

HIGHER EDUCATION (AMENDMENT) ACT.

New South Wales.



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

Act No. 65, 1971.

An Act to make further provisions with respect to the constitution, powers and duties of the New South Wales Advanced Education Board and with respect to colleges of advanced education; to exempt corporate colleges of advanced education from certain rates; for these and other purposes to amend the Higher Education Act, 1969, and certain other Acts; and for purposes connected therewith. [Assented to, 21st December, 1971.]

BE

Higher Education (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by No. 65, 1971 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 "Higher Education Short title. (Amendment) Act, 1971".

2. The Higher Education Act, 1969, is amended—

Amend-
ment of
Act No. 29,
1969.

- (a) (i) by omitting from subsection two of section five the word "nine" and by inserting in lieu thereof the word "eleven";
- (ii) by inserting next after subsection six of the same section the following new subsection:—

Sec. 5.
(New South
Wales
Advanced
Education
Board.)

(6A) Notwithstanding the provisions of subsection six of this section but subject to any other provision of this Act, a person who is appointed as a member of the Advanced Education Board after the commencement of the Higher Education (Amendment) Act, 1971, and is so appointed before the time at which the terms of office of members, other than full-time members, who held office at that commencement, expire, shall hold office as a member of that Board until that time, but shall be eligible for reappointment.

- (b) (i) by inserting in subparagraph (iii) of paragraph (a) of subsection one of section six after the word "education" the words "(being a corporate college of advanced education or a college of advanced education forming part of a Government Department administered by the Minister)";

Sec. 6.
(Functions
and powers
of the
Advanced
Education
Board.)

(ii)

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- (ii) by omitting subparagraph (v) of the same paragraph;
- (iii) by inserting in subparagraph (vii) of the same paragraph after the word "education" the words "(being corporate colleges of advanced education or colleges of advanced education forming part of a Government Department administered by the Minister)";
- (iv) by inserting next after the same subparagraph the following new subparagraph :—
 - (viii) the scale of fees to be charged by colleges of advanced education forming part of a Government Department not administered by the Minister in connection with enrolment in advanced education courses, or in connection with examinations, the conferring of academic awards, and other services, relating to advanced education courses;
- (v) by inserting next after paragraph (e) of the same subsection the following new paragraph :—
 - (e1) to determine the nomenclature of the academic award to be conferred by an institution or body (whether or not it forms part of any Government Department) in respect of any advanced education course provided by that institution or body;
- (vi) by inserting next after the same subsection the following new subsection :—
 - (1A) The Advanced Education Board shall not make a report or recommendation—
 - (a) under subparagraph (ii) of paragraph (a) of subsection one of this section in relation to a course provided or to be provided at a college of advanced education

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education forming part of a Government Department not administered by the Minister unless it has taken into consideration any representations with respect to that course; or

- (b) under subparagraph (viii) of that paragraph in relation to the scale of fees to be charged by a college of advanced education forming part of a Government Department not administered by the Minister unless it has taken into consideration any representations with respect to those fees,

made by the Minister administering that Government Department or by any person or body nominated by that Minister for the purpose.

- (c) (i) by inserting in paragraph (d) of subsection four of section sixteen after the word "property" the words "or take a conveyance or transfer of any land transferred to it pursuant to section 16A of this Act";
- (ii) by omitting from subsection five of the same section the words "exchange or take on lease" and by inserting in lieu thereof the words "exchange, take on lease or dispose of";
- (iii) by inserting next after subsection eight of the same section the following new subsection :—

(8A) A person shall not be eligible for election as an elected member of a college, as referred to in paragraph (b) of subsection eight of this section, unless he has the experience or qualifications, or the experience and qualifications, prescribed by the by-laws of the college, as in force from time to time, in respect of persons eligible to be elected under subparagraph (i) or (ii) of that paragraph.

(d)

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Sec. 16.
(Constitution of colleges of advanced education as corporate bodies.)

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New sec.
16A.Transfer
of certain
land to
corporate
colleges
of advanced
education.

- (d) by inserting next after section sixteen the following new section :—

16A. (1) Any land held by the Crown or the Minister on which a corporate college of advanced education conducts its activities may be conveyed or transferred to that college for the same estate or interest as that held by the Crown or the Minister, as the case may be, and subject to any trust, obligation, estate, interest, contract, charge, rates, right of way or other easement upon which it was so held immediately before the conveyance or transfer.

(2) No instrument or document executed or registered for or in connection with the conveyance or transfer of any land pursuant to subsection one of this section shall be liable to stamp duty or to any fee chargeable under any Act for registration.

Sec. 17.
(Colleges of
advanced
education
within
Government
Depart-
ments.)

- (e) (i) by omitting from subsection one of section seventeen the word "institutions" and by inserting in lieu thereof the word "institution";
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- (ii) by inserting in subsection three of the same section after the word "one" the words "or two";

Sec. 18.
(Appoint-
ment of
servants of
corporate
colleges of
advanced
education.)

- (f) by omitting from subsection seven of section eighteen the words "an officer" where secondly occurring and by inserting in lieu thereof the words "a servant";

Sec. 19.
(Transfer of
certain
officers and
employees
of public
service or
teaching
service to
corporate
colleges of
advanced
education.)

- (g) (i) by inserting in paragraph (a) of subsection two and in subsection three of section nineteen after the words "public service" wherever occurring the words "or teaching service";
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- (ii) by inserting in subsection five of the same section after the word "amended," the words "or the Teaching Service Act, 1970,";

(iii)

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- (iii) by inserting in subsections six, seven, eight and nine of the same section after the words "public service" wherever occurring the words "or teaching service, as the case may be,";
- (h) by omitting from section twenty the words "approved by the Minister" where occurring and by inserting in lieu thereof the following words:—
- approved—
- (a) in the case of a corporate college of advanced education or a college of advanced education forming part of a Government Department administered by the Minister—by the Minister; or
- (b) in the case of a college of advanced education forming part of a Government Department not administered by the Minister—by the Minister administering that Government Department.
- (i) (i) by omitting paragraph (e) of subsection two of section twenty-one and by inserting in lieu thereof the following paragraph:—
- (e) may invest any funds belonging to or vested in the college in any manner for the time being authorised for the investment of trust funds or in any manner approved by the Governor, generally or in any particular case or class of cases, upon the recommendation of the Treasurer;
- (ii) by inserting in subsection three of the same section after the word "education" where lastly occurring the words ", but in the exercise or performance of the powers and duties conferred and imposed by those paragraphs any such college shall be subject to the direction

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Sec. 20.

(Colleges of advanced education to provide advanced education courses.)

Sec. 21.

(Powers and duties of corporate colleges of advanced education.)

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direction of the Minister administering the Government Department of which the college forms part”;

- (iii) by inserting at the end of the same section the following new subsections :—

(4) A corporate college of advanced education may, by resolution, delegate all or any of its powers or functions or its powers or functions in relation to any case or class of cases, as may be specified in the resolution, (except this power of delegation and its powers to make by-laws and any power conferred on it under subsection (1A) of section twenty-eight of this Act to make rules) to any member of the college, to any servant of the college, to the holder, for the time being, of any office in the service of the college or to any committee appointed by the college.

(5) A delegation made under subsection four of this section shall be revocable by resolution of the college and any such delegation shall not prevent the exercise or performance of any power or duty of the college.

Sec. 22.
(Fees.)

- (j) (i) by omitting from section twenty-two the words “by the Minister” and by inserting in lieu thereof the words “under this section”;

- (ii) by inserting at the end of the same section the following new subsections :—

(2) Except as provided by subsection three of this section, the Minister may fix the fees to be charged by colleges of advanced education in respect of any matter referred to in subsection one of this section.

(3)

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(3) The Minister administering any Government Department (not administered by the Minister administering this Act) of which a college of advanced education forms part may fix the fees to be charged by that college in respect of the enrolment of persons in classes or courses, other than classes for or courses that are advanced education courses, or in respect of examinations, academic awards or other services relating to courses, other than advanced education courses. Gov. No. 65, 1971

(4) The Minister shall not, under subsection two of this section, fix the fees to be charged by a college of advanced education forming part of a Government Department not administered by the Minister unless he has taken into consideration any representations with respect to those fees made by the Minister administering that Government Department or by any person or body nominated by that Minister for the purpose.

- (k) by omitting from section twenty-four the words "thirtieth day of June" and by inserting in lieu thereof the words "thirty-first day of December"; Sec. 24. (Accounts.)
- (l) by omitting from section twenty-five the words "officers and employees" and by inserting in lieu thereof the word "servants"; Sec. 25. (Audit.)
- (m) by omitting from section twenty-six the words "forwarded to the Minister" and by inserting in lieu thereof the words "cause one copy to be forwarded to the Minister and, if the college forms part of a Government Department not administered by the Minister, one copy to be forwarded to the Minister administering that Government Department"; Sec. 26. (Annual report.)

(n)

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No. 65, 1971
 Sec. 28.
 (By-laws.)

(n) (i) by inserting at the end of subsection one of section twenty-eight the following new paragraph :—

(r) the powers, duties, responsibilities and authorities of the principal officer of the college;

(ii) by inserting next after subsection one of the same section the following new subsection :—

(1A) The by-laws may provide for empowering the corporate college of advanced education or principal officer of the college, subject to such restrictions and conditions as may be specified in the by-laws, to make rules (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 rule shall have the same force and effect as a by-law.

Sec. 29.
 (Academic awards not to be conferred unless determined by Advanced Education Board.)

(o) by omitting from section twenty-nine the words “approved by the Minister” and by inserting in lieu thereof the words “determined by the Advanced Education Board”;

Sec. 30.
 (General provisions applying to certain educational bodies.)

(p) (i) by inserting in paragraph (f) of subsection ten of section thirty next before the word “is” where firstly occurring the words “if he”;

(ii) by inserting in paragraph (g) of the same subsection next before the word “is” the words “if he”.

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3. The Local Government Act, 1919, is amended by inserting next after paragraph (fiii) of subsection one of section one hundred and thirty-two the following new paragraph :—

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Amendment
of Act No.
41, 1919.

- (fiv) land which is vested in a corporate college of advanced education within the meaning of the Higher Education Act, 1969, and is used or occupied by the corporate college solely for the purposes thereof; and.

Sec. 132.
(Definition
of ratable
land.)

4. The Metropolitan Water, Sewerage, and Drainage Act, 1924, is amended by inserting next after paragraph (f1) of subsection one of section eighty-eight the following new paragraph :—

Amendment
of Act No.
50, 1924.
Sec. 88.

- (f2) land which is vested in a corporate college of advanced education within the meaning of the Higher Education Act, 1969, and is used or occupied by the corporate college solely for the purposes thereof;

(Lands
exempted
from rates.)

5. The Hunter District Water, Sewerage and Drainage Act, 1938, is amended by inserting next after paragraph (1) of subsection one of section ninety-one the following new paragraph :—

Amendment
of Act No.
11, 1938.
Sec. 91.

- (m) land which is vested in a corporate college of advanced education within the meaning of the Higher Education Act, 1969, and is used or occupied by the corporate college solely for the purposes thereof.

(Lands
exempted
from rates.)