

**UNIVERSITY OF NEWCASTLE (AMENDMENT)
ACT, 1978, No. 171**

New South Wales



ANNO VICESIMO SEPTIMO

ELIZABETHÆ II REGINÆ

Act No. 171, 1978.

An Act to amend the University of Newcastle Act, 1964, 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; and for certain other purposes.
[Assented to, 29th December, 1978.]

University of Newcastle (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 of Newcastle Short title.
(Amendment) Act, 1978".

2. (1) Except as provided in subsections (2), (3) and (4), Commencement.
this Act shall commence on the date of assent to this Act.

(2) Section 4 shall, in its application to a provision of Schedule 1 or 2, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) The several provisions of Schedules 1 and 2, except Schedule 1 (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.

(4) Schedule 1 (6) shall be deemed to have commenced on 1st January, 1965.

3. This Act contains the following Schedules :—

Schedules.

**SCHEDEULE 1.—AMENDMENTS TO THE UNIVERSITY OF
NEWCASTLE ACT, 1964.**

**SCHEDEULE 2.—AMENDMENTS TO THE UNIVERSITY OF
NEWCASTLE ACT, 1964, BY WAY OF STATUTE LAW
REVISION.**

4. The University of Newcastle Act, 1964, is amended in the Amend-
ment
of Act No
72, 1964.
manner set forth in Schedules 1 and 2.

University of Newcastle (Amendment).

Saving—
members
of the
Council.

5. A person who, immediately before the date of commencement of Schedule 1 (2), held office as a member of the Council of The University of Newcastle 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 of Newcastle Act, 1964, as amended by this Act, be eligible for re-appointment.

Sec. 4.

SCHEDULE 1.

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964.

(1) (a) Section 4 (1)—

Omit “and the graduates and undergraduates of the University”, insert instead “, the graduates of the University and students enrolled as candidates proceeding to a degree or diploma at the University”.

(b) Section 4 (3)—

After section 4 (2), insert :—

(3) Notwithstanding subsections (1) and (2), a graduate of the University or a student enrolled as a candidate proceeding to a degree or diploma at the University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

(2) Section 10 (2)—

Omit “Governor”, insert instead “Minister”.

University of Newcastle (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964—
continued.

(3) Section 14 (1A)—

After section 14 (1), insert :—

(1A) Notwithstanding subsection (1), a person referred to in subsection (1) (b), (c) or (e) may be exempted by the Council, on grounds of conscience, from membership of Convocation.

(4) Section 21 (1)—

Omit the subsection.

(5) Section 22 (1) (g), proviso—

Omit “Governor”, insert instead “Minister”.

(6) Section 24 (1) (h), (h1)—

Omit section 24 (1) (h), insert instead :—

(h) the payment of such fees and charges, including fines, as the Council 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;

University of Newcastle (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964—
continued.

(h1) the exemption from, or deferment of, payment of fees and charges, including fines;

(7) Sections 32A, 32B—

After section 32, insert :—

Acquisition
of land.

32A. (1) For the purposes of this Act, the Governor 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 purposes 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.

(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.

University of Newcastle (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964—
continued.

32B. (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 32A (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.

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY WAY OF STATUTE LAW REVISION.

(1) Section 3, definition of “Appointed day”—

Omit “subsection one of section ten of this Act”, insert instead “section 10 (1)”.

(2) Section 9—

Omit the section.

University of Newcastle (Amendment).

SCHEDULE 2—continued.**AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY
WAY OF STATUTE LAW REVISION—continued.****(3) Section 10 (1)—**

Omit “constituted in accordance with this section” where secondly occurring.

(4) (a) Section 11 (b)—

Omit the paragraph, insert instead :—

(b) is bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;

(b) Section 11 (d)—

Omit the paragraph, insert instead :—

(d) is a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act,

(5) (a) Section 21 (1)—

Omit “or any Act amending that Act.”

(b) Section 21 (1)—

Omit “any such Act”, insert instead “that Act”.

University of Newcastle (Amendment).

SCHEDULE 2—continued.

**AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY
WAY OF STATUTE LAW REVISION—continued.**

(c) Section 21 (2)—

Omit “as amended by subsequent Acts.”.

(6) Section 24 (2), (3)—

Omit the subsections, insert instead :—

(2) Every by-law made by the Council shall be sealed with the common seal of the University and submitted for consideration and approval of the Governor.

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this Act and approved by the Governor under subsection (2) as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(7) Section 28—

Omit “and any Acts amending the same.”.

(8) (a) Section 32 (1)—

Omit “students of teachers’ colleges established under the Public Instruction Act of 1880, as amended by subsequent Acts, such teachers in schools established under that Act, as so amended,”, insert instead “teachers in schools established under the Public Instruction Act of 1880”.

(b) Section 32 (1)—

Omit “such students, teachers”, insert instead “such teachers”.

University of Newcastle (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY
WAY OF STATUTE LAW REVISION—*continued.*

(9) Section 37 (2)—

Omit the subsection.

(10) Section 38 (2)—

Omit the subsection.

(11) Section 40 (2)—

Omit the subsection.
