

FIRST PRINT

**UNIVERSITY LEGISLATION (AMENDMENT) BILL 1991**

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 Acts listed below:

- (a) to remove certain restrictions relating to the leasing of property of the Universities concerned; and
- (b) to clarify the power of the governing bodies of those Universities to make rules; and
- (c) to abolish the office of Visitor of those Universities; and
- (d) to make other minor amendments to bring greater uniformity between the University Acts and by way of statute law revision.

The University Acts amended are:

Charles Sturt University Act 1989  
Macquarie University Act 1989  
University of New England Act 1989  
University of New South Wales Act 1989  
University of Newcastle Act 1989  
University of Sydney Act 1989  
University of Technology, Sydney, Act 1989  
University of Western Sydney Act 1988  
University of Wollongong Act 1989.

Certain other Acts are also amended by way of statute law revision as a consequence of the enactment of the Charles Sturt University Act 1989.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to Schedule 1 which contains the amendments to the University Acts listed above.

Clause 4 gives effect to Schedule 2 which contains the amendments to certain other Acts described above.

*University Legislation (Amendment) 1991*

---

**SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION**

**Leasing powers of Universities**

Currently each University is only able to lease its property without the consent of the Minister if the term of the lease does not exceed 21 years and the highest rent that can reasonably be obtained is reserved for the whole of that term. The amendments will enable each University to lease its property without the consent of the Minister for a term not exceeding 21 years if the governing body of the University is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise.

**By-laws and rules**

The amendments substitute the provisions of the University Acts relating to the making of by-laws and rules so as to list matters which are to be exclusively dealt with by by-laws and to list matters with respect to which rules may be made. The matters for which by-laws only may be made include the principal functions and role of the Chancellor, Deputy Chancellor and Vice-Chancellor but it is not intended to prevent rules being made with respect to functions of those office-holders that are incidental to the matters for which rules may be made.

The present rule-making power of each University enables rules to be made regulating any matter with respect to which by-laws may be made. The amendments make it clear that rules may be made which prohibit as well as regulate. The rules will be required to be made and published in accordance with the by-laws.

**Visitors**

The Visitor of a University has power to resolve disputes which are internal to the University (such as disputes relating to the disciplining of students or the promotion or dismissal of staff). The jurisdiction may extend to matters that would otherwise fall within the ordinary jurisdiction of the civil courts and it is not clear, where this is the case, as to whether the Visitor's jurisdiction is exclusive.

The provisions in each University Act stating that the Governor is to be the Visitor for the University will be repealed. A statement is included making it clear that not only the office of Visitor is abolished but the functions and jurisdiction of the Visitor. The Visitor will be able to complete matters that are being dealt with when the amendments commence, but matters before a court that would have been referred back to the Visitor will be determined by the court.

**Board of Governors of the University of Western Sydney**

The University of Western Sydney Act 1988 is amended to include the presiding member of the Academic Board of the University as an official member of the Board of Governors of the University. This is in keeping with the other University Acts.

**SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION**

The following Acts are amended as a consequence of the enactment of the Charles Sturt University Act 1989:

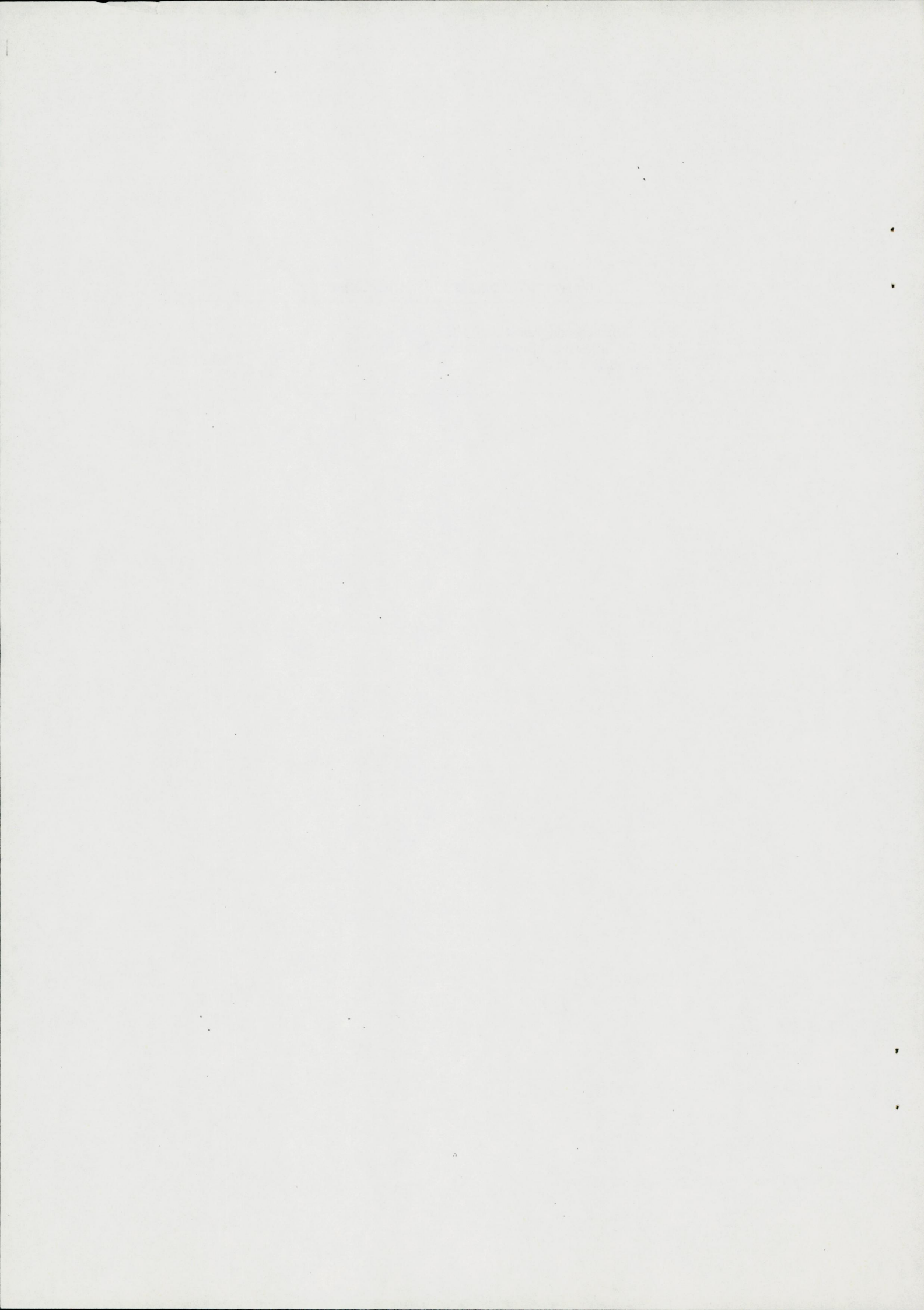
Local Government Act 1919

*University Legislation (Amendment) 1991*

---

Public Finance and Audit Act 1983  
State Public Service Superannuation Act 1985  
Superannuation Act 1916.

---



FIRST PRINT

**UNIVERSITY LEGISLATION (AMENDMENT) BILL 1991**

NEW SOUTH WALES



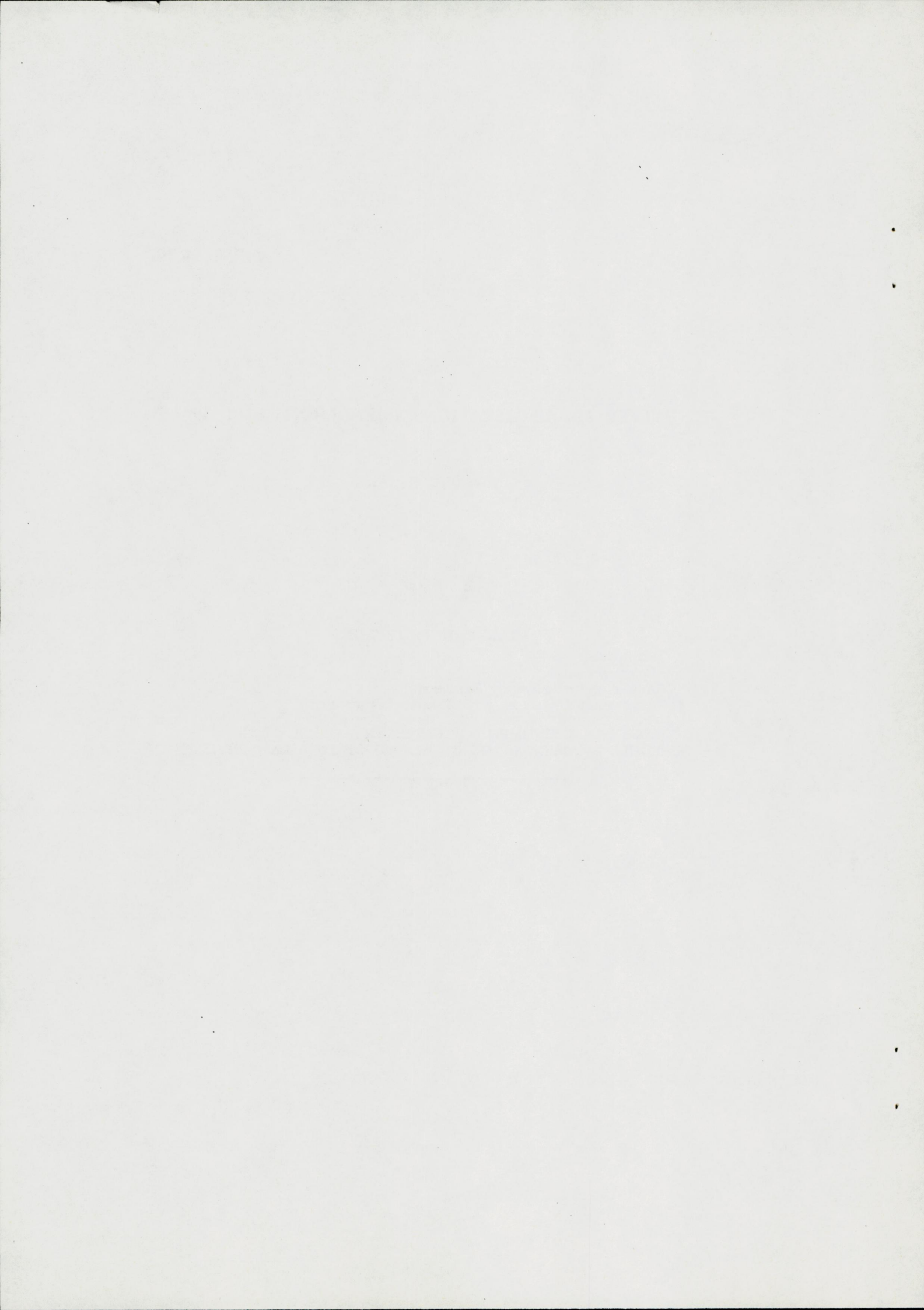
**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of university legislation
4. Amendment of Acts by way of statute law revision

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION

SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION

---



**UNIVERSITY LEGISLATION (AMENDMENT) BILL 1991**

NEW SOUTH WALES



No. , 1991

---

---

**A BILL FOR**

An Act to amend certain Acts establishing universities with respect to by-laws, rules, university Visitors and leasing powers, and in other respects; and to amend other Acts in relation to Charles Sturt University.

---

---

*University Legislation (Amendment) 1991*

---

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the University Legislation (Amendment) Act 1991.

**Commencement**

2. (1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).

(2) The following provisions of this Act commence on the date of assent to this Act:

- \* item (2) of the amendments to the University of Western Sydney Act 1988 in Schedule 1, and section 3 in its application to that item
- \* Schedule 2
- \* section 4

**Amendment of university legislation**

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

**Amendment of Acts by way of statute law revision**

4. Each Act specified in Schedule 2 is amended in the manner set out in that Schedule.

---

**SCHEDULE 1—AMENDMENT OF UNIVERSITY  
LEGISLATION**

(Sec. 3)

**CHARLES STURT UNIVERSITY ACT 1989 No. 76**

**Principal amendments**

(1) Section 3 (**Definitions**):

In section 3 (1), in alphabetical order, insert:

“**prescribed**” means prescribed by the by-laws or rules;

(2) Section 14 (**Visitor**):

Omit the section.



*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(3) Section 21 (**Powers of Board relating to property**):

Omit section 21 (3) (b), insert instead:

- (b) (except where the lessee is a residential college affiliated with the University) the Board is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(4) Sections 31, 32:

Omit the sections, insert instead:

**By-laws**

31. (1) The Board may make by-laws, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Board;
- (b) the terms of office of elected members of the Board;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

(3) Without limiting the generality of subsection (1), the Board may make by-laws for or with respect to any matter specified in section 32 (1).

(4) A by-law has no effect unless it has been approved by the Governor.

**Rules**

32. (1) The by-laws may empower any authority (including the Board) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Board (other than the parliamentary members), who are to be elected;
- (c) the procedures for the conduct of the meetings of the Board and the Academic Senate;
- (d) the constitution, functions and operation of the Academic Senate;
- (e) the constitution, functions and operation of advisory councils;
- (f) the constitution, functions and operation of Convocation;
- (g) the appointment, employment, discipline and dismissal of officers and employees of the University;
- (h) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
- (i) the designation of persons as graduates of the University;
- (j) the designation of categories of students and student conduct and discipline;
- (k) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;
- (l) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
- (m) the granting of honorary degrees and awards;
- (n) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- \* entrance to the University; and
  - \* tuition; and
  - \* lectures and classes; and
  - \* examinations; and
  - \* residence; and
  - \* the conferring of degrees and the awarding of diplomas and other certificates; and
  - \* the provision of amenities and services, whether or not of an academic nature; and
  - \* an organisation of students or of students and other persons; and
  - \* parking and traffic infringements;
- (o) the form and use of academic costume.
- (2) The by-laws may empower any authority (including the Board) or officer of the University to make rules for or with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.
- (3) A rule may not be made with respect to any matter that section 31 (2) specifies is a matter that is not to be the subject of rules.
- (4) A rule:
- (a) has the same force and effect as a by-law; and
  - (b) may, from time to time, be amended or repealed by the Board or by the authority or officer of the University empowered to make such a rule; and
  - (c) must be made and published in accordance with the by-laws; and
  - (d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and
  - (e) must be available for public inspection in accordance with the by-laws; and
  - (f) must indicate the authority under which it is made.
- (5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(5) Schedule 4 (**Savings and transitional provisions**):

After Part 2, insert:

**PART 3—PROVISIONS CONSEQUENTIAL ON THE  
ENACTMENT OF THE UNIVERSITY  
LEGISLATION (AMENDMENT) ACT 1991**

**Visitor**

31. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that commencement may continue to be considered or dealt with and determined by the Visitor as if the University Legislation (Amendment) Act 1991 had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

- (a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and
- (b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws and rules**

32. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 31 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 32 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

**Consequential amendments**

- (6) Section 3 (**Definitions**), section 9 (**The Board**), section 10 (**Chancellor**), section 11 (**Deputy Chancellor**), section 15 (**Convocation**), section 16 (**Academic Senate**), Schedule 1 (**Provisions relating to members and procedure of the Board**):  
From sections 3 (2), 9 (6) (a) (ii), (b) (ii), (c) (ii), 10 (2), 11 (2), 15 (4), (5), 16 (2) and Schedule 1, clause 1, omit “by the by-laws” wherever occurring.
- (7) Section 4 (**Establishment of University**), section 15 (**Convocation**):  
From sections 4 (c), 15 (1) (c), omit “as the by-laws may prescribe” wherever occurring, insert instead “as may be prescribed”.
- (8) Section 9 (**The Board**):  
From section 9 (6) (a) (iii), (b) (iii), (c) (iii), omit “manner prescribed by the by-laws”, insert instead “prescribed manner”.
- (9) Section 15 (**Convocation**):  
(a) From section 15 (1) (d), omit “, in accordance with the by-laws, admitted”, insert instead “admitted, as prescribed,”.  
(b) From section 15 (3), omit “Subject to the by-laws”, insert instead “Unless otherwise prescribed”.
- (10) Section 16 (**Academic Senate**):  
From section 16 (1) (d), omit “, in accordance with the by-laws,”.
- (11) Section 17 (**Advisory councils**):  
From section 17 (3), (4), omit “Subject to the by-laws” wherever occurring, insert instead “Unless otherwise prescribed”.
- (12) Section 19 (**Powers of Board**):  
In section 19 (2), after “by-laws”, insert “and rules”.
- (13) Section 20 (**Delegation by Board**):  
Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(14) Section 26 (**Financial year**):

Omit the section, insert instead:

**Financial year**

26. The financial year of the University is:

- (a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or
- (b) the period determined by the Treasurer for the purposes of this section.

(15) Schedule 1 (**Provisions relating to members and procedure of the Board**):

From clause 6, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

**MACQUARIE UNIVERSITY ACT 1989 No. 126**

**Principal amendments**

(1) Section 3 (**Definitions**):

In section 3 (1), in alphabetical order, insert:

“**prescribed**” means prescribed by the by-laws or rules;

(2) Section 13 (**Visitor**):

Omit the section.

(3) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

- (b) (except where the lessee is a residential college affiliated with the University) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(4) Sections 28, 29:

Omit the sections, insert instead:

**By-laws**

28. (1) The Council may make by-laws, not inconsistent with this Act, for or with respect to any matter that is

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Council;
- (b) the terms of office of elected members of the Council;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

(3) Without limiting the generality of subsection (1), the Council may make by-laws for or with respect to any matter specified in section 29 (1).

(4) A by-law has no effect unless it has been approved by the Governor.

**Rules**

29. (1) The by-laws may empower any authority (including the Council) or an officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Council (other than the parliamentary members), who are to be elected;
- (c) the procedures for the conduct of the meetings of the Council and the Academic Senate;
- (d) the constitution, functions and operation of the Academic Senate;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (e) the constitution, functions and operation of Convocation;
- (f) the appointment, employment, discipline and dismissal of officers and employees of the University;
- (g) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
- (h) the designation of persons as graduates of the University;
- (i) the designation of categories of students and student conduct and discipline;
- (j) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;
- (k) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
- (l) the granting of honorary degrees and awards;
- (m) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:
  - \* entrance to the University; and
  - \* tuition; and
  - \* lectures and classes; and
  - \* examinations; and
  - \* residence; and
  - \* the conferring of degrees and the awarding of diplomas and other certificates; and
  - \* the provision of amenities and services, whether or not of an academic nature; and
  - \* an organisation of students or of students and other persons; and
  - \* parking and traffic infringements; and
- (n) the form and use of academic costume.



*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(2) The by-laws may empower any authority (including the Council) or officer of the University to make rules for or with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.

(3) A rule may not be made with respect to any matter that section 28 (2) specifies is a matter that is not to be the subject of rules.

(4) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Council or by the authority or officer of the University empowered to make such a rule; and
- (c) must be made and published in accordance with the by-laws; and
- (d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and
- (e) must be available for public inspection in accordance with the by-laws; and
- (f) must indicate the authority under which it is made.

(5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(5) Schedule 3 (**Savings and transitional provisions**):

After clause 8, insert:

**Visitor**

9. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that commencement may continue to be considered or dealt with and determined by the Visitor as if this clause had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and
- (b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws and rules**

10. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 28 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 29 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.

**Consequential amendments**

- (6) Section 3 (**Definitions**), section 9 (**Constitution of Council**), section 10 (**Chancellor**), section 11 (**Deputy Chancellor**), section 14 (**Convocation**), section 15 (**Academic Senate**), Schedule 1 (**Provisions relating to members and procedure of the Council**):

From sections 3 (2), 9 (5) (a) (ii), (b) (ii), (c) (ii), (d) (ii), 10 (2), 11 (2), 14 (3), (4), 15 (2) and Schedule 1, clause 1, omit "by the by-laws" wherever occurring.

- (7) Section 4 (**Establishment of University**), section 14 (**Convocation**):

From sections 4 (c), 14 (1) (c), omit "as the by-laws may prescribe" wherever occurring, insert instead "as may be prescribed".

- (8) Section 9 (**Constitution of Council**):

From section 9 (5) (a) (iii), (b) (iii), (c) (iii), (d) (iii), omit "manner prescribed by the by-laws", insert instead "prescribed manner".

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (9) Section 14 (**Convocation**):
- (a) From section 14 (1) (d), omit “, in accordance with the by-laws, admitted”, insert instead “admitted, as prescribed”.
  - (b) From section 14 (2), omit “Subject to the by-laws”, insert instead “Unless otherwise prescribed”.
- (10) Section 15 (**Academic Senate**):
- From section 15 (1) (b), omit “, in accordance with the by-laws,”.
- (11) Section 16 (**Powers of Council**):
- In section 16 (2), after “by-laws”, insert “and rules”.
- (12) Section 17 (**Delegation by Council**):
- Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.
- (13) Section 23 (**Financial year**):
- Omit the section, insert instead:
- Financial year**
23. The financial year of the University is:
- (a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or
  - (b) the period determined by the Treasurer for the purposes of this section.
- (14) Schedule 1 (**Provisions relating to members and procedure of the Council**):
- From clause 6, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

**UNIVERSITY OF NEW ENGLAND ACT 1989 No. 67**

**Principal amendments**

- (1) Section 3 (**Definitions**):
- In section 3 (1), in alphabetical order, insert:
- “**prescribed**” means prescribed by the by-laws or rules;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(2) Section 14 (**Visitor**):

Omit the section.

(3) Section 21 (**Powers of Board relating to property**):

Omit section 21 (3) (b), insert instead:

- (b) (except where the lessee is a residential college affiliated with the University) the Board is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(4) Sections 31, 32:

Omit the sections, insert instead:

**By-laws**

31. (1) The Board may make by-laws, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Board;
- (b) the terms of office of elected members of the Board;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

(3) Without limiting the generality of subsection (1), the Board may make by-laws for or with respect to any matter specified in section 32 (1).

(4) A by-law has no effect unless it has been approved by the Governor.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

**Rules**

32. (1) The by-laws may empower any authority (including the Board) or an officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular, for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Board (other than the parliamentary members), who are to be elected;
- (c) the procedures for the conduct of the meetings of the Board and the Academic Senate;
- (d) the constitution, functions and operation of the Academic Senate;
- (e) the constitution, functions and operation of advisory councils;
- (f) the constitution, functions and operation of Convocation;
- (g) the appointment, employment, discipline and dismissal of officers and employees of the University;
- (h) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
- (i) the designation of persons as graduates of the University;
- (j) the designation of categories of students and student conduct and discipline;
- (k) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;
- (l) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
- (m) the granting of honorary degrees and awards;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(n) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:

- \* entrance to the University; and
- \* tuition; and
- \* lectures and classes; and
- \* examinations; and
- \* residence; and
- \* the conferring of degrees and the awarding of diplomas and other certificates; and
- \* the provision of amenities and services, whether or not of an academic nature; and
- \* an organisation of students or of students and other persons; and
- \* parking and traffic infringements;

(o) the form and use of academic costume.

(2) The by-laws may empower any authority (including the Board) or officer of the University to make rules for or with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.

(3) A rule may not be made with respect to any matter that section 31 (2) specifies is a matter that is not to be the subject of rules.

(4) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Board or by the authority or officer of the University empowered to make such a rule; and
- (c) must be made and published in accordance with the by-laws; and
- (d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and
- (e) must be available for public inspection in accordance with the by-laws; and

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(f) must indicate the authority under which it is made.

(5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(5) Schedule 3 (**Savings and transitional provisions**):

After clause 11, insert:

**Visitor**

12. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that commencement may continue to be considered or dealt with and determined by the Visitor as if this clause had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

(a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and

(b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws and rules**

13. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 31 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 32 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

**Consequential amendments**

- (6) Section 3 (**Definitions**), section 9 (**The Board**), section 10 (**Chancellor**), section 11 (**Deputy Chancellor**), section 15 (**Convocation**), section 16 (**Academic Senate**), Schedule 1 (**Provisions relating to members and procedure of the Board**):

From sections 3 (2), 9 (6) (a) (ii), (b) (ii), (c) (ii), (d) (ii), 10 (2), 11 (2), 15 (4), (5), 16 (2) and Schedule 1, clause 1, omit “by the by-laws” wherever occurring.

- (7) Section 4 (**Establishment of University**), section 15 (**Convocation**):

From sections 4 (c), 15 (1) (c), omit “as the by-laws may prescribe” wherever occurring, insert instead “as may be prescribed”.

- (8) Section 9 (**The Board**):

From section 9 (6) (a) (iii), (b) (iii), (c) (iii), (d) (iii), omit “manner prescribed by the by-laws”, insert instead “prescribed manner”.

- (9) Section 15 (**Convocation**):

- (a) From section 15 (1) (d), omit “, in accordance with the by-laws, admitted”, insert instead “admitted, as prescribed”.
- (b) From section 15 (3), omit “Subject to the by-laws”, insert instead “Unless otherwise prescribed”.

- (10) Section 16 (**Academic Senate**):

From section 16 (1) (c), omit “, in accordance with the by-laws,”.

- (11) Section 17 (**Advisory councils**):

From section 17 (3), (4), omit “Subject to the by-laws” wherever occurring, insert instead “Unless otherwise prescribed”.

- (12) Section 19 (**Powers of Board**):

In section 19 (2), after “by-laws”, insert “and rules”.

- (13) Section 20 (**Delegation by Board**):

Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.



*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(14) Section 26 (**Financial year**):

Omit the section, insert instead:

**Financial year**

26. The financial year of the University is:

- (a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or
- (b) the period determined by the Treasurer for the purposes of this section.

(15) Schedule 1 (**Provisions relating to members and procedure of the Board**):

From clause 6, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

**UNIVERSITY OF NEW SOUTH WALES ACT 1989 No. 125**

**Principal amendments**

(1) Section 3 (**Definitions**):

In section 3 (1), in alphabetical order, insert:

“**prescribed**” means prescribed by the by-laws or rules;

(2) Section 13 (**Visitor**):

Omit the section.

(3) Section 17 (**Powers of Council relating to property**):

Omit section 17 (3) (b), insert instead:

- (b) (except where the lessee is a residential college affiliated with the University) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(4) Sections 27, 28:

Omit the sections, insert instead:

**By-laws**

27. (1) The Council may make by-laws, not inconsistent with this Act, for or with respect to any matter that is

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Council;
- (b) the terms of office of elected members of the Council;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

(3) Without limiting the generality of subsection (1), the Council may make by-laws for or with respect to any matter specified in section 28 (1).

(4) A by-law has no effect unless it has been approved by the Governor.

**Rules**

28. (1) The by-laws may empower any authority (including the Council) to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Council (other than the parliamentary members), who are to be elected;
- (c) the procedures for the conduct of the meetings of the Council and the Academic Board;
- (d) the constitution, functions and operation of the Academic Board;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (e) the appointment, employment, discipline and dismissal of officers and employees of the University;
  - (f) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
  - (g) the designation of persons as graduates of the University;
  - (h) the designation of categories of students and student conduct and discipline;
  - (i) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;
  - (j) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
  - (k) the granting of honorary degrees and awards;
  - (l) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:
    - \* entrance to the University; and
    - \* tuition; and
    - \* lectures and classes; and
    - \* examinations; and
    - \* residence; and
    - \* the conferring of degrees and the awarding of diplomas and other certificates; and
    - \* the provision of amenities and services, whether or not of an academic nature; and
    - \* an organisation of students or of students and other persons; and
    - \* parking and traffic infringements;
  - (m) the form and use of academic costume.
- (2) The by-laws may empower any authority (including the Council) or officer of the University to make rules for or

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.

(3) A rule may not be made with respect to any matter that section 27 (2) specifies is a matter that is not to be the subject of rules.

(4) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Council or by the authority or officer of the University empowered to make such a rule; and
- (c) must be made and published in accordance with the by-laws; and
- (d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and
- (e) must be available for public inspection in accordance with the by-laws; and
- (f) must indicate the authority under which it is made.

(5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(5) Schedule 3 (**Savings and transitional provisions**):

After clause 7, insert:

**Visitor**

8. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that commencement may continue to be considered or dealt with and determined by the Visitor as if this clause had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and
- (b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws and rules**

9. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 27 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 28 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.

**Consequential amendments**

- (6) Section 3 (**Definitions**), section 9 (**Constitution of Council**), section 10 (**Chancellor**), section 11 (**Deputy Chancellor**), section 14 (**Academic Board**), Schedule 1 (**Provisions relating to members and procedure of the Council**):  
From sections 3 (2), 9 (5) (a) (ii), (b) (ii), (c) (ii), (d) (ii), (e) (ii), 10 (2), 11 (2), 14 (2) and Schedule 1, clause 1, omit “by the by-laws” wherever occurring.
- (7) Section 4 (**Establishment of University**):  
From section 4 (b), omit “as the by-laws may prescribe”, insert instead “as may be prescribed”.
- (8) Section 9 (**Constitution of Council**):  
From section 9 (5) (a) (iii), (b) (iii), (c) (iii), (d) (iii), (e) (iii), omit “manner prescribed by the by-laws”, insert instead “prescribed manner”.
- (9) Section 14 (**Academic Board**):  
From section 14 (1) (b), omit “, in accordance with the by-laws,”.
- (10) Section 15 (**Powers of Council**):  
In section 15 (2), after “by-laws”, insert “and rules”.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(11) Section 16 (**Delegation by Council**):

Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.

(12) Section 22 (**Financial year**):

Omit section 22, insert instead:

**Financial year**

22. The financial year of the University is:

- (a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or
- (b) the period determined by the Treasurer for the purposes of this section.

(13) Schedule 1 (**Provisions relating to members and procedure of the Council**):

From clause 6, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

**UNIVERSITY OF NEWCASTLE ACT 1989 No. 68**

**Principal amendments**

(1) Section 3 (**Definitions**):

In section 3 (1), in alphabetical order, insert:

“**prescribed**” means prescribed by the by-laws or rules;

(2) Section 13 (**Visitor**):

Omit the section.

(3) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

- (b) (except where the lessee is a residential college affiliated with the University) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(4) Sections 28, 29:

Omit the sections, insert instead:

**By-laws**

28. (1) The Council may make by-laws, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Council;
- (b) the terms of office of elected members of the Council;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

(3) Without limiting the generality of subsection (1), the Council may make by-laws for or with respect to any matter specified in section 29 (1).

(4) A by-law has no effect unless it has been approved by the Governor.

**Rules**

29. (1) The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Council (other than the parliamentary members), who are to be elected;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (c) the procedures for the conduct of the meetings of the Council and the Academic Senate;
- (d) the constitution, functions and operation of the Academic Senate;
- (e) the constitution, functions and operation of Convocation;
- (f) the appointment, employment, discipline and dismissal of officers and employees of the University;
- (g) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
- (h) the designation of persons as graduates of the University;
- (i) the designation of categories of students and student conduct and discipline;
- (j) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;
- (k) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
- (l) the granting of honorary degrees and awards;
- (m) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:
  - \* entrance to the University; and
  - \* tuition; and
  - \* lectures and classes; and
  - \* examinations; and
  - \* residence; and
  - \* the conferring of degrees and the awarding of diplomas and other certificates; and
  - \* the provision of amenities and services, whether or not of an academic nature; and



*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

\* an organisation of students or of students and other persons; and

\* parking and traffic infringements;

(n) the form and use of academic costume.

(2) The by-laws may empower any authority (including the Council) or officer of the University to make rules for or with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.

(3) A rule may not be made with respect to any matter that section 28 (2) specifies is a matter that is not to be the subject of rules.

(4) A rule:

(a) has the same force and effect as a by-law; and

(b) may, from time to time, be amended or repealed by the Council or by the authority or officer of the University empowered to make such a rule; and

(c) must be made and published in accordance with the by-laws; and

(d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and

(e) must be available for public inspection in accordance with the by-laws; and

(f) must indicate the authority under which it is made.

(5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(5) Schedule 3 (Savings and transitional provisions):

After clause 9, insert:

**Visitor**

10. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

commencement may continue to be considered or dealt with and determined by the Visitor as if this clause had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

- (a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and
- (b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws and rules**

11. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 28 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 29 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.

**Consequential amendments**

- (6) Section 3 (**Definitions**), section 9 (**Constitution of Council**), section 10 (**Chancellor**), section 11 (**Deputy Chancellor**), section 14 (**Convocation**), section 15 (**Academic Senate**), Schedule 1 (**Provisions relating to members and procedure of the Council**):

From sections 3 (2), 9 (5) (a) (ii), (b) (ii), (c) (ii), (d) (ii), 10 (2), 11 (2), 14 (4), (5), 15 (2) and Schedule 1, clause 1, omit “by the by-laws” wherever occurring.

- (7) Section 4 (**Establishment of University**), section 14 (**Convocation**):

From sections 4 (c), 14 (1) (c), omit “as the by-laws may prescribe” wherever occurring, insert instead “as may be prescribed”.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (8) Section 9 (**Constitution of Council**):  
From section 9 (5) (a) (iii), (b) (iii), (c) (iii), (d) (iii), omit “manner prescribed by the by-laws”, insert instead “prescribed manner”.
- (9) Section 14 (**Convocation**):
- (a) From section 14 (1) (d), omit “, in accordance with the by-laws, admitted”, insert instead “admitted, as prescribed,”.
- (b) From section 14 (3), omit “Subject to the by-laws”, insert instead “Unless otherwise prescribed”.
- (10) Section 15 (**Academic Senate**):  
From section 15 (1) (b), omit “, in accordance with the by-laws,”.
- (11) Section 16 (**Powers of Council**):  
In section 16 (2), after “by-laws”, insert “and rules”.
- (12) Section 17 (**Delegation by Council**):  
Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.
- (13) Section 23 (**Financial year**):  
Omit the section, insert instead:  
**Financial year**  
23. The financial year of the University is:  
(a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or  
(b) the period determined by the Treasurer for the purposes of this section.
- (14) Schedule 1 (**Provisions relating to members and procedure of the Council**):  
From clause 6, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

**UNIVERSITY OF SYDNEY ACT 1989 No. 124**

**Principal amendments**

(1) Section 3 (**Definitions**):

In section 3 (1), in alphabetical order, insert:

**“prescribed”** means prescribed by the by-laws or rules;

(2) Section 13 (**Visitor**):

Omit the section.

(3) Section 18 (**Powers of Senate relating to property**):

Omit section 18 (3) (b), insert instead:

(b) (except where the lessee is a residential college affiliated with the University) the Senate is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(4) Sections 36, 37:

Omit the sections, insert instead:

**By-laws**

36. (1) The Senate may make by-laws, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Senate;
- (b) the terms of office of elected members of the Senate;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(3) Without limiting the generality of subsection (1), the Senate may make by-laws for or with respect to any matter specified in section 37 (1).

(4) A by-law has no effect unless it has been approved by the Governor.

**Rules**

37. (1) The by-laws may empower any authority (including the Senate) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Senate (other than the parliamentary members), who are to be elected;
- (c) the procedures for the conduct of the meetings of the Senate and the Academic Board;
- (d) the constitution, functions and operation of the Academic Board;
- (e) the constitution, functions and operation of advisory councils;
- (f) the constitution, functions and operation of Convocation;
- (g) the appointment, employment, discipline and dismissal of officers and employees of the University;
- (h) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
- (i) the designation of persons as graduates of the University;
- (j) the designation of categories of students and student conduct and discipline;
- (k) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (l) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
  - (m) the granting of honorary degrees and awards;
  - (n) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:
    - \* entrance to the University; and
    - \* tuition; and
    - \* lectures and classes; and
    - \* examinations; and
    - \* residence; and
    - \* the conferring of degrees and the awarding of diplomas and other certificates; and
    - \* the provision of amenities and services, whether or not of an academic nature; and
    - \* an organisation of students or of students and other persons; and
    - \* parking and traffic infringements;
  - (o) the form and use of academic costume.
- (2) The by-laws may empower any authority (including the Senate) or officer of the University to make rules for or with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.
- (3) A rule may not be made with respect to any matter that section 36 (2) specifies is a matter that is not to be the subject of rules.
- (4) A rule:
- (a) has the same force and effect as a by-law; and
  - (b) may, from time to time, be amended or repealed by the Senate or by the authority or officer of the University empowered to make such a rule; and
  - (c) must be made and published in accordance with the by-laws; and

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and
- (e) must be available for public inspection in accordance with the by-laws; and
- (f) must indicate the authority under which it is made.

(5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(5) Schedule 3 (Savings and transitional provisions):

After clause 9, insert:

**Visitor**

10. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that commencement may continue to be considered or dealt with and determined by the Visitor as if this clause had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

- (a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and
- (b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws and rules**

11. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 36 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 37 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

**Consequential amendments**

- (6) Section 3 (**Definitions**), section 9 (**Constitution of Senate**), section 10 (**Chancellor**), section 11 (**Deputy Chancellor**), section 14 (**Convocation**), section 15 (**Academic Board**), section 28 (**Advisory councils**), Schedule 1 (**Provisions relating to Fellows and to the procedure of the Senate**):

From sections 3 (2), 9 (5) (a) (ii), (b) (ii), (c) (ii), (d) (ii), (e) (ii), 10 (2), 11 (2), 14 (3), (4), 15 (2), 28 (4) and Schedule 1, clause 1, omit “by the by-laws” wherever occurring.

- (7) Section 4 (**Establishment of University**), section 14 (**Convocation**):

From sections 4 (c), 14 (1) (d), omit “as the by-laws may prescribe” wherever occurring, insert instead “as may be prescribed”.

- (8) Section 9 (**Constitution of Senate**):

From section 9 (5) (a) (iii), (b) (iii), (c) (iii), (d) (iii), (e) (iii), omit “manner prescribed by the by-laws”, insert instead “prescribed manner”.

- (9) Section 14 (**Convocation**):

- (a) From section 14 (1) (e), omit “, in accordance with the by-laws, admitted”, insert instead “admitted, as prescribed,”.  
(b) From section 14 (2), omit “Subject to the by-laws”, insert instead “Unless otherwise prescribed”.

- (10) Section 15 (**Academic Board**):

From section 15 (1) (b), omit “, in accordance with the by-laws,”.

- (11) Section 16 (**Powers of Senate**):

In section 16 (2), after “by-laws”, insert “and rules”.

- (12) Section 17 (**Delegation by Senate**):

Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.



*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(13) Section 30 (**Financial year**):

Omit the section, insert instead:

**Financial year**

30. The financial year of the University is:

- (a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or
- (b) the period determined by the Treasurer for the purposes of this section.

(14) Schedule 1 (**Provisions relating to Fellows and to the procedure of the Senate**):

From clause 6, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

**UNIVERSITY OF TECHNOLOGY, SYDNEY, ACT 1989 No. 69**

**Principal amendments**

(1) Section 3 (**Definitions**):

In section 3 (1), in alphabetical order, insert:

“**prescribed**” means prescribed by the by-laws or rules;

(2) Section 13 (**Visitor**):

Omit the section.

(3) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

- (b) (except where the lessee is a residential college affiliated with the University) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(4) Sections 28, 29:

Omit the sections, insert instead:

**By-laws**

28. (1) The Council may make by-laws, not inconsistent with this Act, for or with respect to any matter that is

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Council;
- (b) the terms of office of elected members of the Council;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

(3) Without limiting the generality of subsection (1), the Council may make by-laws for or with respect to any matter specified in section 29 (1).

(4) A by-law has no effect unless it has been approved by the Governor.

**Rules**

29. (1) The by-laws may empower any authority (including the Council) to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Council (other than the parliamentary members), who are to be elected;
- (c) the procedures for the conduct of the meetings of the Council and the Academic Board;
- (d) the constitution, functions and operation of the Academic Board;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (e) the constitution, functions and operation of Convocation;
- (f) the appointment, employment, discipline and dismissal of officers and employees of the University;
- (g) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
- (h) the designation of persons as graduates of the University;
- (i) the designation of categories of students and student conduct and discipline;
- (j) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;
- (k) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
- (l) the granting of honorary degrees and awards;
- (m) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:
  - \* entrance to the University; and
  - \* tuition; and
  - \* lectures and classes; and
  - \* examinations; and
  - \* residence; and
  - \* the conferring of degrees and the awarding of diplomas and other certificates; and
  - \* the provision of amenities and services, whether or not of an academic nature; and
  - \* an organisation of students or of students and other persons; and
  - \* parking and traffic infringements;
- (n) the form and use of academic costume.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(2) The by-laws may empower any authority (including the Council) or officer of the University to make rules for or with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.

(3) A rule may not be made with respect to any matter that section 28 (2) specifies is a matter that is not to be the subject of rules.

(4) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Council or by the authority or officer of the University empowered to make such a rule; and
- (c) must be made and published in accordance with the by-laws; and
- (d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and
- (e) must be available for public inspection in accordance with the by-laws; and
- (f) must indicate the authority under which it is made.

(5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(5) Schedule 3 (Savings and transitional provisions):

After clause 10, insert:

**Visitor**

11. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that commencement may continue to be considered or dealt with and determined by the Visitor as if this clause had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and
- (b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws and rules**

12. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 28 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 29 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.

**Consequential amendments**

- (6) Section 3 (**Definitions**), section 9 (**Constitution of Council**), section 10 (**Chancellor**), section 11 (**Deputy Chancellor**), section 14 (**Convocation**), section 15 (**Academic Board**), Schedule 1 (**Provisions relating to members and procedure of the Council**):

From sections 3 (2), 9 (5) (a) (ii), (b) (ii), (c) (ii), (d) (ii), 10 (2), 11 (2), 14 (4), (5), 15 (2) and Schedule 1, clause 1, omit "by the by-laws" wherever occurring.

- (7) Section 4 (**Establishment of University**), section 14 (**Convocation**):

From sections 4 (c), 14 (1) (c), omit "as the by-laws may prescribe" wherever occurring, insert instead "as may be prescribed".

- (8) Section 9 (**Constitution of Council**):

From section 9 (5) (a) (iii), (b) (iii), (c) (iii), (d) (iii), omit "manner prescribed by the by-laws", insert instead "prescribed manner".

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(9) Section 14 (**Convocation**):

- (a) From section 14 (1) (d), omit “, in accordance with the by-laws, admitted”, insert instead “admitted, as prescribed,”.
- (b) From section 14 (3), omit “Subject to the by-laws”, insert instead “Unless otherwise prescribed”.

(10) Section 15 (**Academic Board**):

From section 15 (1) (b), omit “, in accordance with the by-laws,”.

(11) Section 16 (**Powers of Council**):

In section 16 (2), after “by-laws”, insert “and rules”.

(12) Section 17 (**Delegation by Council**):

Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.

(13) Section 23 (**Financial year**):

Omit the section, insert instead:

**Financial year**

23. The financial year of the University is:

- (a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or
- (b) the period determined by the Treasurer for the purposes of this section.

(14) Schedule 1 (**Provisions relating to members and procedure of the Council**):

From clause 6, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

**UNIVERSITY OF WESTERN SYDNEY ACT 1988 No. 90**

**Principal amendments**

(1) Section 3 (**Definitions**):

In section 3 (1), in alphabetical order, insert:

“**prescribed**” means prescribed by the by-laws or rules;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(2) Section 9 (**The Board**):

At the end of section 9 (4) (b), insert:

; and

(c) the presiding member of the Academic Board.

(3) Section 11 (**Powers of Board**):

Omit section 11 (3) (b), insert instead:

(b) (except where the lessee is a residential college affiliated with the University) the Board is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(4) Section 29 (**Visitor**):

Omit the section.

(5) Sections 35, 36:

Omit the sections, insert instead:

**By-laws**

35. (1) The Board may make by-laws, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Board;
- (b) the terms of office of elected members of the Board;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

(3) Without limiting the generality of subsection (1), the Board may make by-laws for or with respect to any matter specified in section 36 (1).

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(4) A by-law has no effect unless it has been approved by the Governor.

**Rules**

36. (1) The by-laws may empower any authority (including the Board) or an officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, rules for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Board (other than the parliamentary members), who are to be elected;
- (c) the procedures for the conduct of the meetings of the Board and the Academic Board;
- (d) the constitution, functions and operation of the Academic Board;
- (e) the constitution, functions and operation of Convocation;
- (f) the appointment, employment, discipline and dismissal of officers and employees of the University;
- (g) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
- (h) the designation of persons as graduates of the University;
- (i) the designation of categories of students and student conduct and discipline;
- (j) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;
- (k) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
- (l) the granting of honorary degrees and awards;



*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(m) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:

- \* entrance to the University; and
- \* tuition; and
- \* lectures and classes; and
- \* examinations; and
- \* residence; and
- \* the conferring of degrees and the awarding of diplomas and other certificates; and
- \* the provision of amenities and services, whether or not of an academic nature; and
- \* an organisation of students or of students and other persons; and
- \* parking and traffic infringements;

(n) the form and use of academic costume.

(2) The by-laws may empower any authority (including the Board) or officer of the University to make rules for or with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.

(3) A rule may not be made with respect to any matter that section 35 (2) specifies is a matter that is not to be the subject of rules.

(4) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Board or by the authority or officer of the University empowered to make such a rule; and
- (c) must be made and published in accordance with the by-laws; and
- (d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and
- (e) must be available for public inspection in accordance with the by-laws; and

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(f) must indicate the authority under which it is made.

(5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(6) Schedule 3 (**Savings and transitional provisions**):

(a) In the heading, before “TRANSITIONAL”, insert “SAVINGS AND”.

(b) After clause 18, insert:

**Visitor**

19. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that commencement may continue to be considered or dealt with and determined by the Visitor as if this clause had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

(a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and

(b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws, rules and orders**

20. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 35 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 36 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.

(3) Any order made under section 36 and in force immediately before the commencement of this clause is taken

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

to be a rule made under that section as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made as a rule under that section as so inserted.

**Consequential amendments**

- (7) Section 3 (**Definitions**), section 9 (**The Board**), section 13 (**Chancellor**), section 14 (**Deputy Chancellor**), section 15 (**Vice-Chancellor**), section 24 (**Convocation**), Schedule 1 (**Provisions relating to members and procedure of the Board**):

From sections 3 (3), 9 (6) (a) (ii), (b) (ii), (c) (ii), 13 (2), 14 (2), 15 (3), 24 (4), (5) and Schedule 1, clause 2, omit “by the by-laws” wherever occurring.

- (8) Section 4 (**Establishment of University**), section 24 (**Convocation**):

From sections 4 (c), 24 (1) (c), omit “as the by-laws may prescribe” wherever occurring, insert instead “as may be prescribed”.

- (9) Section 7 (**Functions of University**):

- (a) From section 7 (1), omit “and subject to this Act, the regulations and the by-laws”.
- (b) From section 7 (1) (d), omit “as the by-laws may prescribe”, insert instead “as may be prescribed”.

- (10) Section 9 (**The Board**):

From section 9 (6) (a) (iii), (b) (iii), (c) (iii), omit “manner prescribed by the by-laws”, insert instead “prescribed manner”.

- (11) Section 11 (**Powers of Board**):

- (a) From section 11 (1), omit “and the by-laws”, insert instead “, the by-laws and the rules”.
- (b) In section 11 (1A), after “by-laws”, insert “and rules”.

- (12) Section 12 (**Delegation by Board**):

Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(13) Section 23 (**Academic Board**):

Omit section 23 (2), insert instead:

(2) Subject to subsection (1), the constitution and functions of the Academic Board are to be as prescribed.

(14) Section 24 (**Convocation**):

- (a) From section 24 (1) (d), omit “, in accordance with the by-laws, admitted”, insert instead “admitted, as prescribed”.
- (b) From section 24 (3), omit “subject to the by-laws”, insert instead “unless otherwise prescribed”.

(15) Section 24A:

After section 24, insert:

**Exemption from membership of body corporate or Convocation**

24A. A student or graduate of the University or a member of staff of the University is entitled to be exempted by the Board, on grounds of conscience, from membership of the body corporate of the University or of Convocation, or both.

(16) Section 26 (**Financial year**):

Omit the section, insert instead:

**Financial year**

26. The financial year of the University is:

- (a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or
- (b) the period determined by the Treasurer for the purposes of this section.

(17) Schedule 1 (**Provisions relating to members and procedure of the Board**):

From clause 7, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

UNIVERSITY OF WOLLONGONG ACT 1989 No. 127

**Principal amendments**

(1) Section 3 (**Definitions**):

In section 3 (1), in alphabetical order, insert:

“**prescribed**” means prescribed by the by-laws or rules;

(2) Section 13 (**Visitor**):

Omit the section.

(3) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

(b) (except where the lessee is a residential college affiliated with the University) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(4) Sections 28, 29:

Omit the sections, insert instead:

**By-laws**

28. (1) The Council may make by-laws, not inconsistent with this Act, for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) In particular, by-laws may be made for or with respect to any of the following matters and those matters are not to be the subject of rules:

- (a) the qualifications of persons to be elected as members of the Council;
- (b) the terms of office of elected members of the Council;
- (c) the principal functions and role, conditions of office, terms of office and resignation from office of the Chancellor and the Deputy Chancellor;
- (d) the principal functions and role of the Vice-Chancellor;
- (e) the making and publication of rules.

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(3) Without limiting the generality of subsection (1), the Council may make by-laws for or with respect to any matter specified in section 29 (1).

(4) A by-law has no effect unless it has been approved by the Governor.

**Rules**

29. (1) The by-laws may empower any authority (including the Council) or an officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any matter that is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to any of the following matters:

- (a) the management, good government and discipline of the University;
- (b) the method of election of members of the Council (other than the parliamentary members), who are to be elected;
- (c) the procedures for the conduct of the meetings of the Council and the Academic Senate;
- (d) the constitution, functions and operation of the Academic Senate;
- (e) the constitution, functions and operation of Convocation;
- (f) the appointment, employment, discipline and dismissal of officers and employees of the University;
- (g) the designation of members of staff of the University as academic staff, non-academic staff, full-time staff, part-time staff or otherwise;
- (h) the designation of persons as graduates of the University;
- (i) the designation of categories of students and student conduct and discipline;
- (j) admission to, enrolment in, granting of advanced standing for, and exclusion from, courses of study;

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (k) the courses of lectures or studies for, the assessments for, and the granting of, degrees, diplomas, certificates and honours and the attendance of candidates for degrees, diplomas, certificates and honours;
- (l) the granting of honorary degrees and awards;
- (m) the imposition and payment (and exemption or deferment) of such fees and charges, including penalties and fines, as the University considers necessary, including fees and charges to be paid in respect of:
- \* entrance to the University; and
  - \* tuition; and
  - \* lectures and classes; and
  - \* examinations; and
  - \* residence; and
  - \* the conferring of degrees and the awarding of diplomas and other certificates; and
  - \* the provision of amenities and services, whether or not of an academic nature; and
  - \* an organisation of students or of students and other persons; and
  - \* parking and traffic infringements;
- (n) the form and use of academic costume.
- (2) The by-laws may empower any authority (including the Council) or officer of the University to make rules for or with respect to one or more of the matters referred to in subsection (1) or for or with respect to all of those matters.
- (3) A rule may not be made with respect to any matter that section 28 (2) specifies is a matter that is not to be the subject of rules.
- (4) A rule:
- (a) has the same force and effect as a by-law; and
  - (b) may, from time to time, be amended or repealed by the Council or by the authority or officer of the University empowered to make such a rule; and
  - (c) must be made and published in accordance with the by-laws; and

*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (d) takes effect on the day on which it is so published or on such later day as may be specified in the rule; and
  - (e) must be available for public inspection in accordance with the by-laws; and
  - (f) must indicate the authority under which it is made.
- (5) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(5) Schedule 3 (Savings and transitional provisions):

After clause 8, insert:

**Visitor**

9. (1) The office of Visitor is abolished together with the functions and jurisdiction (including any exclusive jurisdiction) of that office.

(2) Any matter being considered or dealt with by the Visitor at the commencement of this clause and within the jurisdiction of the Visitor immediately before that commencement may continue to be considered or dealt with and determined by the Visitor as if this clause had not been enacted.

(3) If, but for this subclause, a court would refer a matter for determination or redetermination by the Visitor (whether or not the matter was pending at the commencement of this subclause):

- (a) the Visitor ceases to have jurisdiction or power to determine or redetermine the matter; and
- (b) the court has the jurisdiction and power that the Visitor would otherwise have had in respect of the matter.

**By-laws, rules and orders**

10. (1) Any by-law in force immediately before the commencement of this clause is taken to have been made under section 28 as inserted by the University Legislation (Amendment) Act 1991.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under section 29 as inserted by the University Legislation (Amendment) Act 1991, but only to the extent that it could have been made under that section.



*University Legislation (Amendment) 1991*

---

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

**Consequential amendments**

- (6) Section 3 (**Definitions**), section 9 (**Constitution of Council**), section 10 (**Chancellor**), section 11 (**Deputy Chancellor**), section 14 (**Convocation**), section 15 (**Academic Senate**), Schedule 1 (**Provisions relating to members and procedure of the Council**):

From sections 3 (2), 9 (5) (a) (ii), (b) (ii), (c) (ii), (d) (ii), 10 (2), 11 (2), 14 (3), (4), 15 (2) and Schedule 1, clause 1, omit “by the by-laws” wherever occurring.

- (7) Section 4 (**Establishment of University**), section 14 (**Convocation**):

From sections 4 (c), 14 (1) (c), omit “as the by-laws may prescribe” wherever occurring, insert instead “as may be prescribed”.

- (8) Section 9 (**Constitution of Council**):

From section 9 (5) (a) (iii), (b) (iii), (c) (iii), (d) (iii), omit “manner prescribed by the by-laws”, insert instead “prescribed manner”.

- (9) Section 14 (**Convocation**):

- (a) From section 14 (1) (e), omit “, in accordance with the by-laws, admitted”, insert instead “admitted, as prescribed”.
- (b) From section 14 (2), omit “Subject to the by-laws”, insert instead “Unless otherwise prescribed”.

- (10) Section 15 (**Academic Senate**):

From section 15 (1) (b), omit “, in accordance with the by-laws,”.

- (11) Section 16 (**Powers of Council**):

In section 16 (2), after “by-laws”, insert “and rules”.

- (12) Section 17 (**Delegation by Council**):

Omit “person or body prescribed by the by-laws”, insert instead “prescribed person or body”.

*University Legislation (Amendment) 1991*

---

**SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—**  
*continued*

(13) Section 23 (**Financial year**):

Omit the section, insert instead:

**Financial year**

23. The financial year of the University is:

- (a) if no period is determined as referred to in paragraph (b), the year commencing on 1 January; or
- (b) the period determined by the Treasurer for the purposes of this section.

(14) Schedule 1 (**Provisions relating to members and procedure of the Council**):

From clause 6, omit “subject to this Act and the by-laws”, insert instead “unless otherwise provided by this Act or prescribed”.

**SCHEDULE 2—AMENDMENTS BY WAY OF STATUTE LAW REVISION**

(Sec. 4)

**Local Government Act 1919 No. 41—**

Section 132 (**Definition of ratable land**):

After section 132 (1) (fviii), insert:

- (fix) land which is vested in Charles Sturt University or in a college of the University and is used or occupied by the University or college solely for its purposes; and

**Public Finance and Audit Act 1983 No. 152—**

Schedule 2 (**Statutory bodies**):

In appropriate alphabetical order, insert:

Board of Governors of Charles Sturt University.

**State Public Service Superannuation Act 1985 No. 45—**

Schedule 3 (**Employers**):

At the end of Schedule 3, insert “Charles Sturt University”.

**Superannuation Act 1916 No. 28—**

Schedule 3 (**List of employers**):

At the end of Part 1 of Schedule 3, insert “Charles Sturt University”.

---