

FIRST PRINT

**UNIVERSITY OF WESTERN SYDNEY ADVISORY
COUNCIL 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 constitute an Advisory Council to make reports and recommendations aimed at the expeditious establishment and development of a university in the western suburbs of Sydney.

Clause 1 specifies the short title to the proposed Act.

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

Clause 3 is an interpretation provision for the purposes of the proposed Act.

Clause 4 constitutes the University of Western Sydney Advisory Council as a corporation having 15 part-time members appointed by the Minister.

Clause 5 authorises the provision of the staff necessary for the Council to carry out its functions.

Clause 6 provides generally and specifically for the functions of the Council, including consultation with appropriate Commonwealth and State authorities.

Clause 7 enables the Council to delegate the exercise of any of its functions.

Clause 8 provides for the Council to submit an annual report to the Minister for tabling in Parliament.

SCHEDULE 1—PROVISIONS RELATING TO THE
MEMBERS OF THE COUNCIL

Clause 1 fixes at 70 years the maximum age at which a person may hold office as a member of the Council.

Clause 2 provides for the appointment by the Minister of the President of the Council.

Clause 3 enables the Minister to appoint an acting President or acting member in the case of illness or absence of the President or a member.

Clause 4 fixes at 2 years the maximum term of office of a member but a member may be re-appointed.

Clause 5 enables the Minister to determine the remuneration and allowances payable to members.

Clause 6 enumerates the events the occurrence of which during a member's term of office causes a vacancy in the office.

Clause 7 avoids certain disqualifications that might otherwise operate in the case of dual office-holders.

Clause 8 provides an exoneration from personal liability for a member acting in good faith for the purposes of executing the Act.

SCHEDULE 2—PROVISIONS RELATING TO THE
PROCEDURE OF THE COUNCIL

Clause 1 provides for meetings of the Council to be called and conducted as determined by the Council.

Clause 2 fixes at 8 the quorum for conducting business at a meeting of the Council.

Clause 3 provides for the President to preside at a meeting of the Council or, in the absence of the President, another person appointed by the members present.

Clause 4 provides for decisions of the Council to be made by majority vote.

Clause 5 requires minutes to be kept of the proceedings at meetings of the Council.

Clause 6 authorises the Minister to call the first meeting of the Council.

UNIVERSITY OF WESTERN SYDNEY ADVISORY COUNCIL BILL 1986

NEW SOUTH WALES



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SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL

SCHEDULE 2—PROVISIONS RELATING TO THE PROCEDURE OF THE
COUNCIL

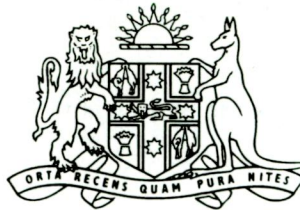
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THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

**UNIVERSITY OF WESTERN SYDNEY ADVISORY
COUNCIL BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to constitute the University of Western Sydney Advisory Council
and to define its functions; and for other purposes.

University of Western Sydney Advisory Council 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 Western Sydney Advisory Council 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.

Interpretation

15 3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Council" means the University of Western Sydney Advisory Council constituted by this Act;

"member" means a member of the Council;

20 "President" means the President of the Council.

(2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

25 (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

The Council

4. (1) There is constituted by this Act a corporation with the corporate name of the "University of Western Sydney Advisory Council".

(2) The Council—

30 (a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;

University of Western Sydney Advisory Council 1986

- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister) be subject to the control and direction of the Minister.

(3) The Council shall consist of 15 part-time members appointed by the Minister.

(4) Schedule 1 has effect in relation to the members of the Council.

(5) Schedule 2 has effect with respect to the procedure of the Council.

10 Staff of the Council

5. (1) Such staff as may be necessary to enable the Council to exercise its functions shall be employed under the Public Service Act 1979.

(2) The Council may—

- (a) with the approval of the Minister; and
- (b) on such terms and conditions as may be approved by the Public Service Board,

arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

Functions of the Council

6. (1) The Council shall make reports and recommendations to the Minister as to the steps to be taken for the expeditious establishment and development of a university in the western suburbs of Sydney.

(2) Without affecting the generality of subsection (1), the Council shall make reports and recommendations with respect to—

- (a) the educational objectives for the university, having regard especially to the needs of the population resident in the western suburbs of Sydney;
- (b) plans for the articulation of the university's programmes with those of relevant colleges of technical and further education in order to enhance the opportunities for higher education available to students of those colleges;

University of Western Sydney Advisory Council 1986

- (c) the form of governance for the university;
 - (d) staged development of the university;
 - (e) the resources necessary for the establishment and development of the university;
 - 5 (f) the nature of the legislation required for establishment of the university; and
 - (g) such other matters relevant to the establishment and development of the university as are referred to the Council by the Minister.
- (3) The Council shall exercise its functions in close consultation with the
10 New South Wales Higher Education Board and, in particular, shall—
- (a) make arrangements with that Board for the provision to it by the Council of regular reports of the activities of the Council;
 - (b) before deciding upon a recommendation—seek the advice of that
15 Board on relevant matters relating to developments and policies in the field of higher education in New South Wales; and
 - (c) have regard to any such advice in deciding upon a recommendation.
- (4) The Council shall arrange for such consultations with any other
20 authority of the State, and with the Commonwealth Tertiary Education Commission or any other authority of the Commonwealth, as may be necessary for the exercise of its functions.

Delegation

7. (1) The Council may delegate to a person the exercise of any of its functions other than this power of delegation.
- 25 (2) A delegation under this section—
- (a) shall be in writing;
 - (b) may be general or limited; and
 - (c) may be revoked, wholly or partly, by the Council.
- (3) A delegate is, in the exercise of a function delegated under this
30 section, subject to such conditions as are specified in the instrument of delegation.

University of Western Sydney Advisory Council 1986

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Council.

(5) A delegation under this section does not prevent the exercise of a function by the Council.

5 (6) A function purporting to have been exercised by a delegate under this section shall, unless the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

Annual report

10 8. (1) As soon as practicable after 30 June but on or before 31 December, in each year commencing with the year 1987, the Council shall prepare and forward to the Minister a report of its work and activities for the 12 months ending on 30 June in that year.

(2) The Minister shall lay the report, or cause it to be laid, before both Houses of Parliament as soon as practicable after receiving the report.

15

SCHEDULE 1

(Sec. 4 (4))

PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL

Age of members

20 1. A person of or above the age of 70 years is not eligible to be appointed as a member or to act in the office of a member.

President of the Council

2. (1) One of the members shall, in and by the relevant instrument of appointment as such a member, or by another instrument executed by the Minister, be appointed as President of the Council.

25 (2) The Minister may remove a member from the office of President.

(3) A person who is President shall be deemed to have vacated office as President if the person—

(a) is removed from that office by the Minister under subclause (2);

(b) resigns that office by writing addressed to the Minister; or

30 (c) ceases to be a member.

University of Western Sydney Advisory Council 1986

SCHEDULE 1—*continued*

PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL—*continued*

Acting members and acting President

3. (1) The Minister may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be the member.
- (2) The Minister may, from time to time, appoint a member to act in the office of President, and the member, while so acting, shall have and may exercise all the functions of the President and shall be deemed to be the President.
- (3) The Minister may remove a person from any office to which the person was appointed under this clause.
- (4) A person while acting in the office of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.
- (5) For the purposes of this clause a vacancy in the office of a member or the President shall be deemed to be an absence from office of the member or President, as the case may be.

Term of office

4. Subject to this Schedule, a member shall hold office for such period, not exceeding 2 years, as may be specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.

Remuneration

5. A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

25 Casual vacancies

6. (1) A member shall be deemed to have vacated office if the member—
- (a) dies;
- (b) absents himself or herself from 4 consecutive meetings of the Council of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister for being absent from those meetings;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act 1958 or a person under detention under Part VII of that Act;

University of Western Sydney Advisory Council 1986

SCHEDULE 1—*continued*

PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL—*continued*

- (e) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
- 5 (f) resigns the office by instrument in writing addressed to the Minister;
- (g) attains the age of 70 years; or
- (h) is removed from office by the Minister under subclause (2).
- (2) The Minister may remove a member from office.

Effect of certain other Acts

- 10 7. (1) Where by or under any other Act provision is made requiring a person who is the holder of an office specified therein to devote the whole of his or her time to the duties of that office, or prohibiting the person from engaging in employment outside the duties of that office, that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any
- 15 remuneration payable to the person under this Act as a member.

(2) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of members, etc.

- 20 8. No matter or thing done by the Council, a member or a person acting under the direction of the Council shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 2

(Sec. 4 (5))

25 **PROVISIONS RELATING TO THE PROCEDURE
OF THE COUNCIL**

General procedure

1. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Council.

30 **Quorum**

2. The quorum for a meeting of the Council is 8 members.

University of Western Sydney Advisory Council 1986

SCHEDULE 2—*continued*

PROVISIONS RELATING TO THE PROCEDURE OF THE COUNCIL—*continued*

Presiding member

3. (1) The President or, in the absence of the President, another member elected to preside at the meeting by the members present shall preside at a meeting of the Council.

5 (2) The person presiding at a meeting of the Council has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

Voting

4. A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present shall be the decision of the Council.

Minutes

10 5. The Council shall cause full and accurate minutes to be kept of the proceedings at each meeting of the Council.

First meeting of Council

6. The Minister shall call the first meeting of the Council in such manner as the Minister thinks fit.

BY AUTHORITY

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

**UNIVERSITY OF WESTERN SYDNEY ADVISORY
COUNCIL ACT 1986 No. 49**

NEW SOUTH WALES



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SCHEDULE 1—PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL

**SCHEDULE 2—PROVISIONS RELATING TO THE PROCEDURE OF THE
COUNCIL**

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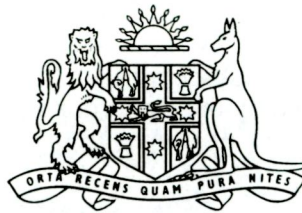


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**UNIVERSITY OF WESTERN SYDNEY ADVISORY
COUNCIL ACT 1986 No. 49**

NEW SOUTH WALES



Act No. 49, 1986

An Act to constitute the University of Western Sydney Advisory Council and to define its functions; and for other purposes. [Assented to, 9 May 1986]

University of Western Sydney Advisory Council 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 Western Sydney Advisory Council 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.

Interpretation

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"Council" means the University of Western Sydney Advisory Council constituted by this Act;

"member" means a member of the Council;

"President" means the President of the Council.

(2) In this Act—

(a) a reference to a function includes a reference to a power, authority and duty; and

(b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

The Council

4. (1) There is constituted by this Act a corporation with the corporate name of the "University of Western Sydney Advisory Council".

(2) The Council—

(a) shall have and may exercise the functions conferred or imposed on it by or under this or any other Act;

University of Western Sydney Advisory Council 1986

- (b) shall, for the purposes of any Act, be deemed to be a statutory body representing the Crown; and
- (c) shall, in the exercise of its functions (except in relation to the contents of a report or recommendation made by it to the Minister) be subject to the control and direction of the Minister.

(3) The Council shall consist of 15 part-time members appointed by the Minister.

(4) Schedule 1 has effect in relation to the members of the Council.

(5) Schedule 2 has effect with respect to the procedure of the Council.

Staff of the Council

5. (1) Such staff as may be necessary to enable the Council to exercise its functions shall be employed under the Public Service Act 1979.

(2) The Council may—

- (a) with the approval of the Minister; and
- (b) on such terms and conditions as may be approved by the Public Service Board,

arrange for the use of the services of any staff or facilities of a government department, administrative office or public authority.

Functions of the Council

6. (1) The Council shall make reports and recommendations to the Minister as to the steps to be taken for the expeditious establishment and development of a university in the western suburbs of Sydney.

(2) Without affecting the generality of subsection (1), the Council shall make reports and recommendations with respect to—

- (a) the educational objectives for the university, having regard especially to the needs of the population resident in the western suburbs of Sydney;
- (b) plans for the articulation of the university's programmes with those of relevant colleges of technical and further education in order to enhance the opportunities for higher education available to students of those colleges;

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- (c) the form of governance for the university;
- (d) staged development of the university;
- (e) the resources necessary for the establishment and development of the university;
- (f) the nature of the legislation required for establishment of the university; and
- (g) such other matters relevant to the establishment and development of the university as are referred to the Council by the Minister.

(3) The Council shall exercise its functions in close consultation with the New South Wales Higher Education Board and, in particular, shall—

- (a) make arrangements with that Board for the provision to it by the Council of regular reports of the activities of the Council;
- (b) before deciding upon a recommendation—seek the advice of that Board on relevant matters relating to developments and policies in the field of higher education in New South Wales; and
- (c) have regard to any such advice in deciding upon a recommendation.

(4) The Council shall arrange for such consultations with any other authority of the State, and with the Commonwealth Tertiary Education Commission or any other authority of the Commonwealth, as may be necessary for the exercise of its functions.

Delegation

7. (1) The Council may delegate to a person the exercise of any of its functions other than this power of delegation.

(2) A delegation under this section—

- (a) shall be in writing;
- (b) may be general or limited; and
- (c) may be revoked, wholly or partly, by the Council.

(3) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation.

University of Western Sydney Advisory Council 1986

(4) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the Council.

(5) A delegation under this section does not prevent the exercise of a function by the Council.

(6) A function purporting to have been exercised by a delegate under this section shall, unless the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

Annual report

8. (1) As soon as practicable after 30 June but on or before 31 December, in each year commencing with the year 1987, the Council shall prepare and forward to the Minister a report of its work and activities for the 12 months ending on 30 June in that year.

(2) The Minister shall lay the report, or cause it to be laid, before both Houses of Parliament as soon as practicable after receiving the report.

SCHEDULE 1

(Sec. 4 (4))

PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL

Age of members

1. A person of or above the age of 70 years is not eligible to be appointed as a member or to act in the office of a member.

President of the Council

2. (1) One of the members shall, in and by the relevant instrument of appointment as such a member, or by another instrument executed by the Minister, be appointed as President of the Council.

(2) The Minister may remove a member from the office of President.

(3) A person who is President shall be deemed to have vacated office as President if the person—

- (a) is removed from that office by the Minister under subclause (2);
- (b) resigns that office by writing addressed to the Minister; or
- (c) ceases to be a member.

University of Western Sydney Advisory Council 1986

SCHEDULE 1—*continued*

PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL—*continued*

Acting members and acting President

3. (1) The Minister may, from time to time, appoint a person to act in the office of a member during the illness or absence of the member, and the person, while so acting, shall have and may exercise all the functions of the member and shall be deemed to be the member.

(2) The Minister may, from time to time, appoint a member to act in the office of President, and the member, while so acting, shall have and may exercise all the functions of the President and shall be deemed to be the President.

(3) The Minister may remove a person from any office to which the person was appointed under this clause.

(4) A person while acting in the office of a member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the person.

(5) For the purposes of this clause a vacancy in the office of a member or the President shall be deemed to be an absence from office of the member or President, as the case may be.

Term of office

4. Subject to this Schedule, a member shall hold office for such period, not exceeding 2 years, as may be specified in the instrument of appointment of the member, but is eligible (if otherwise qualified) for re-appointment.

Remuneration

5. A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

Casual vacancies

6. (1) A member shall be deemed to have vacated office if the member—

- (a) dies;
- (b) absents himself or herself from 4 consecutive meetings of the Council of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Minister for being absent from those meetings;
- (c) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- (d) becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act 1958 or a person under detention under Part VII of that Act;

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SCHEDULE 1—*continued*

PROVISIONS RELATING TO THE MEMBERS OF THE COUNCIL—*continued*

- (e) is convicted in New South Wales of an offence which is punishable by imprisonment for 12 months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be an offence so punishable;
- (f) resigns the office by instrument in writing addressed to the Minister;
- (g) attains the age of 70 years; or
- (h) is removed from office by the Minister under subclause (2).

(2) The Minister may remove a member from office.

Effect of certain other Acts

7. (1) Where by or under any other Act provision is made requiring a person who is the holder of an office specified therein to devote the whole of his or her time to the duties of that office, or prohibiting the person from engaging in employment outside the duties of that office, that provision does not operate to disqualify the person from holding that office and also the office of a member or from accepting and retaining any remuneration payable to the person under this Act as a member.

(2) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Liability of members, etc.

8. No matter or thing done by the Council, a member or a person acting under the direction of the Council shall, if the matter or thing was done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

SCHEDULE 2

(Sec. 4 (5))

PROVISIONS RELATING TO THE PROCEDURE
OF THE COUNCIL

General procedure

1. The procedure for the calling of meetings of the Council and for the conduct of business at those meetings shall, subject to this Act, be as determined by the Council.

Quorum

2. The quorum for a meeting of the Council is 8 members.

University of Western Sydney Advisory Council 1986

SCHEDULE 2—*continued*

PROVISIONS RELATING TO THE PROCEDURE OF THE COUNCIL—*continued*

Presiding member

3. (1) The President or, in the absence of the President, another member elected to preside at the meeting by the members present shall preside at a meeting of the Council.

(2) The person presiding at a meeting of the Council has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

Voting

4. A decision supported by a majority of the votes cast at a meeting of the Council at which a quorum is present shall be the decision of the Council.

Minutes

5. The Council shall cause full and accurate minutes to be kept of the proceedings at each meeting of the Council.

First meeting of Council

6. The Minister shall call the first meeting of the Council in such manner as the Minister thinks fit.

