

**UNIVERSITY AND UNIVERSITY COLLEGES
(AMENDMENT) ACT, 1978, No. 168**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 168, 1978.

An Act to amend the University and University Colleges Act, 1900, to make further provision with respect to by-laws relating to fees and charges; to enable the University to acquire land by resumption or appropriation; to validate certain matters; and for certain other purposes. [Assented to, 29th December, 1978.]

See also University of New England (Amendment) Act, 1978; University of New South Wales (Amendment) Act, 1978; University of Newcastle (Amendment) Act, 1978; Macquarie University (Amendment) Act, 1978; University of Wollongong (Amendment) Act, 1978.

University and University Colleges (Amendment).

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

1. This Act may be cited as the "University and University Short title. Colleges (Amendment) Act, 1978".

2. (1) Except as provided in subsections (2) and (3), this ^{Commencement.} Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedules 1–6, commence on the day on which that provision commences.

(3) The several provisions of Schedules 1, 2, 4, 5 and 6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENT TO PART I OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE 2.—AMENDMENTS TO PART II OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE 3.—AMENDMENT TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE 4.—AMENDMENTS TO PART V OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE 5.—AMENDMENTS TO PART VII OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE 6.—INSERTION OF PART VIII INTO THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

University and University Colleges (Amendment).

Amendment
of Act No.
22, 1900.

4. The University and University Colleges Act, 1900, is amended in the manner set forth in Schedules 1–6.

Saving—
Fellows
of the
Senate.

5. A person who, immediately before the date of commencement of Schedule 2 (2) (a), held office as a Fellow of the Senate of the University of Sydney by virtue of his appointment to that office by the Governor shall, on and from that date, continue to hold that office for the residue of the period for which he would have held that office if this Act had not been enacted and shall, subject to the University and University Colleges Act, 1900, as amended by this Act, be eligible for re-appointment.

Validation
of fees and
charges.

6. Section 25 of the University and University Colleges Act, 1900, as in force at any time before the date of assent to this Act, shall be deemed to have authorised the making of fees and charges of the kinds referred to in section 25 of that Act, as amended by this Act.

Sec. 4.

SCHEDULE 1.

AMENDMENT TO PART I OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

Section 1—

After the matter relating to Part VII, insert :—

PART VIII.—*Acquisition of land.*—ss. 47, 48.

University and University Colleges (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

(1) Section 6, proviso—

Omit “Governor”, insert instead “Minister”.

(2) (a) Section 7 (1) (a)—

Omit “Governor”, insert instead “Minister”.

(b) Section 7 (3A)—

After section 7 (3), insert :—

(3A) For the purposes of subsection (1) (d), “members of the full-time staff of the University” includes persons—

- (a) upon whom the Senate has conferred the title of Professor, Reader, Associate Professor, Senior Lecturer or Lecturer; and
- (b) who are members of the full-time staff of such institutions or organisations as may be prescribed by the by-laws.

(3) Section 8 (1) (a)—

Omit “Governor”, insert instead “Minister”.

(4) (a) Section 9 (b)—

Omit the paragraph.

(b) Section 9 (d) (i)—

Omit “Governor”, insert instead “Minister”.

(c) Section 9 (j)—

Omit “such class or classes of members of the full-time staff of the University as may be prescribed by the by-laws”, insert instead “the body referred to in that paragraph”.

University and University Colleges (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO PART II OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900—*continued.*

(5) Section 9A (a)—

Omit “Governor”, insert instead “Minister”.

(6) Section 14 (1)—

Omit the subsection.

(7) (a) Section 15 (1) (a)—

Omit “and”.

(b) Section 15 (1) (a1)—

After section 15 (1) (a), insert :—

(a1) the matriculation, admission and enrolment of students;

(c) Section 15 (1) (b)—

Omit “and” where secondly occurring.

(d) Section 15 (1) (e)—

Omit “University :”, insert instead “University.”.

(e) Section 15 (1), proviso—

Omit the proviso.

University and University Colleges (Amendment).

SCHEDULE 3.

Sec. 4.

AMENDMENT TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

Section 25—

Omit the section, insert instead :—

25. The Senate may make by-laws under section 15 for fees and charges, or with respect to—

- (a) the payment of such fees and charges, including fines, as it deems necessary, including fees and charges to be paid in respect of—
 - (i) entrance to the University;
 - (ii) tuition;
 - (iii) lectures and classes;
 - (iv) examinations;
 - (v) residence;
 - (vi) the conferring of degrees and diplomas;
 - (vii) the provision of amenities and services, whether or not of an academic nature; and
 - (viii) an organisation of students or of students and other persons; and
- (b) the exemption from, or deferment of, payment of fees and charges, including fines.

University and University Colleges (Amendment).

Sec. 4.

SCHEDULE 4.

AMENDMENTS TO PART V OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

(1) Section 31A (3) (b)—

Omit the paragraph, insert instead :—

(b) satisfy such requirements as are determined with respect to that examination by the Senate.

(2) (a) Section 31B—

Omit “students of the Teachers’ College and”.

(b) Section 31B—

Before “fees”, insert “matriculation, tuition or degree”.

(c) Section 31B—

Omit “passed the entrance examination prescribed by the University by-laws”, insert instead “satisfied the requirements which the Senate determines are necessary for matriculation”.

(3) Section 31C—

Omit the section.

Sec. 4.

SCHEDULE 5.

AMENDMENTS TO PART VII OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

(1) Section 42 (1)—

Omit “Governor”, insert instead “Minister”.

University and University Colleges (Amendment).

SCHEDULE 5—continued.

AMENDMENTS TO PART VII OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900—continued.

(2) Section 43 (3)—

Omit “Governor”, insert instead “Minister”.

SCHEDULE 6.

Sec. 4.

INSERTION OF PART VIII INTO THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

Part VIII—

After Part VII, insert :—

PART VIII.

Acquisition of land.

47. (1) For the purposes of this Act, the Governor ~~Acquisition~~ ^{of land.} may, on the recommendation of the Minister, resume or appropriate any land under Division 1 of Part V of the Public Works Act, 1912.

(2) The Minister shall not make a recommendation for the purpose of subsection (1) unless he is satisfied that adequate provision has been or will be made for the payment by the University of compensation for the resumption or appropriation and of all necessary charges and expenses incidental to the resumption or appropriation.

University and University Colleges (Amendment).

SCHEDULE 6—*continued.*INSERTION OF PART VIII INTO THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900—*continued.*

(3) A resumption or appropriation effected pursuant to subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(4) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not, but section 38 of that Act does, apply in relation to a resumption or appropriation under this section.

Transfer
of land to
University.

48. (1) Where land is vested in the Minister as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or appropriation effected pursuant to section 47 (1), the Minister may convey or transfer that land to the University for such estate, and subject to such trusts and rights of way or other easements, as he thinks fit.

(2) A conveyance, transfer or other instrument executed for the purposes of subsection (1)—

- (a) is not liable to be stamped with stamp duty under the Stamp Duties Act, 1920; and
- (b) may be registered under any Act without fee.
