

Act No. 52, 1912.

An Act to amend the University and University Colleges Act, 1900, and the University and University Colleges (Amendment) Act, 1902; and for other purposes. [3rd December, 1912.]

UNIVERSITY
(AMENDMENT)
(No. 2).

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

Preliminary.

1. This Act may be cited as the “University (Amendment) Act, 1912.” Short title and commencement.

It shall commence and take effect on and after a date to be proclaimed by the Governor in the Gazette.

Definitions.

2. Section three of the University and University Colleges Act, 1900, is amended as follows:—

(a) After the definition of “Fellow” insert:—
“Leaving certificate” means—

- (1) the leaving certificate granted by the Department of Public Instruction on the recommendation of the Board of Examiners, in pursuance of regulations under the Public Instruction Act of 1880, and the Acts amending it, to a student leaving a secondary or high school which he has attended; or
- (2) a leaving certificate granted by the Department of Public Instruction on the recommendation of the Board of Examiners to a student leaving a school—(registered under the Bursaries Endowment Act, 1912, and not under the Department of Public Instruction)—who has complied with the conditions prescribed for the leaving certificate granted in pursuance of regulations under the Public Instruction Act of 1880 and the Acts amending it.

“Board

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“Board of Examiners” means a board of not less than eight persons appointed by the Governor, being four officers of the Department of Public Instruction and not less than four professors or other teachers of the University nominated by the Senate.

(b) After the definition of “Master” insert:—

“Minister” means Minister of Public Instruction.

“Exhibition” means public exhibition awarded to a student who intends to graduate in the University.

“Governor” means the Governor in Council.

The Senate.

Repeal of ss. 7, 8,
and 9 of Act of 1900.

3. Sections seven, eight, and nine of the University and University Colleges Act, 1900, are repealed, and the following sections are inserted:—

7. The body politic and corporate of the University of Sydney shall consist of a Senate, which shall be constituted by—
four Fellows appointed by the Governor;
one Fellow elected by the members of the Legislative Council;
one Fellow elected by the members of the Legislative Assembly;
five Fellows to be representative of the teaching staff of the University as follows:—The Chairman of the Professorial Board elected by the Board and four Fellows elected; one by each of four Faculties:
ten Fellows elected by the graduates of the University;
three fellows elected by the aforesaid Fellows;

The first of each such appointment and election shall be made within three months after the commencement of this Act; but if for any cause any such election is not held, or is void, the Governor may appoint to the office:

Provided that The Honorable Sir Henry Normand MacLaurin and His Honor Judge Backhouse shall each, during his life, be a Fellow in addition to the ten Fellows elected by graduates as aforesaid.

8. Subject to the above proviso, the members of the Senate shall, except as hereinafter mentioned, hold office for five years, or until their successors are appointed or elected: Provided also that the Chairman of the Professorial Board and the four other Fellows elected one by each of four Faculties shall hold office for a period of two years. All retiring Fellows shall be eligible for reappointment or re-election.

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9. Any vacancy occurring by death or resignation of a Fellow so appointed or elected shall be filled by a like appointment or election, as the case may be, of a Fellow, who shall hold office during the residue of the term of the Fellow whose office he fills.

9A. Elections of Fellows elected by the graduates shall be according to by-laws to be made by the Senate, or, if the Senate fails to make such by-laws before the expiration of two months from the commencement of this Act, shall be according to regulations which the Governor is hereby authorised to make: Provided that voting at such elections shall be by ballot of the graduates voting personally or by voting papers transmitted through the post as provided by such by-laws. The election of the Chairman of the Professorial Board and the four other Fellows elected one by each of the four Faculties shall be according to by-laws to be made by the Senate.

Such by-laws may be made at any time after the passing of this Act.

9B. The appointment and election of the other Fellows shall be according to regulations to be made in that regard by the Governor.

9C. Any election of Fellows by the graduates of the University shall be by the following persons of the age of twenty-one years, namely—

- (a) Fellows;
- (b) officials declared by this Act to have the same rights and privileges within the University as Masters and Doctors;
- (c) graduates keeping their names in accordance with any by-law in that behalf on the register of the University, who have taken within the University the degree of Master or Doctor;
- (d) Bachelors and all other persons who obtain any certificate which the Senate by by-law declares to be equivalent to the degree of Bachelor.

4. Subsection three of section thirteen of the University and University Colleges Act, 1900, is repealed, and the following is inserted in its place:—

- (3) At any such meeting eight Fellows shall form a quorum. Quorum.

Evening tutorial classes.

5. (1) The following section is inserted next after section fourteen of the University and University Colleges Act, 1900:—

14A. The Senate shall provide for the establishment and maintenance of evening tutorial classes in science, economics, ancient and modern history and sociology, and may provide for evening tutorial classes in other subjects.

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Such classes shall be open to students whether they have or have not matriculated within the University.

The Senate may issue diplomas in respect of students who have in such classes studied for at least one year in any one subject.

Amendment of s. 15 (1) of Act of 1900.

(2) Subsection one of section fifteen of the same Act is amended by inserting after paragraph (c) the following new paragraph:—

(c 1) The establishing and regulating evening tutorial classes.

Endowment and finance.

Amendment of s. 2 of Act of 1902.

6. (1) Section two of the University and University Colleges (Amendment) Act, 1902, is amended by omitting the word "ten" and inserting the word "twenty."

Amendment of s. 24 (1) of Act of 1900.

(2) Subsection one of section twenty-four of the University and University Colleges Act, 1900, as amended by the last mentioned Act and this Act, is further amended by inserting the following proviso at the end of the first paragraph:—"Provided that where, on the taking after the year one thousand nine hundred and twelve of any census by the Commonwealth, it appears therefrom that the number of persons between the ages of seventeen and twenty years then in New South Wales has increased since the taking of the last preceding census, the endowment to which the University was then entitled shall be increased at the rate of one pound for every fifteen persons of such increase."

(3) The proviso to the same subsection is amended by inserting "also" after the word "Provided"

Amendment of s. 29 of Act of 1900.

7. Section twenty-nine of the University and University Colleges Act, 1900, is amended by omitting the words from "Legislative Assembly" to the end of the section, and inserting the words "such account shall be audited by the Auditor-General, but nothing in the section shall prevent the Senate from employing a private auditor to examine the books of account of the University."

Exhibitions, lectures, and matriculation.

New s. 31A.

8. The following sections are inserted next after section thirty-one of the same Act:—

Public exhibitions.

31A. (1) The Senate shall allot to students entering the University public exhibitions which shall take the form of exempting the holders from the payment of matriculation, tuition and degree fees to the University; such exhibitions shall be tenable as prescribed by by-laws to be made by the Senate in that behalf: Provided that the exhibitor shall be of good conduct and shall make such progress in his studies as shall satisfy the Senate.

(2)

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(2) The number of such exhibitions to be so allotted each year shall be one for every five hundred of the persons within New South Wales who are between the ages of seventeen and twenty as shown by the last preceding census of the Commonwealth, or such other ratio as may be determined by resolution of both Houses of Parliament. That the number of exhibitions to be awarded at the end of the year one thousand nine hundred and thirteen shall not exceed one hundred.

The Senate shall each year determine the number of such exhibitions to be allotted during that year to students entering each school within the University, having due regard to the expressed wish of the exhibitor.

(3) Such exhibitions shall be allotted in the order of merit shown by examinations for leaving certificates granted under the provisions of this Act commencing in the year one thousand nine hundred and thirteen to students to whom leaving certificates are granted which certify that they have passed such examinations in the subjects and at the standards which the Senate determines are necessary for matriculation, and a certain number of such exhibitions to be determined by the Senate may be allotted to students at evening tutorial classes :

Provided that any person who has been a resident of New South Wales for three years may compete at such examinations and shall be considered equally with such students in the allotment of exhibitions, and any exhibition may be allotted to such person accordingly :

Provided also that the number of exhibitions to be allotted to such persons, in any one year, shall not exceed five per centum of the total number of exhibitions allotted in that year.

31B. The Senate shall allow students of the Teachers' College and such teachers in schools under the Public Instruction Act of 1880 as the Minister may approve to attend the University lectures without the payment of any fees : New s. 31B. Teachers in schools may attend lectures without payment of fees. Provided that such teachers have previously passed the entrance examination prescribed by the University by-laws.

31C. A leaving certificate which certifies that a student has passed the required examination in the subjects and at the standards which the Senate determines are necessary for matriculation or the granting to any person of an exhibition under the proviso to subsection three of section 31A, shall entitle the holder to matriculate at the University. New s. 31C. Leaving certificate.

31D. Any student entering the University by means of the leaving certificate or exhibition shall be eligible for any bursary or scholarship or exhibition at the disposal of the Senate subject to the terms of the foundation thereof. New s. 31D.

Crown Lands (Amending and Declaratory).

Saving.

Saving.

9. Notwithstanding the provisions of section three, the Senate as constituted by the enactments thereby repealed shall continue to be the body politic and corporate of the University, and its members shall hold office, and shall have the powers and authorities, and shall discharge the duties conferred or imposed on it by the University and University Colleges Act, 1900, the University and University Colleges (Amendment) Act, 1902, and this Act, until the Senate is constituted under the said section, and such members shall then retire.
