is a member of the staff of the University or who is a student of the University is ineligible to be elected as a member under that subsection.

(h) Section 10 (9)—

Omit the subsection.

(i) Section 10 (10)—

Omit the subsection.

*University of Newcastle (Amendment) 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT  
1964—*continued*

(j) Section 10 (11)—

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

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

(a) Section 12 (c)—

Omit the paragraph, insert instead:

(c) except in the case of a member referred to in paragraph (e) or (f), resigns from office by notice in writing addressed to the Vice-Chancellor;

(b) Section 12 (d)—

Omit “4”, insert instead “3”.

(c) Section 12 (e) (i)—

Omit “or”.

(d) Section 12 (e) (iii)—

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

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

(e) Section 12 (f) (i)—

Omit “or” where secondly occurring.

(f) Section 12 (f) (iii)—

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

; or

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

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*University of Newcastle (Amendment) 1986*

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## 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 University of Newcastle;

“member” means a person who immediately before the appointed day held office as a member of the Council;

“Principal Act” means the University of Newcastle 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.

**Election of academic member and member by Convocation**

3. (1) As soon as practicable after the appointed day, elections shall be held in accordance with the by-laws under the Principal Act for the purpose of electing the additional members necessary to constitute the Council in accordance with section 10 (5) (b) and (7) of the Principal Act, as amended by this Act.

(2) The additional members elected under section 10 (5) (b) and (7), respectively, of the Principal Act, as amended by this Act, shall each 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) or elected under section 10 (7) of the Principal Act.

**Absence of members from meetings**

4. (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 (d) 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

*University of Newcastle (Amendment) 1986*

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SCHEDULE 2—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

- (b) the absence of a member before the appointed day from 3 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.

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BY AUTHORITY

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