

UNIVERSITY OF NEWCASTLE (AMENDMENT) ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 59, 1970.

An Act to make further provisions in relation to the constitution, powers, authorities, duties and functions of the Council of The University of Newcastle; for this and other purposes to amend the University of Newcastle Act, 1964; and for purposes connected therewith. [Assented to, 6th November, 1970.]

BE

University of Newcastle (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by **No. 59, 1970** 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 :—

1. (1) This Act may be cited as the "University of Newcastle (Amendment) Act, 1970". Short title,
commence-
ment and
construction.

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(3) The University of Newcastle Act, 1964, is, in this Act, referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment
of Act No.
72, 1964.

(a) (i) by omitting subsection three of section ten and by inserting in lieu thereof the following subsection :— Sec. 10.
(Constitu-
tion of
Council
other than
first
Council.)

(3) One member shall be a member of the Legislative Council elected by that Council as soon as practicable after the commencement of the term of service of the members of that Council elected at each election held as required by subsection five of section 17F of the Constitution Act, 1902.

(ii) by omitting subsection four of the same section and by inserting in lieu thereof the following subsection :—

(4) One member shall be a member of the Legislative Assembly elected by that Assembly as soon as practicable after each general election of members of that Assembly.

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- (iii) by omitting subsection six of the same section and by inserting in lieu thereof the following subsection :—

(6) Two members shall be elected in the manner provided by the by-laws by the students of the University :

Provided that a person who is not a student of the University shall be ineligible to be elected as a member under this subsection.

For the purposes of this subsection “student” means a person who is enrolled as a candidate proceeding to a degree or diploma at the University.

- (iv) by inserting in subsection nine of the same section after the word “section” the words “, and where there is for the time being a Chancellor elected as hereinafter provided, by the members for the time being referred to in the said subsections and the Chancellor”;

- (v) by inserting next after the same subsection the following new subsection :—

(9A) The person elected as Chancellor shall, where such person is not a member of the Council by virtue of any other provision of this section, be ex officio a member of the Council.

- (vi) by inserting in subsection eleven of the same section after the word “Vice-Chancellor” the words “and the members elected under subsections three and four of this section”;

(vii)

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- (vii) by inserting next after the same subsection the No. 59, 1970 following new subsection :—

(11A) A member elected under subsection three or four of this section shall, subject to sections eleven and twelve of this Act, hold office until a member of the House of Parliament which elected him is elected by that House to replace him.

- (b) by omitting paragraph (a) of section eleven; Sec. 11.
(Disqualifications.)
- (c) (i) by omitting from paragraph (d) of section twelve the word "or"; Sec. 12.
(Vacation of office.)
- (ii) by omitting paragraph (e) of the same subsection and by inserting in lieu thereof the following paragraphs :—
- (e) being the member elected by the Legislative Council, ceases to be a member of that Council; or
- (f) being the member elected by the Legislative Assembly—
- (i) ceases to be a member of that Assembly otherwise than by reason of its dissolution or its expiration by effluxion of time; or
- (ii) ceases to be a member of that Assembly by reason of its dissolution or its expiration by effluxion of time and is not re-elected as a member of that Assembly at the next general election of members of that Assembly.

(d)

No. 59, 1970 (d) by omitting from subsection one of section fourteen the words "of or above the age of twenty-one years,";
Sec. 14.
 (Convoca-
 tion.)

Sec. 15. (e) (i) by omitting from subsection one of section fifteen the words "and whenever a vacancy in the office of Chancellor occurs,";
 (Election of
 Chancellor.)
 (ii) by inserting in the same subsection after the word "number" the words ", and shall, whenever a vacancy in the office of Chancellor occurs, elect a person (whether a member of the Council or not),";
 (iii) by omitting from subsection two of the same section the words ", unless he sooner ceases to be a member of the Council,";

Sec. 24. (f) by inserting next after subsection one of section twenty-four the following new subsection :—
 (By-laws.)

(1A) The by-laws may provide for empowering any authority (including the Council) or officer of the University to make regulations, rules or orders (not inconsistent with this Act or with any by-law) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which by-laws may be made) or for carrying out or giving effect to the by-laws, and any such regulation, rule or order shall have the same force and effect as a by-law.

(2) Nothing in this section shall prejudice or affect the continuity of the body corporate constituted under section four of the Principal Act, but the same shall continue notwithstanding the provisions of this section.

(3) Nothing in this section shall affect the tenure of office of the person holding the office of Chancellor immediately before the commencement of this Act.

(4)

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(4) Notwithstanding anything in this section, the member elected under subsection three or four of section ten of the Principal Act and holding office as such member immediately before the commencement of this Act shall be deemed to have been elected under subsection three or four of section ten of that Act, as amended by this section, as the case may require, and he shall, subject to sections eleven and twelve of that Act, as so amended, hold office until a member of the House of Parliament which elected him is elected by that House to replace him. No. 59, 1970

(5) Notwithstanding anything in this section, the member elected under subsection six of section ten of the Principal Act and holding office as such member immediately before the commencement of this Act shall be deemed to have been elected under subsection six of section ten of that Act, as amended by this section, and he shall, subject to sections eleven and twelve of that Act, as so amended, hold office until the expiration of the period for which he would have held office had this Act not been enacted.

(6) Any member of the Council referred to in subsection four or five of this section shall, subject to the Principal Act, as amended by this section, be eligible for re-election.
