

**UNIVERSITY AND UNIVERSITY COLLEGES
(AMENDMENT) ACT 1986 No. 172**

NEW SOUTH WALES



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**UNIVERSITY AND UNIVERSITY COLLEGES (AMENDMENT) ACT
1986 No. 172**

NEW SOUTH WALES



Act No. 172, 1986

An Act to amend the University and University Colleges Act 1900 with respect to the constitution of the Senate of the University of Sydney, and for other purposes. [Assented to 17 December 1986]

University and University Colleges (Amendment) 1986

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 and University Colleges (Amendment) Act 1986".

Commencement

2. (1) Except as provided by subsections (2)–(4), this Act shall commence on the date of assent to this Act.

(2) Schedule 2, and section 4 in its application to that Schedule, shall commence on 1 March 1987.

(3) Schedules 3 and 4, and section 4 in its application to those Schedules, shall commence on 1 January 1988.

(4) For the purpose only of enabling the Senate of the University of Sydney to be constituted in accordance with the Principal Act, as amended by this Act, by-laws may be made under that Act, elections may be held and any other action may be taken as if the whole of this Act had commenced on the date of assent.

Principal Act

3. The University and University Colleges Act 1900 is referred to in this Act as the Principal Act.

Amendment of Act No. 22, 1900

4. The Principal Act is amended in the manner set forth in Schedules 1–4.

Savings and transitional provisions

5. Schedule 5 has effect.

University and University Colleges (Amendment) 1986

SCHEDULE 1

(Sec. 4)

AMENDMENTS RELATING TO APPOINTED FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

Section 7 (1) (a)—

Omit “four”, insert instead “six”.

(2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (a)—

Omit “a term of four years”, insert instead “such term not exceeding four years as may be specified in the instrument of appointment or, if no term is so specified, for a term of four years commencing on the date of appointment”.

SCHEDULE 2

(Sec. 4)

AMENDMENTS RELATING TO FELLOWS ELECTED BY OTHER FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (g)—

After “Fellow”, insert “and”.

(b) Section 7 (1) (h)—

Omit “Vice-Chancellor; and”, insert instead “Vice-Chancellor”.

(c) Section 7 (1) (i)—

Omit the paragraph.

(d) Section 7 (2) (c)—

Omit “, (f) and (i)”, insert instead “and (f)”.

University and University Colleges (Amendment) 1986

SCHEDULE 2—*continued*

AMENDMENTS RELATING TO FELLOWS ELECTED BY OTHER
FELLOWS—*continued*

(2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (c)—

Omit “, (f) or (i)”, insert instead “or (f)”.

(3) Section 9 (**Vacation of office of Fellow**)—

Section 9 (d) (iv), (e), (f)—

Omit “, (f) or (i)” wherever occurring, insert instead “or (f)”.

(4) Section 9A (**Casual vacancy**)—

Section 9A (b)—

Omit “, (f) or (i)”, insert instead “or (f)”.

SCHEDULE 3

(Sec. 4)

AMENDMENTS RELATING TO OFFICIAL FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (g)—

Omit “and”.

(b) Section 7 (1) (h), (i)—

At the end of section 7 (1) (h), insert:

; and

- (i) one Fellow who shall be the person for the time being holding the office of Chairman of the Academic Board.

(2) Section 9 (**Vacation of office of Fellow**)—

Section 9 (g)—

Omit “or (h)”, insert instead “, (h) or (i)”.

University and University Colleges (Amendment) 1986

SCHEDULE 3—*continued*AMENDMENTS RELATING TO OFFICIAL FELLOWS—*continued*(3) Section 15 (**By-laws**)—

Section 15 (1) (b1)—

After section 15 (1) (b), insert:

(b1) the election of a Chairman of the Academic Board;

SCHEDULE 4

(Sec. 4)

AMENDMENTS RELATING TO ELECTED FELLOWS

(1) Section 7 (**University to consist of a Senate**)—

(a) Section 7 (1) (d), (d1)—

Omit section 7 (1) (d), insert instead:

(d) six Fellows elected by and from the academic members of the full-time permanent staff of the University, the Fellows so elected to include at least—

(i) such number of professors; and

(ii) such number of those members who are not professors.

as is in each case prescribed by the by-laws;

(d1) one Fellow elected by and from the members (other than the academic members) of the full-time permanent staff of the University;

(b) Section 7 (1) (e), (f)—

After “(d)”, insert “or (d1)”.

(c) Section 7 (1) (f)—

After “University” where secondly occurring, insert “, the Fellows so elected to include at least one undergraduate candidate and one postgraduate candidate”.

SCHEDULE 4—*continued*AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*

(d) Section 7 (2) (c)—

After “(d)”, insert “, (d1)”.

(e) Section 7 (3A)—

Omit “subsection (1) (d), ‘members of the full-time’”, insert instead “this section, ‘members of the full-time permanent’”.

(f) Section 7 (3B), (3C)—

After section 7 (3A), insert:

(3B) Whether or not a person is, for the purposes of this section, to be treated as—

(a) a member of the full-time permanent staff of the University, except as provided by subsection (3A); or

(b) an academic member of that full-time permanent staff.

shall be determined by the by-laws which may require that, for persons of a specified category to be treated as full-time permanent staff, they shall have completed or contracted to complete a specified minimum period of service.

(3C) For the purposes of paragraph (f) of subsection (1), candidates referred to in that paragraph shall be treated as—

(a) postgraduate candidates, if they are proceeding to the degree of Doctor or Master or to a postgraduate diploma in the University or to any other degree or diploma prescribed by the by-laws; or

(b) undergraduate candidates, if they are proceeding to any other degree or diploma in the University.

(2) Section 8 (**Tenure of office of Fellows**)—

Section 8 (1) (c)—

After “(d)”, insert “, (d1)”.

University and University Colleges (Amendment) 1986

SCHEDULE 4—*continued*AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*(3) Section 9 (**Vacation of office of Fellow**)—

(a) Section 9 (d) (iv), (e), (f)—

After “(d)” wherever occurring, insert “, (d1)”.

(b) Section 9 (g)—

Omit “four”, insert instead “3”.

(c) Section 9 (j)—

Omit the paragraph, insert instead:

- (j) ceases, in the case of a Fellow referred to in section 7 (1) (d), (d1) or (f), to meet a requirement which made the Fellow eligible to be elected;

(d) Section 9 (2), (3)—

At the end of section 9, insert:

(2) A Fellow referred to in section 7 (1) (d)—

- (a) who was a professor when elected, but who ceases to be a professor; or
- (b) who was not a professor when elected, but who becomes a professor,

shall be deemed to have vacated office.

(3) A Fellow referred to in section 7 (1) (f)—

- (a) who was a postgraduate candidate when elected, but who ceases to be a postgraduate candidate; or
- (b) who was an undergraduate candidate when elected, but who ceases to be an undergraduate candidate,

shall be deemed to have vacated office.

University and University Colleges (Amendment) 1986

SCHEDULE 4—*continued*
AMENDMENTS RELATING TO ELECTED FELLOWS—*continued*

(4) Section 9A (Casual vacancy)—

Section 9A (b)—

After “(d)”, insert “. (d1)”.

SCHEDULE 5

(Sec. 5)

SAVINGS AND TRANSITIONAL PROVISIONS

Interpretation

1. In this Schedule—

“Senate” means the Senate of the University of Sydney.

Saving of offices of Fellows

2. An amendment made to the Principal Act by this Act does not affect the election or appointment or the term of office of any Fellow of the Senate holding office immediately before the date of assent to this Act.

Appointment and election of certain Fellows

3. As soon as practicable after the date of assent to this Act, appointments shall be made, and elections shall be held in accordance with the by-laws made under the Principal Act, for the purpose of constituting the Senate in accordance with the Principal Act, as amended by this Act.

Saving of certain by-laws

4. Any by-law—

(a) which was in force under the Principal Act immediately before the commencement of any amendment to that Act made by this Act; and

(b) which could be made under that Act, as amended by this Act.

shall be deemed to have been made under that Act, as amended by this Act.

Absences of Fellows from meetings

5. (1) An absence of a Fellow from a meeting of the Senate before the commencement of Schedule 4 shall be deemed to be an absence of the member from a meeting of the Senate without the leave of the Senate for the purposes of section 9 (g) of the Principal Act, as amended by this Act.

University and University Colleges (Amendment) 1986

SCHEDULE 5—*continued*

SAVINGS AND TRANSITIONAL PROVISIONS—*continued*

(2) Notwithstanding subclause (1)—

- (a) the Senate may, after the commencement of Schedule 4, give leave for any absence which occurred before that commencement; and
- (b) the absence of a Fellow before that commencement from 3 or more consecutive meetings of the Senate shall be deemed to be an absence from 2 consecutive meetings of the Senate without the leave of the Senate.
