

**MISCELLANEOUS ACTS (HIGHER EDUCATION)
AMENDMENT ACT 1988 No. 13**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Acts

SCHEDULE 1—AMENDMENT OF ACTS



**MISCELLANEOUS ACTS (HIGHER EDUCATION) AMENDMENT
ACT 1988 No. 13**

NEW SOUTH WALES



Act No. 13, 1988

An Act to amend certain Acts as a consequence of the enactment of the Higher Education Act 1988; and for other purposes. [Assented to 21 June 1988]

Miscellaneous Acts (Higher Education) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Higher Education) Amendment Act 1988.

Commencement

2. (1) This Act commences at the commencement of the Higher Education Act 1988, except as provided by subsection (2).

(2) The amendments to section 12 of the Colleges of Advanced Education Act 1975, section 17 of the Institute of the Arts Act 1987 and section 11 of the New South Wales State Conservatorium of Music Act 1965 (and section 3 in its application to those amendments) commence on a day to be appointed by proclamation.

Amendment of Acts

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF ACTS

(Sec. 3)

Colleges of Advanced Education Act 1975 No. 11—

- (1) Section 3 (**Definitions**)—
 - (a) Section 3 (1), definition of “advanced education course”—
Omit “the Higher Education Act, 1975,” insert instead “the Higher Education Act 1988”.
 - (b) Section 3 (1), definition of “Board”—
Omit the definition.
- (2) Section 10 (**Powers etc. of corporate college**)—
 - (a) Section 10 (1) (b)—
Omit “by the Board by an order”, insert instead “by an order under the Higher Education Act 1988”.
 - (b) Section 10 (1) (g)—
Omit “the Board”, insert instead “the Secretary of the Ministry of Education and Youth Affairs”.
 - (c) Section 10 (1) (h)—
Omit the paragraph, insert instead:
 - (h) shall, at such times as may be required by the Secretary of the Ministry of Education and Youth Affairs, prepare and forward to the Secretary—

Miscellaneous Acts (Higher Education) Amendment 1988

SCHEDULE 1—AMENDMENT OF ACTS—*continued*

- (i) such estimates as are specified by the Secretary as to the financial and other needs of the college; and
 - (ii) such other information as the Secretary requires; and
 - (3) Section 12 (**Servants of corporate college**)—
 - (a) Section 12 (1)–(4)—
Omit the subsections.
 - (b) Section 12 (5) (a1)—
Before section 12 (5) (a), insert:
(a1) employ persons as members of the academic or other staff of the college;
 - (c) Section 12 (6)—
Omit “after consultation with, and with the concurrence of, the Public Service Board”.
 - (d) Section 12 (7)–(10)—
Omit the subsections.
 - (4) Section 16—
Omit the section, insert instead:
Control of academic awards
16. A college shall not confer any academic award in respect of an advanced education course provided by it unless the award is of a nomenclature determined under the Higher Education Act 1988.
 - (5) Section 24 (**Regulations**)—
Section 24 (1) (b)—
Omit “the Board”, insert instead “any person or body”.
 - (6) Schedule 2 (**Dissolution of corporate college**)—
 - (a) Clauses 3 (1) (a), 4 (1) (a)—
Omit “the Board,” wherever occurring.
 - (b) Clause 7 (3)—
Omit “the Board”, insert instead “the Public Service”.
 - (7) Schedule 3 (**Corporate college under control of administrator**)—
Clause 1, definition of “higher education”—
Omit the definition.
- Institute of Rural Studies Act 1973 No. 54—**
- (1) Section 4 (**Constitution of the Institute**)—
Section 4 (3) (a) (viii)—
Omit “the New South Wales Advanced Education Board”, insert instead “the Ministry of Education and Youth Affairs”.
 - (2) Section 9 (**Functions and duties of Institute**)—
 - (a) Section 9 (1) (b)—
Omit the paragraph, insert instead:

Miscellaneous Acts (Higher Education) Amendment 1988

SCHEDULE 1—AMENDMENT OF ACTS—*continued*

(b) to determine, with the approval of the Minister, the nomenclature of awards to be conferred by affiliated colleges (other than awards for advanced education courses approved under the Higher Education Act 1988);

(b) Section 9 (2)—

Omit the subsection, insert instead:

(2) Nothing in this section affects the operation of the Higher Education Act 1988.

Institute of the Arts Act 1987 No. 124—

(1) Section 3 (**Definitions**)—

Section 3 (1), definition of “advanced education course”—

Omit “the Higher Education Act 1975”, insert instead “the Higher Education Act 1988”.

(2) Section 15 (**Functions of the Institute**)—

Section 15 (3)—

Omit the subsection, insert instead:

(3) The Institute shall, at such times as may be required by the Secretary of the Ministry of Education and Youth Affairs, prepare and forward to the Secretary—

(a) such estimates as are specified by the Secretary as to the financial and other needs of the Institute; and

(b) such other information as the Secretary requires.

(3) Section 17 (**Employment of staff**)—

(a) Section 17 (2), (3)—

Omit the subsections.

(b) Section 17 (4)—

Omit “after consultation with, and with the concurrence of, the Public Service Board”.

(c) Section 17 (5), (6)—

Omit the subsections.

New South Wales State Conservatorium of Music Act 1965 No. 5—

Section 11 (**Director and staff of Conservatorium**)—

Section 11 (4)—

Omit “after consultation with the Public Service Board”.

Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)—

Schedule 3, Part 2 (**Public offices**)—

Omit:

Chairman of the Higher Education Board.

Deputy chairman of the Higher Education Board.

Miscellaneous Acts (Higher Education) Amendment 1988

SCHEDULE 1—AMENDMENT OF ACTS—*continued*

Member of the Higher Education Board, other than the chairman and deputy chairman.

Technical and Further Education Act 1974 No. 72—

Section 5 (**Higher Education Act 1988 not affected**)—

Omit “the Higher Education Act, 1975”, insert instead “the Higher Education Act 1988”.

University of Technology, Sydney Act 1987 No. 283—

Section 3 (1), definition of “advanced education course”—

Omit “the Higher Education Act 1975”, insert instead “the Higher Education Act 1988”.

University of Technology, Sydney (Miscellaneous Provisions) Act 1987 No. 284—

Schedule 2 (**Savings and transitional provisions**)—

(1) Clause 1, definition of “Board”—

Omit the definition.

(2) Clauses 12–14—

Omit the clauses.

University of Wollongong Act 1972 No. 72—

Section 3, definition of “advanced education course”—

Omit “the Higher Education Act, 1975”, insert instead “the Higher Education Act 1988”.

**MISCELLANEOUS ACTS (HIGHER EDUCATION)
AMENDMENT BILL 1988**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Higher Education Bill 1988.

The object of this Bill is to amend certain Acts—

- (a) to make the necessary consequential changes as a result of the abolition of the New South Wales Higher Education Board by the proposed Higher Education Act 1988; and
- (b) to remove any functions of the Public Service Board in connection with the staff of colleges of advanced education and similar higher education institutions.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence at the commencement of the Higher Education Act 1988. However, the amendments relating to the functions of the Public Service Board are to commence on a day to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments to Acts.

SCHEDULE 1—AMENDMENT OF ACTS

Colleges of Advanced Education Act 1975

The following amendments are made to the Act:

- Items (1), (2), (4), (5), (6) and (7) are consequential on the repeal of the Higher Education Act 1975 and the abolition of the Higher Education Board.
- Item (3) removes the functions of the Public Service Board in relation to the determination of the non-academic staff establishment of a college, the determination of conditions of employment of all staff and the representation of a college before industrial tribunals.

Miscellaneous Acts (Higher Education) Amendment 1988

Institute of Rural Studies Act 1973

The amendments made to the Act are consequential on the repeal of the Higher Education Act 1975 and the abolition of the Higher Education Board.

Institute of the Arts Act 1987

The following amendments are made to the Act:

- Items (1) and (2) are consequential on the repeal of the Higher Education Act 1975 and the abolition of the Higher Education Board.
- Item (3) removes the functions of the Public Service Board in relation to the determination of the non-academic staff establishment of the Institute, the determination of conditions of employment of all staff and the representation of the Institute before industrial tribunals.

New South Wales State Conservatorium of Music Act 1965

The amendment made to the Act removes the function of the Public Service Board in relation to staff employed by the Conservatorium (other than public servants).

Statutory and Other Offices Remuneration Act 1975

The amendment made to the Act removes references to offices that will cease to exist on the abolition of the Higher Education Board.

Technical and Further Education Act 1974

The amendment made to the Act is consequential on the repeal of the Higher Education Act 1975.

University of Technology, Sydney Act 1987

The amendment made to the Act is consequential on the repeal of the Higher Education Act 1975.

University of Technology, Sydney (Miscellaneous Provisions) Act 1987

The following amendments are made to the Act:

- Item (1) is consequential on the abolition of the Higher Education Board.
- Item (2) removes functions of the Public Service Board in relation to the determination of the non-academic staff establishment of the University of Technology, Sydney, the determination of conditions of employment of all staff and the representation of the University before industrial tribunals. These functions were to cease by 26 January 1989.
- Item (2) also removes a temporary requirement that the provision of academic courses by the University be subject to Ministerial control on the advice of the Higher Education Board.

University of Wollongong Act 1972

The amendment made to the Act is consequential on the repeal of the Higher Education Act 1975.

**MISCELLANEOUS ACTS (HIGHER EDUCATION)
AMENDMENT BILL 1988**

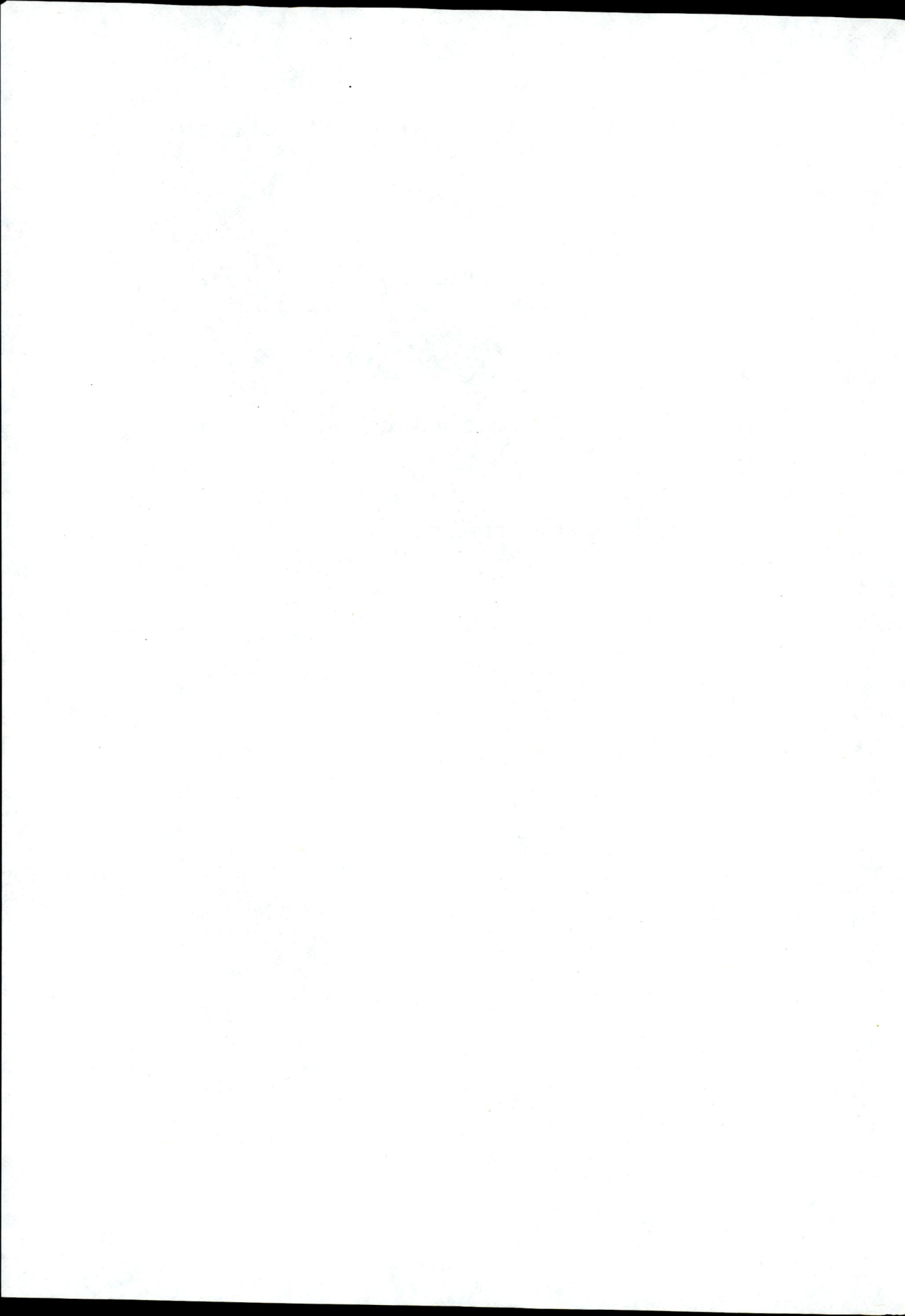
NEW SOUTH WALES



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SCHEDULE 1—AMENDMENT OF ACTS



**MISCELLANEOUS ACTS (HIGHER EDUCATION)
AMENDMENT BILL 1988**

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to amend certain Acts as a consequence of the enactment of the
Higher Education Act 1988; and for other purposes.

Miscellaneous Acts (Higher Education) Amendment 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Miscellaneous Acts (Higher Education) Amendment Act 1988.

5 Commencement

2. (1) This Act commences at the commencement of the Higher Education Act 1988, except as provided by subsection (2).

(2) The amendments to section 12 of the Colleges of Advanced Education Act 1975, section 17 of the Institute of the Arts Act 1987 and section 11 of the New South Wales State Conservatorium of Music Act 1965 (and section 3 in its application to those amendments) commence on a day to be appointed by proclamation.

Amendment of Acts

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

SCHEDULE 1—AMENDMENT OF ACTS

(Sec. 3)

Colleges of Advanced Education Act 1975 No. 11—

(1) Section 3 (Definitions)—

20 (a) Section 3 (1), definition of “advanced education course”—
Omit “the Higher Education Act, 1975,” insert instead “the Higher Education Act 1988”.

(b) Section 3 (1), definition of “Board”—
Omit the definition.

25 (2) Section 10 (Powers etc. of corporate college)—

(a) Section 10 (1) (b)—
Omit “by the Board by an order”, insert instead “by an order under the Higher Education Act 1988”.

30 (b) Section 10 (1) (g)—
Omit “the Board”, insert instead “the Secretary of the Ministry of Education and Youth Affairs”.

(c) Section 10 (1) (h)—
Omit the paragraph, insert instead:

35 (h) shall, at such times as may be required by the Secretary of the Ministry of Education and Youth Affairs, prepare and forward to the Secretary—

Miscellaneous Acts (Higher Education) Amendment 1988

SCHEDULE 1—AMENDMENT OF ACTS—*continued*

- (i) such estimates as are specified by the Secretary as to the financial and other needs of the college; and
 - (ii) such other information as the Secretary requires; and
- (3) Section 12 (**Servants of corporate college**)—
- 5 (a) Section 12 (1)–(4)—
Omit the subsections.
- (b) Section 12 (5) (a1)—
Before section 12 (5) (a), insert:
- 10 (a1) employ persons as members of the academic or other staff of the college;
- (c) Section 12 (6)—
Omit “after consultation with, and with the concurrence of, the Public Service Board”.
- (d) Section 12 (7)–(10)—
Omit the subsections.
- 15 (4) Section 16—
Omit the section, insert instead:
- Control of academic awards**
16. A college shall not confer any academic award in respect of an advanced education course provided by it unless the award is of a nomenclature determined under the Higher Education Act 1988.
- 20 (5) Section 24 (**Regulations**)—
Section 24 (1) (b)—
Omit “the Board”, insert instead “any person or body”.
- (6) Schedule 2 (**Dissolution of corporate college**)—
- 25 (a) Clauses 3 (1) (a), 4 (1) (a)—
Omit “the Board,” wherever occurring.
- (b) Clause 7 (3)—
Omit “the Board”, insert instead “the Public Service”.
- (7) Schedule 3 (**Corporate college under control of administrator**)—
- 30 Clause 1, definition of “higher education”—
Omit the definition.
- Institute of Rural Studies Act 1973 No. 54—**
- (1) Section 4 (**Constitution of the Institute**)—
Section 4 (3) (a) (viii)—
- 35 Omit “the New South Wales Advanced Education Board”, insert instead “the Ministry of Education and Youth Affairs”.
- (2) Section 9 (**Functions and duties of Institute**)—
- (a) Section 9 (1) (b)—
Omit the paragraph, insert instead:

Miscellaneous Acts (Higher Education) Amendment 1988

SCHEDULE 1—AMENDMENT OF ACTS—*continued*

(b) to determine, with the approval of the Minister, the nomenclature of awards to be conferred by affiliated colleges (other than awards for advanced education courses approved under the Higher Education Act 1988);

5 (b) Section 9 (2)—

Omit the subsection, insert instead:

(2) Nothing in this section affects the operation of the Higher Education Act 1988.

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10 (1) Section 3 (**Definitions**)—

Section 3 (1), definition of “advanced education course”—

Omit “the Higher Education Act 1975”, insert instead “the Higher Education Act 1988”.

(2) Section 15 (**Functions of the Institute**)—

15 Section 15 (3)—

Omit the subsection, insert instead:

(3) The Institute shall, at such times as may be required by the Secretary of the Ministry of Education and Youth Affairs, prepare and forward to the Secretary—

20 (a) such estimates as are specified by the Secretary as to the financial and other needs of the Institute; and

(b) such other information as the Secretary requires.

(3) Section 17 (**Employment of staff**)—

(a) Section 17 (2), (3)—

25 Omit the subsections.

(b) Section 17 (4)—

Omit “after consultation with, and with the concurrence of, the Public Service Board”.

(c) Section 17 (5), (6)—

30 Omit the subsections.

New South Wales State Conservatorium of Music Act 1965 No. 5—

Section 11 (**Director and staff of Conservatorium**)—

Section 11 (4)—

Omit “after consultation with the Public Service Board”.

35 **Statutory and Other Offices Remuneration Act 1975 (1976 No. 4)—**

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Omit:

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Section 3 (1), definition of “advanced education course”—

- 10 Omit “the Higher Education Act 1975”, insert instead “the Higher Education Act 1988”.

University of Technology, Sydney (Miscellaneous Provisions) Act 1987 No. 284—

Schedule 2 (**Savings and transitional provisions**)—

- (1) Clause 1, definition of “Board”—
Omit the definition.
- 15 (2) Clauses 12–14—
Omit the clauses.

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