

MACQUARIE UNIVERSITY ACT.

Act No. 29, 1964.

Elizabeth II, An Act to provide for the establishment and incorporation of a University at Ryde; to constitute a Council of the University and define its powers, authorities, duties and functions; to amend the Superannuation Act, 1916-1963, the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 21st May, 1964.]

BE

BE it enacted by the Queen's Most Excellent Majesty, by No. 29, 1964
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 "Macquarie University Short title.
Act, 1964".

2. This Act shall commence upon a day to be appointed Commence-
by the Governor and notified by proclamation published in ment.
the Gazette.

3. In this Act, unless the contrary intention appears— Definitions.

"By-laws" means the by-laws of the University in force
in pursuance of this Act.

"Council" means the Council of the University.

"University" means the Macquarie University.

4. (1) A University, consisting of a Council and Establish-
Convocation and graduate and undergraduate members, shall be ment and
established at Ryde in the State of New South Wales. incorpora-
tion of
University.

(2) The University shall be a body corporate under
the name of "The Macquarie University" with perpetual
succession and a common seal, and shall be capable by that
name of—

- (a) suing and being sued;
- (b) taking, purchasing and holding real and personal
property (including property devised, bequeathed
or given to the University);
- (c) granting, alienating, assigning, charging, selling and
demising real or personal property; and
- (d) doing and suffering all such other acts and things
as bodies corporate may by law do and suffer.

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

(2)

No. 29, 1964

(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.

Functions
of
University.

6. The functions of the University shall, within the limits of its resources, include—

- (a) the provision of educational facilities at University standards for persons who being eligible to enrol seek the benefits of such facilities;
- (b) the establishment of such facilities as the University deems desirable for—
 - (i) the provision of courses of study, whether at Ryde within the University or elsewhere, for evening students;
 - (ii) giving instruction to and the examination of external students;
 - (iii) providing courses of study or instruction at such levels of attainment as the Council deems appropriate to meet the special requirements of industry, commerce or any other section of the community;
- (c) the dissemination of knowledge and the promotion of scholarship otherwise than as hereinbefore provided.

Faculties,
Schools
and Depart-
ments.

7. The University—

- (a) shall, as soon as convenient after the commencement of this Act, proceed to provide facilities for study in the disciplines of Arts, Science and Economics; and
- (b) may, for the purpose of discharging its functions, provide such facilities for its undergraduates and students and other persons as it deems desirable.

For the purpose of this section the University may establish such Faculties, Schools and Departments as it sees fit.

8.

8. (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 Act : No. 29, 1964
The Council.

Provided that the provisions of sections thirteen, fifteen and sixteen of this Act shall not apply to or in respect of the first Council.

(2) The governing authority of the University shall be the Council.

9. (1) The first Council shall consist of the persons who immediately before the commencement of this Act held office as members of the Interim Council constituted for and in respect of the University to be established at Ryde and, unless he is appointed from among those persons, the Vice-Chancellor. Constitu-
tion of
first
Council.

(2) The members of the first Council shall, subject to this Act, hold office until the Council duly constituted under section ten of this Act assumes office.

(3) Where a casual vacancy occurs in the office of a member of the first Council the Council may appoint a person to the vacant office.

(4) (a) The members of the first Council shall at their first meeting elect from their number a Chairman and Vice-Chairman.

(b) At every meeting of the first Council the Chairman or, if he is not present, the Vice-Chairman shall preside, but if both the Chairman and Vice-Chairman are not present, the members present shall elect a person from their number to preside as chairman.

(5) A person who is a member of the first Council shall, unless otherwise disqualified, be eligible for appointment or election under section ten, fifteen, sixteen or seventeen of this Act.

(6) The first Council shall take all steps necessary to ensure so far as possible that a Council is duly constituted under section ten of this Act so as to take office on or before the first day of January, one thousand nine hundred and sixty-seven, or such extended time as the Minister may determine.

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Constitu-
tion of
Council
other than
first
Council.

10. (1) The Council, other than the first Council, shall be constituted in accordance with this section and shall consist of not more than twenty-one members.

The Council constituted in accordance with this section shall assume office upon such day as the Governor may appoint in that behalf and notify by proclamation published in the Gazette.

(2) Three members shall be appointed by the Minister.

(3) One member shall be elected by the members of the Legislative Council.

(4) One member shall be elected by the members of the Legislative Assembly.

(5) Five members, two of whom shall not be persons having professorial rank, shall be appointed or elected, in the manner provided by the by-laws, to represent the professorial and other members of the teaching staff of the University.

(6) Five members shall be elected, in the manner provided by the by-laws, by Convocation or such classes of members of Convocation as may be prescribed by the by-laws.

(7) One member shall be appointed or elected, in the manner provided by the by-laws, by the undergraduates of the University.

(8) The person who was Vice-Chancellor immediately before the day referred to in subsection one of this section and any person subsequently appointed as Vice-Chancellor shall, unless he is a member of the Council by virtue of any other provision of this section, be ex officio a member thereof.

(9) Three members shall be appointed or elected, in the manner provided by the by-laws, by the members for the time being referred to in subsections two to eight, both inclusive, of this section, and where there is for the time being a Chancellor elected as hereinafter provided, by the members for the time being referred to in the said subsections and the Chancellor.

(10)

(10) The person elected as Chancellor shall, where such person is not a member of the Council by virtue of any other provision of this section, be ex officio a member of the Council. No. 29, 1964
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(11) The members of the Council other than the Vice-Chancellor and Chancellor shall, subject to sections eleven and twelve of this Act, hold office for such period not exceeding three years as the by-laws may prescribe. Different periods may be prescribed in respect of different classes of members.

(12) All retiring members shall, unless otherwise disqualified, be eligible for re-appointment or re-election.

(13) (a) In the event of a casual vacancy in the office of any member, not being a member elected under subsection six of this section, a member shall be appointed or elected in the same manner as that in which the member whose seat is vacant was appointed or elected, or, in such cases and in such circumstances as are specified in the by-laws, in such other manner as is prescribed by the by-laws.

(b) A casual vacancy occurring amongst the members appointed under subsection six of this section shall be filled by the Council appointing some person in the place of that member.

(c) Any member of the Council appointed or elected under this subsection to fill a casual vacancy shall hold office for the residue of the term of office of the member whose place he has filled.

11. No person who—

- (a) is under the age of twenty-one years;
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors;
- (c) has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence; or
- (d) is a mentally ill person, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, as amended by subsequent Acts,

shall be capable of being or continuing to be a member of the Council.

Disqualifications.

12.

Macquarie University Act.**No. 29, 1964**Vacation
of office.**12.** A member of the Council shall be deemed to have vacated his office if he—

- (a) dies;
- (b) resigns his office by notice in writing addressed to the Vice-Chancellor;
- (c) is absent without leave of the Council from three consecutive meetings of the Council;
- (d) being a member of the Legislative Council or Legislative Assembly ceases to be such a member.

Chairman.**13.** (1) The Chancellor shall preside at all meetings of the Council and of all committees at which he is present.

(2) At any meeting of the Council or of a committee at which the Chancellor is not present, the Deputy Chancellor shall preside, and in the absence of both the Chancellor and the Deputy Chancellor, the member elected by the members present from among their number shall preside.

**Convoca-
tion.****14.** (1) Convocation shall consist of the following persons, namely—

- (a) all members and past members of the Council;
- (b) all graduates of the University;
- (c) all professors and full-time members of the teaching staff of the University and such other members of the staff of the University as the by-laws may prescribe;
- (d) such graduates of other Universities, or other persons, as are, in accordance with the by-laws, admitted as members of Convocation.

(2) Meetings of Convocation shall be convened and the business at such meetings shall be conducted in the manner prescribed by the by-laws.

(3) A quorum at any meeting of Convocation shall be such number of members as the by-laws may prescribe.

(4) Convocation shall have and may exercise and discharge such powers, authorities, duties and functions as may be prescribed by the by-laws.

(5)

(5) The Council may establish a Standing Committee and such other committees of Convocation as it considers necessary. No. 29, 1964

15. (1) There shall be a Chancellor of the University and the first Chancellor shall be elected by the persons referred to in subsections two to nine, both inclusive, of section ten of this Act, and subsequent Chancellors shall be elected by the Council. The Chancellor may be elected from amongst the members of the Council or otherwise. Election of Chancellor.

(2) The Chancellor shall, subject to sections eleven and twelve of this Act, hold office for three years and on such conditions as are provided by the by-laws.

16. (1) The Council shall at its first meeting, and thereafter annually, elect one of its number to be Deputy Chancellor of the University. Deputy Chancellor.

(2) The Deputy Chancellor shall hold office for one year from the date of his election and on such conditions as are provided by the by-laws.

(3) In the absence of the Chancellor or during a vacancy in the office of the Chancellor or during the inability of the Chancellor to act, the Deputy Chancellor shall have all the powers and duties of the Chancellor.

17. (1) The Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor. Appointment of Vice-Chancellor.

(2) The Vice-Chancellor shall hold office for such period and on such conditions as the Council determines.

(3) The Vice-Chancellor shall be the chief executive officer of the University and shall possess such powers and perform such duties as the by-laws prescribe and, subject to the by-laws, as the Council determines.

18. At any meeting of the Council one half (or where one half is not a whole number the whole number next higher than one half) of the total number of members for the time being of the Council shall form a quorum. Quorum.

19.

No. 29, 1964 **19.** Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is otherwise capable, for the time being, of holding that office or place.

Re-appoint-
ment or
election.

Validity
of acts
and pro-
ceedings.

20. (1) No act or proceeding of the Council or any committee of the Council, or of the Vice-Chancellor 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 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 Vice-Chancellor or any person acting pursuant to any direction of the Council shall, notwithstanding the subsequent discovery of any 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.

Powers of
Council.

21. (1) Subject to this Act and the by-laws the Council—

- (a) may provide courses in Arts, Science and Economics, and such other courses as it deems fit and may confer the several degrees of Bachelor, Master and Doctor, and such other degrees and grant and issue such certificates in the nature of degrees, diplomas or otherwise as it thinks fit;
- (b) may appoint and terminate the appointment of academic and other staff of the University;
- (c) shall have the entire control and management of the affairs and concerns of the University and may act in all matters concerning the University in such manner as appears to it best calculated to promote its objects and interests;

(d)

- (d) may acquire by gift, bequest or devise any property ^{No. 29, 1964} for the purposes of this Act and may agree to carry out the conditions of any such gift, bequest or devise;
- (e) may borrow money for the purpose of carrying out and performing any of its powers, authorities, duties and functions, the renewal of loans or the discharge or partial discharge of any indebtedness to the 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 Treasurer may approve;
- (f) may invest any funds belonging to or vested in the University in such securities as may be prescribed by the by-laws; and
- (g) shall have the control and management of all real and personal property at any time vested in or acquired by the University, and may dispose of real or personal property in the name and on behalf of the University :

Provided however that the Council shall not, except with the approval of the Governor, alienate, mortgage, charge or demise any lands of the University, except by way of lease for any term not exceeding twenty-one years from the time when the lease is made, in and by which there is reserved, during the whole of the term, the highest rent that can reasonably be obtained without fine.

(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.

22. (1) The Council may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation and its powers in relation to the making of by-laws) to any member or to any committee of its members, or to any officer or officers of the University. ^{Delegation by Council.}

(2)

No. 29, 1964
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(2) Every delegation under this section shall be revocable by resolution of the Council, and no delegation shall prevent the exercise of any power or function by the Council.

By-laws.

23. (1) The Council may make by-laws, not inconsistent with this Act, with respect to all or any of the following matters : —

- (a) all matters under this Act for which provision is to be made or which are to be prescribed by by-law or are otherwise necessary or convenient for giving effect to this Act;
- (b) the management, good government and discipline of the University;
- (c) the use and custody of the common seal;
- (d) the method of election or appointment of members of the Council who are to be elected or appointed;
- (e) the procedure for convening and holding meetings of the Council;
- (f) the convening and holding of meetings of any committee and the conduct of proceedings of any committee;
- (g) the matriculation and enrolment of students;
- (h) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, residence and the conferring of degrees and diplomas;
- (i) the exemption from payment of fees and charges;
- (j) the courses of lectures for such degrees and diplomas as the University confers and the terms and conditions upon which degrees, diplomas, scholarships and prizes may be conferred or awarded;
- (k) the establishment and conduct of external teaching;
- (l) the number, stipend, manner of appointment and termination of services of academic and other staff of the University;
- (m) the establishment or affiliation of residential colleges and halls of residence within the University and their conduct ;

(n)

- (n) the affiliation with or admission to the University of any educational or research establishment where-soever situated; No. 29, 1964
- (o) the provision of a scheme of superannuation for the professors of the University;
- (p) the form and use of academic costume;
- (q) the form and use of arms or armorial bearings of the University or of any college within or associated with the University.

(2) The by-laws may provide for empowering any authority (including the Council) or officer of the University to make regulations, rules or orders (not inconsistent with this Act or with any by-law) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which by-laws may be made) or for carrying out or giving effect to the by-laws, and any such regulation, rule or order shall have the same force and effect as a by-law.

(3) Every by-law made by the Council shall be sealed with the common seal of the University and shall be transmitted by the Chancellor for the consideration and approval of the 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 common 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.

24. (1) There shall be paid to the University in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, and in respect of each succeeding year, such sum as the Treasurer may Permanent endowment.

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No. 29, 1964 — may determine. In making any such determination the Treasurer shall take into consideration the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting such expenditure requirements.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred upon him by subsection one of this section, the University shall, in respect of the year commencing upon the first day of January next preceding the date of commencement of this Act, as soon as practicable after such commencement, and in respect of each succeeding year either before or as soon as practicable after the commencement of such year, submit to the Treasurer estimates of the expenditure and income of the University for such year and such other information as the Treasurer may deem necessary.

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

Advance by Treasurer. **25.** The 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.

Accounts to be rendered. **26.** 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 thirty-first day of December 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. **27.** 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.

28.

28. (1) As soon as practicable after the thirty-first day of December 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.

No. 29, 1964
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.

29. 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 and no person shall be denied admission as a student of the University or be ineligible to hold office therein or to graduate thereat or to enjoy any benefit, advantage or privilege thereof by reason of his political views or beliefs.

No religious
test or
political
discrimina-
tion.

30. The Governor of New South Wales shall be the visitor of the University with full authority and jurisdiction to do all such things and entertain such causes as may pertain to or be exercised by visitors as often as he deems meet.

Visitor.

31. (1) The Council shall allow such 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 and such other members of the public service of New South Wales as the Minister may approve to attend, for the purpose of proceeding to a first degree, University lectures or to enrol as external students and receive tuition for the period required for admission to that degree without the payment of lecture, class or tuition fees: Provided that all such students, teachers and members of the public service shall be qualified to enrol as matriculated students as prescribed by the by-laws.

Teachers'
college
students
and school
teachers.

(2)

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No. 29, 1964 (2) Nothing in subsection one of this section shall
— exempt any person referred to in that subsection from the
payment of such fees, other than lecture, class or tuition fees,
as may be prescribed by the by-laws.

Amendment **32.** The Local Government Act, 1919, as amended by
of Act No. subsequent Acts, is amended by inserting next after paragraph
41, 1919. (fi) of subsection one of section one hundred and thirty-two
Sec. 132. the following new paragraph :—
(Definition (fii) land which is vested in the Macquarie University,
of ratable or in a college thereof, and is used or occupied by
land.) the University or college, as the case may be, solely
 for the purposes thereof; and.

Amendment **33.** (1) The Metropolitan Water, Sewerage, and Drain-
of Act No. age Act, 1924-1963, is amended by inserting next after
50, 1924. paragraph (f) of subsection one of section eighty-eight the
Sec. 88. following new paragraph :—
(Lands (f1) land which is vested in the Macquarie University,
exempted or in a college thereof, and is used or occupied by
from rates.) the University or college, as the case may be, solely
 for the purposes thereof.

(2) The Metropolitan Water, Sewerage, and Drain-
age Act, 1924, as amended by subsequent Acts and by this
Act, may be cited as the Metropolitan Water, Sewerage, and
Drainage Act, 1924-1964.

Amendment **34.** (1) The Superannuation Act, 1916-1963, is
of Act No. amended—
28, 1916.

Sec. 3. (a) (i) by inserting in the definition of “Employee” in
(Interpreta- subsection one of section three after the words
tion.) “University of New England” the words “or a
 professor of the Macquarie University”;
(ii) by inserting next after paragraph (f) of the
same subsection the following new para-
graph :—

(g) The provisions of this subsection shall
apply, mutatis mutandis, to and in respect of
professors of the Macquarie University.

(b)

- (b) (i) by inserting next after paragraph (c) of subsection one of section eleven the following new paragraph : —

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Sec. 11.

(When to commence.)

- (d) any person, other than a professor, who is a full-time member of the teaching staff of the Macquarie University and who satisfies the Board that he is a party to a scheme or arrangement to which that University is also a party and under which he is or may become entitled to any pension or annuity or retiring allowance upon retirement.

- (ii) by inserting in the same subsection after the figures "1948" where lastly occurring the following new paragraph : —

In the case of a person referred to in paragraph (d) of this proviso the application shall be made within three months from the date on which such person enters the service of the Macquarie University, but no such exemption shall be granted by the Board except upon the recommendation of the Council of that University.

- (c) by inserting at the end of Schedule III the following words : —

Sch. III.

The Macquarie University.

(2) The Superannuation Act, 1916, as amended by subsequent Acts, by the Governor pursuant to section ninety-two of that Act, as so amended, and by this Act, may be cited as the Superannuation Act, 1916-1964.