

**UNIVERSITY OF NEW ENGLAND  
(CONSTITUTION) AMENDMENT ACT, 1978, No. 89**

**New South Wales**



**ANNO VICESIMO SEPTIMO**

**ELIZABETHÆ II REGINÆ**

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**Act No. 89, 1978.**

**An Act to amend the University of New England Act, 1953, with  
respect to the election of a member of the Legislative Council  
as a member of the Council of the University of New England.  
[Assented to, 11th September, 1978.]**

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*University of New England (Constitution) Amendment.*

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**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 New England (Constitution) Amendment Act, 1978".

**Commence-  
ment.**      **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the first appointed day.

(3) In subsection (2), "first appointed day" has the meaning ascribed thereto by section 16 of the Constitution Act, 1902.

**Amendment  
of Act No.  
34, 1953.**      **3.** The University of New England Act, 1953, is amended—

**Sec. 10.  
(Constitu-  
tion of  
Council.)**      (a) by omitting section 10 (2) (a) and by inserting instead the following paragraph :—

(a) a member of the Legislative Council elected by that Council as soon as practicable after each periodic Council election within the meaning of section 3 of the Constitution Act, 1902; and

**Sec. 12.  
(Vacation  
of office.)**      (b) (i) by omitting section 12 (d) and by inserting instead the following paragraph :—

(d) in the case of a parliamentary member elected by the Legislative Council—

(i) ceases to be a member of that Council otherwise than by reason of section 22B (1) (c) of the Constitution Act, 1902; or

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*University of New England (Constitution) Amendment.*

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- (ii) ceases to be a member of that Council by reason of section 22B (1) (c) of that Act and does not become a candidate at the next periodic Council election within the meaning of section 3 of that Act or, as the case may be, becomes a candidate but is not elected; or
- (ii) by omitting section 12 (e) (ii) and by inserting instead the following subparagraph :—
  - (ii) ceases to be a member of that Assembly by reason of its dissolution or its expiration by effluxion of time and does not become a candidate at the next general election of members of that Assembly or, as the case may be, becomes a candidate but is not elected.

4. Notwithstanding section 3, a member of the Council of the University of New England who was elected by the Legislative Council and who is holding that office immediately before the commencement of that section does not cease to hold that office until—

- (a) the Legislative Council elects one of its members to replace him; or
- (b) he ceases to hold that office pursuant to the University of New England Act, 1953, as in force immediately before that commencement,

whichever first occurs.

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