

**TECHNICAL EDUCATION AND NEW SOUTH
WALES UNIVERSITY OF TECHNOLOGY ACT.**

Act No. 11, 1949.

George VI.
No. 11, 1949

An Act to make further provision for and in relation to the provision and regulation of Technical Education in New South Wales; to provide for the establishment and incorporation of a New South Wales University of Technology; to repeal the Technical Education Act, 1940; to amend the Public Service Act, 1902, the Public Instruction Act of 1880, and certain other Acts; and for purposes connected therewith. [Assented to, 12th May, 1949.]

BE it enacted by the King'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:—

PART I.

PRELIMINARY.

Short
title and
division
into Parts.

1. (1) This Act may be cited as the "Technical Education and New South Wales University of Technology Act, 1949."

(2) This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.—s. 1.

PART II.—TECHNICAL EDUCATION.—ss. 2-13.

PART III.—THE NEW SOUTH WALES UNIVERSITY OF TECHNOLOGY.—ss. 14-48.

DIVISION 1.—*Preliminary*.—ss. 14, 15.

DIVISION 2.—*Incorporation of the University and establishment of a Council thereof*.—ss. 16-24.

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DIVISION 3.—*Administration*.—ss. 25-37.

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DIVISION 4.—*Finance*.—ss. 38-43.

DIVISION 5.—*General*.—ss. 44-48.

PART IV.—ACQUISITION OF LAND.—ss. 49, 50.

PART II.

TECHNICAL EDUCATION.

2. This Part of this Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. Commencement.

3. The Technical Education Act, 1940, and the Technical Education (Nullification of Proclamation) Act, 1941, are hereby repealed. Repeal of Act No. 20, 1940, and Act No. 52, 1941.

4. In this Part of this Act—

Definitions.

“Prescribed” means prescribed by this Part of this Act or by the regulations.

“Regulations” means regulations made under this Part of this Act.

5. (1) The Governor may, for the purpose of co-ordinating technical education throughout the State and of carrying out or giving effect to this Part of this Act, establish a Department of Technical Education under the Minister for Education. Department of Technical Education.

(2) The Minister shall, within the Department of Technical Education, provide, maintain, control and manage such facilities for and in respect of the provision of technical education as he may consider suitable to the requirements of the State.

(3) All powers, authorities, duties and functions which immediately before the commencement of this Part of this Act were exercised and discharged by the Minister for Education in relation to the provision, maintenance, control and management of technical education shall,

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upon

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No. 11, 1949. upon and after such commencement, be exercised and discharged by him through the Department of Technical Education.

(4) The provisions of the Public Instruction Act of 1880 and of any other Act in force at the date of commencement of this Part of this Act relating to the provision, maintenance, control or management of technical education shall, so far as applicable but subject to this Part of this Act, continue to apply to and in respect of the exercise and discharge by the Minister of the powers, authorities, duties and functions conferred or imposed upon him by this Part of this Act.

**Director,
Deputy
Director
and
Assistant
Directors of
Technical
Education.**

6. (1) The Governor may, under and subject to the Public Service Act, 1902, as amended by subsequent Acts, appoint a Director of Technical Education, a Deputy Director of Technical Education, and two or more Assistant Directors of Technical Education.

(2) The Director of Technical Education shall, for the purposes of the Public Service Act, 1902, as amended by subsequent Acts, be deemed to be the permanent head of the Department of Technical Education.

**Officers and
employees.**

(3) The Governor may, under and subject to the Public Service Act, 1902, as amended by subsequent Acts, appoint such officers and employees as may be necessary for the administration of this Part of this Act.

**Diplomas
and
certificates.**

7. The Minister may, subject to and in accordance with the regulations, arrange for the grant of State diplomas and the issue of State certificates of proficiency to persons who pass such examinations and comply with such requirements and conditions as may be prescribed.

Any such diploma or certificate shall be authenticated by the signature of such person or persons and in such manner as may be prescribed.

**Technical
Education
Advisory
Council.**

8. (1) There shall be a Technical Education Advisory Council (hereinafter in this Part of this Act referred to as the "Council") which shall consist of such number of persons as may be prescribed.

(2)

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(2) Subject to subsection three of this section, the members of the Council shall be appointed by the Governor and shall be representative of industry, commerce, the professions, the trade union movement and educational authorities. No. 11, 1949.

(3) The Director of Technical Education and the Director-General of Education shall be ex officio members of the Council.

(4) The Director of Technical Education shall be the chairman of the Council.

(5) The members of the Council appointed by the Governor shall hold office for such period as may be prescribed.

In the case of an extraordinary vacancy in the office of any appointed member, the Governor may appoint a person to the vacant office, and the person so appointed shall hold office for the residue of his predecessor's term of office.

A member of the Council who vacates his office by reason of the expiration of his term shall be eligible for reappointment.

(6) The procedure for the calling of meetings of the Council and for the conduct of business at such meetings shall, subject to any regulations in relation thereto, be as determined by the Council.

(7) The number of members who shall constitute a quorum for the purposes of any meeting of the Council shall be as prescribed, and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Council.

(8) The members of the Council shall be entitled to receive allowances for conveyance and subsistence in travelling to and from meetings of the Council, or upon the business of the Council, at such rates as may be prescribed.

(9) The provisions of the Public Service Act, 1902, as amended by subsequent Acts, shall not apply to or in respect of the appointment by the Governor of any member

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No. 11, 1949. member of the Council, and any member so appointed shall not, in his capacity as such member, be subject to the provisions of such Act during his term of office.

(10) The office of a member of the Council shall not for the purposes of the Constitution Act, 1902, or any Act amending or replacing that Act, be deemed to be an office or place of profit under the Crown.

**Functions
and
duties of
Council.**

9. (1) The Council may make such recommendations as it thinks fit to the Minister with respect to—

- (a) the provision and conduct of technical education in the State having regard to the needs of the community, industry and commerce;
- (b) the co-ordination of the functions of the Department of Technical Education with those of the Department of Education, the University of Sydney, the New South Wales University of Technology and other bodies concerned with education;
- (c) such other matters as may be prescribed.

(2) The Council shall investigate and report to the Minister on any matter referred to it by the Minister for investigation and report.

**Vocational
instruction.
cf. Act. No.
20, 1940,
s. 81.**

10. (1) Where the Governor is satisfied that it is desirable in the public interest that a standard of instruction should be maintained by law in any subject matter or matters, the Governor may from time to time, by proclamation published in the Gazette, declare such subject matter or matters to be vocational in character.

(2) (a) After the expiration of twelve months from the commencement of this Part of this Act, no person shall give or offer to give for fee or reward instruction in any subject matter which is for the time being declared to be vocational in character pursuant to subsection one of this section unless he is the holder of a permit granted to him by the Minister under subsection three of this section authorising him to give instruction in such subject matter.

(b) :

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(b) Paragraph (a) of this subsection shall not extend to or in respect of any person who gives or offers to give any instruction in his capacity as an officer or employee of the Crown, or in his capacity as principal of or a teacher in any school certified under the Public Instruction (Amendment) Act, 1916, or registered under the Bursary Endowment Act, 1912, or in his capacity as principal of or teacher in any institution or school registered under this section. No. 11, 1949

(3) (a) The Minister may, upon the recommendation of the Advisory Committee, grant a permit to any person where he is satisfied that such person possesses sufficient qualifications and capacity to enable him to give such instruction in an adequate and satisfactory manner.

(b) Any such permit may be granted subject to such terms and conditions as may be specified therein or as may be prescribed.

(c) Any permit granted under this subsection may, upon the recommendation of the Advisory Committee, be withdrawn by the Minister if he is satisfied that—

- (i) the holder of the permit no longer possesses the capacity to give such instruction in an adequate and satisfactory manner; or
- (ii) the holder has contravened or failed to comply with any of the terms and conditions subject to which the permit was granted.

(4) (a) The Minister may, upon the recommendation of the Advisory Committee, register under this section any institution or school where he is satisfied that such institution or school is providing efficient instruction.

(b) The Minister may, upon the recommendation of the Advisory Committee, cancel the registration of any such institution or school where he is satisfied that the institution or school is no longer providing efficient instruction.

(5) Any person aggrieved by the refusal of registration of any institution or school under this section or the

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No. 11, 1949. the cancellation of any such registration or whose application for a permit under this section has been refused or whose permit has been withdrawn may appeal to the Supreme Court against any such refusal, withdrawal or cancellation.

Any such appeal shall be in the nature of a rehearing and shall be made in accordance with rules of court.

The decision of the Supreme Court on any such appeal shall be final, and shall be deemed to be the decision of the Minister and be carried into effect accordingly.

(6) (a) There shall be a Vocational Instruction Advisory Committee (in this section referred to as the "Advisory Committee") which shall consist of three members.

Two of such members shall be the persons who for the time being hold respectively the following offices, that is to say, the Director of Technical Education, who shall be the chairman of the Advisory Committee, and the Under Secretary of the Department of Labour and Industry and Social Welfare. The other member shall be a person appointed by the Minister who shall hold office for such period as the Minister may determine.

(b) The Advisory Committee shall investigate and report on any matter referred to it by the Minister in relation to the grant or withdrawal of any permit under this section or the registration or cancellation of the registration of any institution or school pursuant to this section.

(7) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding fifty pounds.

**Application
of certain
moneys.**

11. (1) Any moneys vested in the Newcastle Technical Education District Council immediately before the commencement of this Part of this Act shall, upon such commencement, be divested from that Council and vest in the officers of the public service who at such commencement hold the office of Director of Technical Education, Principal of the Newcastle Technical College and

and Registrar of that College respectively upon trust to apply the same in accordance with any direction given with respect thereto under subsection two of this section. No. 11, 1949.

(2) Upon the constitution by the regulations of a technical education district council for the technical education district of Newcastle, such council may give directions for the application of any moneys referred to in subsection one of this section for the promotion and furtherance of technical education within the technical education district of Newcastle.

(3) The Newcastle Technical Education District Council and any member thereof shall upon the commencement of this Part of this Act be discharged from any duty, obligation or liability existing immediately before such commencement in respect of or in relation to the moneys referred to in subsection one of this section.

(4) In this section—

“Newcastle Technical Education District Council” means the body by that name constituted under the Technical Education Act, 1940, immediately before the commencement of this Part of this Act;

“technical education district of Newcastle” means the technical education district established under the regulations which includes within its boundaries the City of Greater Newcastle.

12. (1) The Public Service Act, 1902, as amended by subsequent Acts, is amended by inserting at the end of section twenty-five the words “or the Department of Technical Education.”

Amendment
of Act No.
31, 1902,
sec. 25.
(Educa-
tional
Division.)

(2) The Public Accountants Registration Act, 1945-1948, is amended by omitting from subsection one of section nineteen the words “Department of Public Instruction” and by inserting in lieu thereof the words “Department of Technical Education.”

Amendment
of Act No.
18, 1945,
sec. 19.
(Exemption
from
prescribed
examina-
tions.)

13. (1) The Governor may make regulations not inconsistent with this Part of this Act prescribing all matters

Regulations.

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No. 11, 1949. matters which by this Part of this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Part of this Act.

(2) In particular and without prejudice to the generality of subsection one of this section the Governor may make regulations with respect to the following matters:—

- (a) the qualifications to be possessed by persons as a condition of appointment to the Council;
- (b) the constitution and functions of advisory committees and boards of studies;
- (c) the establishment of technical education districts, the constitution in respect of any such district of a technical education district council, and the powers, authorities, duties and functions to be exercised and discharged by any such council.

(3) The regulations shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified therein;
- (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

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PART III.

No. 11, 1949.

THE NEW SOUTH WALES UNIVERSITY OF TECHNOLOGY.

DIVISION 1.—*Preliminary.*

14. This Part of this Act shall, except where otherwise expressly provided, commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. Commence-
ment.

15. In this Part of this Act, unless the context or subject matter otherwise indicates or requires— Definitions.

“By-laws” means by-laws made under this Part of this Act.

“Council” means the Council of the University.

“Prescribed” means prescribed by this Part of this Act or by the regulations.

“Regulations” means regulations made under this Part of this Act.

“University” means the New South Wales University of Technology.

DIVISION 2.—*Incorporation of the University and establishment of a Council thereof.*

16. (1) There shall be a New South Wales University of Technology consisting of the Council, the professors and such other classes of persons giving instruction within the University as may be prescribed and the graduate and under-graduate members thereof. New South
Wales
University
of
Technology.

(2) The University shall be a body corporate under the name of “The New South Wales University of Technology” with perpetual succession and a common seal, and shall be capable by that name of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(3) The University shall, subject to this Part of this Act and the regulations, have power to take, purchase, hold, grant, alienate, demise or otherwise dispose of real and personal property:

Provided

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No. 11, 1949. Provided that the University shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any real property.

**Common
seal.**

17. (1) The common seal of the University shall be kept in such custody as the Council directs, and shall not be used except upon resolution of the Council.

(2) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the University affixed to any document, and shall presume that it was duly affixed.

**Objects
of the
University.**

18. The objects of the University shall include the following:—

- (a) to provide facilities for higher specialised instruction and advanced training in the various branches of technology and science in their application to industry and commerce; and
- (b) to aid by research and other suitable means the advancement, development, and practical application of science to industry and commerce.

**The
Council.**

19. (1) There shall be a Council of the University which shall have and may exercise and discharge the powers, authorities, duties and functions conferred and imposed upon the Council by or under this Part of this Act.

(2) The Council shall consist of not more than thirty members who shall be appointed by the Governor.

Of the members so appointed—

- (a) five shall be appointed on the nomination of the Minister, being persons who, in the opinion of the Minister, by their knowledge and experience can advance the full development of the University;
- (b) one shall be a member of the Legislative Council elected by that Council;
- (c) one shall be a member of the Legislative Assembly elected by that Assembly;
- (d)

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- (d) four shall be appointed on the nomination of the Minister to represent persons engaged in the professions; No. 11, 1948
- (e) two shall be officers within the meaning of the Public Service Act, 1902, as amended by subsequent Acts, directly concerned with and engaged in the administration of technical education and shall be appointed on the nomination of the Minister;
- (f) five shall be appointed on the nomination of the Minister to represent industrial and commercial interests;
- (g) three shall be appointed on the nomination of the Minister to represent trade unions and employee organisations;
- (h) one shall be appointed upon the nomination of the Senate of the University of Sydney;
- (i) one shall be a person having the qualifications as prescribed by the by-laws elected, in the manner prescribed by the by-laws, by undergraduates within the University;
- (j) one shall be a person having the qualifications as prescribed by the by-laws elected, in the manner prescribed by the by-laws, by the graduates of the University;
- (k) one shall be a person elected, in the manner prescribed by the by-laws, by the professors and such other classes of persons giving instruction within the University as may be so prescribed;
- (l) one shall be the person for the time being holding the office of Director of the University;
- (m)

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- (m) not more than four shall be persons elected in the manner prescribed by the by-laws to represent such principal faculties as may be so prescribed.

(3) The person or persons to be nominated by the Minister for appointment pursuant to paragraph (d), (f) or (g) of subsection two of this section shall, in respect of each such paragraph, be selected by him from a panel of such number of names as may be prescribed submitted to him for the purpose by such persons or class or classes of persons or body or bodies of persons as may be prescribed in relation to that paragraph.

The regulations may prescribe—

- (a) the time within which any such panel of names shall be submitted to the Minister;
- (b) where any such panel of names is to be submitted by more than one prescribed class or body of persons, the number of names which each such class or body is entitled to include in such panel.

(4) If for any reason a panel of names is not submitted to the Minister in accordance with this section or the regulations or is not submitted within the time prescribed with respect thereto, the Minister may nominate such person or persons as he thinks fit and such person or persons shall be deemed to have been validly nominated in accordance with subsection three of this section and the regulations.

(5) (a) Members of the Council, other than the Director of the University, shall, subject to this Part of this Act, hold office for such period not exceeding four years as may be prescribed. Different periods may be prescribed in respect of the different classes of members.

The Director of the University shall hold office while he remains Director.

(b) The regulations may provide for the retirement in rotation of members of any particular class and for that purpose may provide that, on the first appointment of members of any such class after the introduction of rotational retirement, such number as may be prescribed of the members of that class shall be appointed

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appointed for a less period than that prescribed pursuant No. 11, 1949.
to paragraph (a) of this subsection with respect to
members of that class.

(c) All retiring members shall, unless other-
wise disqualified, be eligible for reappointment.

(6) Where a casual vacancy occurs in the office
of a member of the Council the Governor may appoint
a person to the vacant office. The person so appointed
shall have the like prescribed qualification (if any) as
that of the member whose office has become vacant and
shall, subject to this Part of this Act, hold office for the
residue of his predecessor's term of office.

(7) The provisions of the Public Service Act,
1902, as amended by subsequent Acts, shall not apply
to or in respect of the appointment by the Governor of
any member of the Council, and any member so appointed
shall not, in his capacity as such member, be subject to
the provisions of such Act during his term of office.

20. A member of the Council shall be deemed to have **Vacation**
vacated his office if he— **of office.**

- (a) dies;
- (b) resigns his office by writing under his hand
addressed to the Governor;
- (c) becomes bankrupt, compounds with his creditors
or makes any assignment of his salary or estate
for their benefit;
- (d) becomes an insane person or patient or an
incapable person within the meaning of the
Lunacy Act, 1898-1947;
- (e) absents himself from four consecutive meetings
of the Council without leave of the Council; or
- (f) in the case of a member elected by either House
of Parliament—ceases to be a member of that
House.

21. (1) (a) The first President of the University **President**
shall be appointed by the Minister and shall hold office **and Vice-**
for a period of one year. **President.**

The person so appointed shall be a member of the
Council.

(b)

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(b) Whenever a vacancy in the office of President occurs, the Council shall elect one of its number to be President of the University.

(c) The President, other than the first President, shall hold office for such period and on such terms and conditions as may be prescribed by the by-laws.

(2) (a) The Council shall, at its first meeting and thereafter whenever a vacancy in the office of Vice-President occurs, elect one of its number to be Vice-President of the University.

(b) The Vice-President shall hold office for such period and on such terms and conditions as may be prescribed by the by-laws.

Chairman.

22. At every meeting of the Council the President or, in his absence, the Vice-President shall preside as chairman, but if the President and Vice-President are both absent, the members present shall elect a person from among their number to preside as chairman.

**Questions
how
decided.**

23. (1) All questions which come before the Council shall be decided at any meeting duly convened, at which a quorum is present, by a majority of the votes of the members present.

(2) The chairman at any such meeting shall have a vote; and in case of an equality of votes a second or casting vote.

(3) At any such meeting ten members shall form a quorum.

**Validity of
acts and
proceedings.**

24. (1) No act or proceeding of the Council or any committee of the Council, or of the Director or any person acting pursuant to any direction of the Council shall be invalidated or prejudiced by reason only of the fact that at the time when such act or proceeding was done, taken or commenced there was a vacancy or vacancies, not exceeding twelve in number, in the office or offices of any member or members of the Council.

(2) All acts and proceedings of the Council or any committee of the Council, or of the Director or any person acting pursuant to any direction of the Council shall, notwithstanding the subsequent discovery of any defect

defect in the appointment, nomination or election of any member of the Council, or that any such member was disqualified from acting as or incapable of being a member of the Council, be as valid as if such member had been duly appointed, nominated or elected and was qualified to act as or capable of being a member and had acted as a member of the Council and as if the Council had been properly and fully constituted. No. 11, 1949.

DIVISION 3.—*Administration.*

25. Subject to this Part of this Act and to the regulations and by-laws, the Council— Powers
of the
Council.

- (a) may provide courses in applied science, engineering, technology, commerce, industrial organisation and such other related courses as it deems fit and may, after examination, confer the several degrees of Bachelor, Master and Doctor, and such other degrees and such certificates in the nature of degrees or otherwise as it thinks fit;
- (b) may from time to time appoint deans, professors, lecturers and other officers and employees of the University;
- (c) shall have the entire control and management of the affairs, concerns and property of the University; and
- (d) may act in all matters concerning the University in such manner as appears to it best calculated to promote the objects and interests of the University:

Provided that no appointment of a dean, professor, lecturer or other officer or employee shall be made pursuant to this section before the day appointed and notified pursuant to subsection three of section thirty-three of this Act.

26. (1) There shall be a Director of the University who shall be the chief executive officer of the Council. Director.

(2)

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(2) The Director shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed in the regulations and by-laws.

(3) The Director shall be appointed in the manner prescribed and shall hold office for such period and upon such terms and conditions as may be prescribed.

**Delegation
to commit-
tees, etc.**

27. (1) The Council may constitute and appoint such committees as it thinks fit and may delegate all or any of its powers, authorities and functions (except this power of delegation and the power to make by-laws) to any such committee or to any member of the Council, or to any officer or officers of the University.

(2) Every delegation under this section shall be revocable by resolution of the Council and no delegation shall prevent the exercise or discharge by the Council of any of its powers, authorities, duties or functions.

**Ad eundem
and
honorary
degrees.**

28. (1) Where any person has obtained in any university or other educational establishment recognised by the by-laws of the University in force for the time being any degree or diploma corresponding or equivalent, in the opinion of the Council, to any degree which the Council is now or may hereafter be empowered to confer after examination, the Council may confer such latter degree upon such person without examination.

(2) The persons upon whom degrees are conferred, under the provisions of subsection one of this section, shall be entitled to the same rights and privileges as appertain to those who have taken the same degrees in the ordinary course in the University.

(3) By-laws may be made for or with respect to the conferring of honorary degrees or other distinctions on approved persons.

**Power to
establish
and
maintain
branches,
depart-
ments, or
colleges.**

29. (1) The Council may establish and maintain branches, departments or colleges of the University at Newcastle, Wollongong, Broken Hill or such other place in the State as the Council deems fit.

(2)

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(2) (a) The Council may authorise any college or educational establishment, whether incorporated or not, engaged in the promotion of applied science and technology, to issue to candidates for any degree or diploma, certificates to the effect that the candidate for any such degree or diploma has completed such course of instruction therefor as the Council by by-law prescribes.

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Council
may
authorise
educational
establish-
ments to
issue
certificates.

(b) Any person who presents to the Council any such certificate may be admitted as a candidate for the degree or diploma to which it has reference.

30. All degrees conferred by the University shall be evidenced by a certificate under the common seal of the University and be signed by the President and the Director.

Evidence
of degrees
conferred.

31. The Council may by by-law make provision for the payment by students of the University of reasonable fees for entrance to the University, attendance at lectures, conferring of degrees and other University charges, except in the case of any student who is granted any fellowship, scholarship, exhibition, bursary or similar benefit, to the extent to which he is thereby exempted from payment of fees.

Fees.

32. (1) The Council may carry out special investigations in any technological or scientific matter at the request of any authority, institution, association, firm or person, and in respect of any such investigation may charge such fees therefor and agree to such conditions in relation thereto as it thinks fit.

Technologi-
cal and
scientific
investiga-
tion.

(2) The Council may publish information relating to any matter investigated by it pursuant to the provisions of subsection one of this section or otherwise:

Provided that no such publication shall be made in contravention of any condition agreed to pursuant to the said subsection.

33. (1) (a) During the period commencing on the date of commencement of this Part of this Act and ending on the appointed day the provisions of this subsection shall have effect.

Transi-
tional
provisions—
appoint-
ments.

(b)

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(b) All deans, professors, lecturers and other officers and employees necessary to enable the Council to exercise and discharge the powers, authorities, duties and functions conferred and imposed upon it by this Part of this Act shall be appointed under and subject to the provisions of the Public Service Act, 1902, as amended by subsequent Acts; and every such dean, professor, lecturer or other officer or employee shall be subject to the said Act, as so amended, during his tenure of office or employment; and the permanent head of the Department of Technical Education shall in relation to such deans, professors, lecturers and other officers and employees be the permanent head within the meaning of the said Act, as so amended.

(2) Any person appointed under subsection one of this section and in office immediately before the appointed day who is not appointed by the Council to the staff of the University on that day shall be entitled, if he is under the age of sixty years, to be appointed on the recommendation of the Public Service Board to some office or position in the Public Service not lower in salary than that which he held under the said subsection immediately before the appointed day.

(3) In this section "appointed day" means a day to be appointed by the Governor and notified by proclamation published in the Gazette. The day so appointed and notified shall not be earlier than one month after the date of the publication of such proclamation in the Gazette.

Use of
services of
officers and
employees
of the
Public
Service.

34. For the purpose of exercising and discharging the powers, authorities, duties and functions conferred and imposed on the Council by this Part of this Act the Council may, with the approval of the Minister of the Department concerned and of the Public Service Board, on such terms as may be arranged, make use of the services of any of the officers and employees of any Government Department.

Saving of
rights.

35. (1) Where a person who is appointed by the Council to the staff of the University was immediately before his appointment an officer within the meaning of

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of the Public Service Act, 1902, or an employee within ^{No. 11, 1949.} the meaning of the Superannuation Act, 1916, he shall—

- (a) retain any rights accrued or accruing under either of those Acts;
- (b) continue to contribute to any fund or account and shall be entitled to receive any deferred or extended leave and any payment, pension or gratuity as if he were an officer or employee within the meaning of the Public Service Act, 1902, or the Superannuation Act, 1916, as the case may be, and for such purpose his service with the University shall be deemed to be service for the purposes of such Acts;
- (c) in the event of his ceasing to be employed by the University (otherwise than on account of misconduct or disgraceful or improper conduct) be entitled, if he is under the age of sixty years, to be appointed upon the recommendation of the Public Service Board to some office in the Public Service not lower in classification and salary than that which he held immediately before his appointment to the staff of the University.

(2) This section shall commence upon the day appointed and notified pursuant to subsection three of section thirty-three of this Act.

36. (1) The Superannuation Act, 1916-1948, is amended by inserting at the end of Schedule Three thereto the following words:—

Amendment
of Act No.
28, 1916,
Sch. III.

The New South Wales University of Technology.

(2) This section shall commence upon the day appointed and notified pursuant to subsection three of section thirty-three of this Act.

37. (1) The Council may make by-laws, not inconsistent with this Part of this Act or the regulations, with respect to all matters pertaining to the University.

By-laws.

(2)

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(2) Without prejudice to the generality of subsection one of this section the Council may make by-laws with respect to—

- (a) the management, good government, and discipline of the University;
- (b) the method of election of members of the Council (other than the members referred to in paragraphs (b) and (c) of subsection two of section nineteen of this Act) who are to be elected;
- (c) the manner and time of convening, holding and adjourning the meetings of the Council; the manner of voting at such meetings, including postal voting or voting by proxy; the powers and duties of the chairman thereof; the conduct and record of the business; the appointment of committees of the Council, and the quorum, powers and duties of such committees;
- (d) the number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners, and other officers and servants of the University;
- (e) the entrance standards for students;
- (f) the examinations for and the granting of degrees, diplomas, certificates and honours;
- (g) the examinations for and the granting of fellowships, scholarships, exhibitions, bursaries, and prizes;
- (h) the admission of students of other universities and technical colleges to any corresponding status or of graduates of other universities or technical colleges to any corresponding degree or diploma without examination;
- (i) generally, all other matters authorised by this Part of this Act or necessary or convenient for giving effect to this Part of this Act.

(3) Every by-law made by the Council shall be sealed with the common seal of the University, shall be submitted

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submitted for the consideration and approval of the No. 11, 1949.
Governor, and when so approved shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the by-law.

(4) A copy of every such by-law shall be laid before each House of Parliament within fourteen sitting days after the publication thereof in the Gazette if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(5) Any such by-law may be proved in any court by the production of a verified copy under the seal of the University or by the production of a document purporting to be a copy of such by-law and to be printed by the Government Printer.

DIVISION 4.—Finance.

38. (1) The University shall have an account which shall be called the "New South Wales University of Technology Account" (in this section referred to as the "Account").

New South
Wales
University
of
Technology
Account.

(2) There shall be paid to the credit of the Account—

- (a) all moneys received by the University by way of fees, charges, gifts, bequests or otherwise;
- (b) all moneys made available to the University or the Council in accordance with the provisions of this Division.

(3) All expenditure incurred by the University (including the repayment of moneys borrowed by or advanced to the University in accordance with this Division) shall be paid from the Account.

39. (1) Any expenditure incurred by the University with the approval of the Governor given on the recommendation of the Colonial Treasurer is in this section referred to as approved expenditure.

Colonial
Treasurer
to meet
certain
costs.

(2) The Colonial Treasurer shall, in each year, pay to the University the amount by which the approved expenditure exceeds the income from all sources of the University.

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No. 11, 1949. University or so much of such income as is capable of being applied for the purpose of meeting approved expenditure.

(3) Any moneys payable by the Colonial Treasurer under this section shall be paid out of moneys provided by Parliament.

Advances
by Colonial
Treasurer.

40. The Colonial Treasurer may for the temporary accommodation of the University advance such moneys to the Council as the Governor may approve upon such terms and conditions as to repayment and interest as may be agreed upon.

Power of
Council to
borrow.

41. The Council may borrow money for—

- (a) the purpose of carrying out or performing any of its powers, authorities, duties and functions;
- (b) the renewal of loans; or
- (c) the discharge or partial discharge of any indebtedness to the Colonial Treasurer or to any bank,

within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Colonial Treasurer may approve.

Accounts
to be
rendered.

42. The Council shall cause to be kept proper books of account in relation to the funds of the University and shall, as soon as practicable after the thirtieth day of June in each year, prepare and transmit to the Minister for presentation to Parliament a statement of accounts in a form approved by the Auditor-General exhibiting a true and correct view of the financial position and transactions of the University.

Audit.

43. The accounts of the University shall be audited by the Auditor-General, who shall have, in respect thereof, all the powers conferred on the Auditor-General by any law now or hereafter in force relating to the audit of public accounts; and the Audit Act, 1902, and any Acts amending the same, shall apply to the members of the Council and to the officers and employees of the University in the same manner as it applies to accounting officers of public departments.

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DIVISION 5.—*General.*

No. 11, 1949.

44. No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to enjoy any benefit, advantage or privilege thereof.

No
religious
test.

45. (1) The University shall have power to acquire by gift, bequest or devise any property for the purposes of this Part of this Act, and to agree to and carry out the conditions of any such gift, bequest or devise.

Power to
accept
gifts, etc.

(2) The rule of law relating to perpetuities shall not apply to any condition of a gift, bequest or devise to which the University has agreed.

46. In the exercise of its powers, authorities, duties and functions under this Part of this Act the Council shall, so far as is practicable, co-operate with the University of Sydney, the Commonwealth Scientific and Industrial Research Organisation, the Department of Technical Education, and other Commonwealth and State institutions devoted to science and research.

Council to
co-operate
with other
bodies.

47. (1) As soon as practicable after the thirtieth day of June in each year, the Council shall prepare and furnish to the Minister a report upon the proceedings of the University during the period of twelve months immediately preceding that day. Such report shall include a summary of the work, researches and investigations carried out by the University during such period.

Report of
proceedings.

(2) A copy of such report shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

48. (1) The Governor may make regulations not inconsistent with this Part of this Act prescribing all matters which by this Part of this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed in relation to any matter within the powers and functions of the University and the Council and generally for carrying out or giving effect to the objects of the University and to this Part of this Act.

Regulations.

(2)

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- (2) The Regulations shall—
- (a) be published in the Gazette;
 - (b) take effect from the date of publication or from a later date to be specified therein;
 - (c) be laid before both Houses of Parliament within fourteen sitting days after the publication thereof if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session.

If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

PART IV.

ACQUISITION OF LAND.

**Acquisition
of land.**

49. (1) For the purposes of this Act, the Governor may, under the Public Works Act, 1912, as amended by subsequent Acts, resume or appropriate any land and the Minister may, under the said Act as so amended, purchase any land.

(2) (a) Where any land has been appropriated or resumed pursuant to this section the Governor may, by notification published in the Gazette, notify that the land so resumed or appropriated and specified in such notification is vested in The New South Wales University of Technology.

(b) Thereupon the land so specified shall vest in the said University.

(3)

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(3) For the purposes of the Public Works Act, No. 11, 1949. 1912, as amended by subsequent Acts, any such resumption, appropriation or purchase shall be deemed to be for an authorised work, and the Minister shall be deemed to be the Constructing Authority:

Provided that sections thirty-four, thirty-five, thirty-six and thirty-seven of the Public Works Act, 1912, as amended by subsequent Acts, shall not apply to any such resumption, appropriation or purchase, but section thirty-eight of such Act shall, *mutatis mutandis*, apply to and in respect of any contracts relating to any such resumption, appropriation or purchase.

50. (1) The Governor may, by notification in the Gazette, rescind in whole or in part any notification of resumption made in pursuance of section forty-nine of this Act.

Power to
rescind
resumptions.
cf. Act No.
7, 1912,
s. 4c.

(2) Upon the publication of any notification of rescission the land described in such notification shall revert in the person who was entitled thereto immediately before the resumption for his estate, interest or right immediately before such resumption, but subject to any interest in or equity binding upon such land created by the Constructing Authority since such resumption; and the land shall be subject to all trusts, obligations, estates, interests, contracts, charges, rates, rights-of-way or other easements from which it was freed and discharged by such resumption as if the land had not been resumed and shall also be subject to any interests in or equities binding on the compensation moneys created since the resumption.

(3) On the lodgment with the Registrar-General of a copy of a notification in the Gazette rescinding a notification of resumption of land under the provisions of the Real Property Act, 1900, the Registrar-General shall cancel any entry or notification in the register book made by him pursuant to section 46A of the Real Property Act, 1900, in so far as it relates to the land the notification of the resumption of which has been rescinded, and for the purpose of any dealing with such land the entry or notification

No. 11, 1949. notification made pursuant to section 46A of the Real Property Act, 1900, shall be deemed never to have been made.

(4) The person in whom any land is revested under this section shall be entitled to be compensated by the Constructing Authority for any loss or damage actually suffered by him as a direct consequence of the resumption and its rescission other than compensation in respect of the value of the land.

(5) Any claim for compensation arising under this section shall be heard and determined in like manner and subject to the like conditions as a claim for compensation by reason of the acquisition of land under the Public Works Act, 1912, as amended by subsequent Acts, and the provisions of the Land and Valuation Court Act, 1921, as amended by subsequent Acts, shall, mutatis mutandis, apply to and in respect of the hearing and determination of any such claim.
