

UNIVERSITY OF WOLLONGONG (AMENDMENT)
ACT, 1978, No. 173

AN ACT to amend the University of Wollongong Act, 1972, 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.

New South Wales



ANNO VICESIMO SEPTIMO

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[Assented to, 29th December, 1978.]

Approved by the Governor in Council on the 29th December, 1978.

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University of Wollongong (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 :—

Short title.

1. This Act may be cited as the "University of Wollongong (Amendment) Act, 1978".

Commencement.

2. (1) Except as provided in subsections (2), (3) and (4), 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, 1975.

Schedules.

3. This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972.

SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972, BY WAY OF STATUTE LAW REVISION.

University of Wollongong (Amendment).

4. The University of Wollongong Act, 1972, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 72, 1972.

5. A person who, immediately before the date of commencement of Schedule 1 (2) (b), held office as a member of the Council of The University of Wollongong 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 Wollongong Act, 1972, as amended by this Act, be eligible for re-appointment. Saving—members of the Council.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972.

(1) Section 9 (1A)—

After section 9 (1), insert :—

(1A) Notwithstanding section 8 and subsection (1), a graduate or student of the University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

(2) (a) Section 15 (2) (c)—

Omit “nominated”, insert instead “appointed”.

(b) Section 15 (5)—

Omit the subsection, insert instead :—

(5) The appointed members shall comprise four persons appointed by the Minister.

*University of Wollongong (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972—
continued.

(c) Section 15 (9) (c)—
Omit “a nominated”, insert instead “an appointed”.

(d) Section 15 (11) (a)—
Omit “a nominated”, insert instead “an appointed”.

(e) Section 15 (11) (a)—
Omit “Governor”, insert instead “Minister”.

(f) Section 15 (13) (b)—
Omit “nominated”, insert instead “appointed”.

(g) Section 15 (13) (c)—
Omit “nominated”, insert instead “appointed”.

(3) (a) Section 16 (b)—
Omit “a nominated”, insert instead “an appointed”.

(b) Section 16 (d) (iii)—
Omit “a nominated”, insert instead “an appointed”.

(c) Section 16 (e)—
Omit “a nominated”, insert instead “an appointed”.

(d) Section 16 (f)—
Omit “a nominated”, insert instead “an appointed”.

(e) Section 16 (g)—
Omit “a nominated”, insert instead “an appointed”.

University of Wollongong (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972—
continued.

(4) Section 24—

Omit the section.

(5) (a) Section 25 (2)—

Omit “Governor”, insert instead “Minister”.

(b) Section 25 (3)—

Omit “Governor”, insert instead “Minister”.

(6) Section 27 (2) (f), (f1)—

Omit section 27 (2) (f), insert instead :—

(f) 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;

(f1) the exemption from, or deferral of, payment of fees and charges, including fines;

*University of Wollongong (Amendment).***SCHEDULE 1—continued.****AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972—
continued.****(7) Section 29 (1A)—****After section 29 (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.

(8) Sections 37A, 37B—**After section 37, insert :—****Acquisition
of land.**

37A. (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 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 Wollongong (Amendment).

SCHEDULE 1—continued.

**AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972—
continued.**

37B. (1) Where land is vested in the Minister, whether as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or appropriation effected pursuant to section 37A (1), or otherwise, 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 WOLLONGONG ACT, 1972,
BY WAY OF STATUTE LAW REVISION.**

(1) Section 1 (2)—

Omit the matter relating to Part II.

(2) Part II—

Omit the Part.

*University of Wollongong (Amendment).***SCHEDULE 2—continued.****AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972,
BY WAY OF STATUTE LAW REVISION—continued.****(3) (a) Section 12 (1)—**

Omit “, subject to subsection (3);”.

(b) Section 12 (3)—

Omit the subsection.

(4) Section 14—

Omit the section.

(5) Section 15 (1)—

Omit “, other than the first Council”.

(6) Section 37 (1) (a)—

Omit “students of teachers’ colleges established under the Public Instruction Act of 1880, teachers in schools established under that Act”, insert instead “teachers in schools established under the Public Instruction Act of 1880”.