

COLLEGES OF ADVANCED EDUCATION ACT.

New South Wales



ANNO VICESIMO QUARTO

ELIZABETHÆ II REGINÆ

Act No. 11, 1975.

An Act with respect to the constitution of new colleges of advanced education and the continuation of established colleges of advanced education; to enlarge the powers, authorities, duties and functions of colleges of advanced education; to amend the Higher Education Act, 1969, and certain other Acts; and for purposes connected therewith. [Assented to, 10th April, 1975.]

BE

Colleges of Advanced Education.

BE it enacted by the Queen's Most Excellent Majesty, by No. 11, 1975
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 "Colleges of Advanced Short
Education Act, 1975". title.

2. (1) This section and sections 1 and 3 shall commence Commence-
on the date of assent to this Act. ment.

(2) Except as provided in subsection (1), this Act
shall commence on such day as may be appointed by the
Governor in respect thereof and as may be notified by
proclamation published in the Gazette.

3. (1) In this Act, except to the extent that the context Interpreta-
or subject-matter otherwise indicates or requires— tion.

"advanced education course" means a course of study
approved under the Higher Education Act, 1969,
as an advanced education course;

"appointed day" means the day appointed and notified
under section 2 (2);

"Board" means the New South Wales Advanced
Education Board constituted under the Higher
Education Act, 1969;

"college" means—

(a) an institution declared under section 4 to be
a college of advanced education; and

(b)

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(b) a college of advanced education constituted under section 5;

“corporate college” means a college of advanced education constituted under section 5;

“regulations” means regulations made under this Act.

(2) A reference in this Act, express or implied, to by-laws in relation to a corporate college is a reference to by-laws made by that college.

College within a Department of the Government*

4. (1) The Minister may, by order published in the Gazette—

(a) declare any educational institution that forms part of a Department of the Government to be a college of advanced education with the name specified in the order; and

(b) specify the Department of which it forms part.

(2) Where the Minister wholly revokes an order published under subsection (1), he may constitute a corporate college to take the place of the college to which the revoked order related.

(3) The Minister shall not exercise his powers under this section in respect of an institution that forms part of a Department of the Government not administered by him except with the concurrence of the Minister administering that Department.

Incorporation as college of advanced education.

5. (1) The Minister may, by notification published in the Gazette—

(a) constitute a corporation that is a college of advanced education with the corporate name specified in the notification; and

(b)

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- (b) appoint the first council of that corporate college, **No. 11, 1975** being a council constituted as provided by section 6.

(2) The members of a corporation constituted under subsection (1) consist of the persons who are, for the time being—

- (a) members of the council of the college;
- (b) servants of the college;
- (c) students at the college;
- (d) graduates of the college; and
- (e) within any other class of persons specified in the by-laws of the college as members of the corporation,

unless, in the case of a person referred to in paragraph (b), (c), (d) or (e), he is exempted by the council of the college, on grounds of conscience, from membership of the corporation.

(3) The governing body of a corporate college is its council which shall act in such manner as to it appears best calculated to promote the purposes and interests of the college.

(4) A decision supported by a majority of votes at a meeting of the council of a corporate college at which a quorum is present is a decision of the corporation of which it is the governing body.

(5) The Minister may, by notification published in the Gazette, change the corporate name of a corporate college.

(6)

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No. 11, 1975 (6) A change under subsection (5) in the name of a corporate college does not affect the identity of the corporation or any rights or obligations of the corporation or render defective any legal proceedings by or against the corporation, and any legal proceedings that might have been continued or commenced by or against it by its former name may be continued by or against it by its new name.

(7) Except as provided by subsection (8), a corporate college shall not alienate, mortgage, charge or demise any land or interest in land except with the consent in writing of the Minister.

(8) A corporate college may, without the consent in writing of the Minister, demise any land where—

- (a) the term of the lease does not exceed 21 years; and
- (b) subject to subsection (9) (b), there is reserved for the whole of the term the best rent that may reasonably be obtained without fine.

(9) A lease by a corporate college for the purposes of an affiliated residential college shall—

- (a) be for a term not exceeding 99 years;
- (b) be at a nominal rent;
- (c) include a condition providing for forfeiture of the lease and re-entry by the lessor if the lease is assigned; and
- (d) include such other conditions, and such covenants, as the college approves.

First
council of
corporate
college.

6. (1) The first council of a corporate college appointed by a notification under section 5 (1) shall consist of not more than twenty-five persons.

(2)

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(2) The members of the first council of a corporate college shall, subject to subsection (3), hold office for such period as the Minister specifies in the notification by which they are appointed. No. 11, 1975

(3) The Minister may, by notification published in the Gazette, from time to time extend the period for which the members of the first council of a corporate college specified in the notification hold office.

7. (1) After the expiration of the term of office of the members of the first council of a corporate college, the council of the college shall be reconstituted to consist of—

- (a) not more than twenty-five members; or
- (b) where the college is a college in respect of which the regulations specify a greater number of members—
—not more than that greater number of members,

Council
(other than
first
council)
of a
corporate
college.

as provided by this section.

(2) The council of a college shall consist of—

- (a) official members, comprising—
 - (i) the principal officer of the college; and
 - (ii) a full-time servant of the college who is the holder of the office, or the full-time servants of the college who are the holders of the offices (not exceeding two), in the college prescribed by the by-laws for the purposes of this paragraph;

(b)

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- (b) members elected in the manner and (except in the case of subparagraph (iii)) by the persons prescribed by the by-laws in respect of each class of member, comprising—
- (i) a servant of the college classified by the by-laws as a full-time servant and having the qualifications and experience prescribed by the by-laws or, where the by-laws so provide, not more than a specified greater number (not exceeding three) of servants of the college (including at least one member of the non-academic staff) so classified and having the qualifications and experience prescribed by the by-laws for all of them or having the different qualifications and experience so prescribed for each or any of them;
 - (ii) a student of the college having the qualifications and experience prescribed by the by-laws or, where the by-laws so provide, two students of the college so qualified and experienced; and
 - (iii) where the by-laws provide for the election of an additional member, or two additional members, by the other members of the council—a person or, as the case may be, two persons so elected; and
- (c) appointed members, being persons (other than servants or students of the college) appointed by the Minister as far as practicable from the following categories:—
- (i) persons experienced in the field of education;
 - (ii) persons experienced in industry or commerce;
 - (iii) persons who are practising, or have practised, a profession;
 - (iv) persons associated with trade unions;
 - (v)

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(v) persons having such other qualifications and No. 11, 1975
experience as the Minister thinks
appropriate.

(3) A person may not be elected or appointed under subsection (2) if he is of or above the age of seventy years.

(4) Subject to this Act, a member (other than an official member) of a council holds office—

(a) in the case of an elected member, until—

(i) the expiration of such period (not exceeding four years) after he takes office as is prescribed by the by-laws in respect of that member; or

(ii) the accession to office of his successor, whichever is the later; and

(b) in the case of an appointed member—for a period of four years,

and any elected or appointed member is, if otherwise qualified, eligible for re-election or re-appointment, as the case may be.

(5) Notwithstanding subsection (4) (b), where the number of appointed members of a council is less than the maximum number of those members permitted by subsection (1), any member subsequently appointed under subsection (2) (c) otherwise than to fill a casual vacancy holds office for the period specified in the instrument of his appointment.

(6) Notwithstanding subsection (4), section 30 of the Interpretation Act, 1897, applies to and in respect of an appointment made under subsection (2) (c).

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No. 11, 1975 **8.** (1) A member (other than an official member) of the council of a corporate college vacates his office, and there is a casual vacancy in his office, if—

Vacation of office of member of a council.

- (a) he attains the age of seventy years;
- (b) he dies;
- (c) he becomes a temporary patient, a continued treatment patient, a protected person or an incapable person within the meaning of the Mental Health Act, 1958, or a person under detention under Part VII of that Act;
- (d) he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate for their benefit;
- (e) he is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or longer, or if he is convicted outside New South Wales of an offence which, if committed in New South Wales, would be a felony or misdemeanour so punishable;
- (f) he resigns his office by writing under his hand addressed, in the case of an appointed member, to the Minister or, in the case of an elected member, to the principal officer of the college;
- (g) he is absent from three consecutive meetings of the council of which reasonable notice has been given to him personally or in the ordinary course of post and is not, within six weeks after the last of those meetings, excused by the council for his absence;
- (h) being a member elected under section 7 (2) (b) (i) he ceases to be a servant of the college classified by the by-laws as a full-time servant; or

(i)

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- (i) being a member elected under section 7 (2) (b) No. 11, 1975
 (ii) he ceases to be a student of the college.

(2) Where a casual vacancy occurs in the office of a member of the council (including the first council) of a corporate college, the vacancy shall be filled by the appointment or election of a member—

- (a) in the manner provided by the by-laws; or
 (b) where no provision is made by the by-laws—in the same manner as his predecessor in office.

(3) A member elected or appointed to fill a casual vacancy holds office for the balance of the term of office of his predecessor but is eligible for re-election or re-appointment, as the case may be.

9. (1) The procedure for calling meetings of the council of a corporate college and the procedure at those meetings shall, subject to the by-laws, be such as is determined by the council. Meetings of council of corporate college.

(2) A quorum at a meeting of the council of a corporate college shall be the number prescribed by the by-laws or a number calculated in the manner prescribed by the by-laws.

10. (1) Subject to this Act and the regulations, a corporate college— Powers, etc., of corporate college.

- (a) has, by its council, the control and management of any real or personal property vested in or acquired by the college and is, by its council, responsible for its maintenance;

(b)

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- (b) shall, at such place as is, or such places as are, approved by the Minister in respect of the college, provide such advanced education courses as are so approved;
- (c) may confer academic awards and grant and issue certificates evidencing those awards in respect of the classes of students or other persons eligible under the by-laws;
- (d) may acquire any property for the purposes of this Act by gift, devise or bequest and may, by its council, agree to carry out the conditions of any such gift, devise or bequest;
- (e) may, within such limits, to such extent and upon such conditions (as to security or otherwise) as the Governor upon the recommendation of the Treasurer approves, borrow money for the purpose of carrying out and performing any of its powers, authorities, duties or functions, the renewal of loans or the discharge of any indebtedness to a bank;
- (f) may invest any funds belonging to or vested in the college in any manner—
 - (i) for the time being authorised for the investment of trust funds; or
 - (ii) approved by the Governor, upon the recommendation of the Treasurer, either generally or in a particular case, or in a particular class of cases;
- (g) may, under conditions acceptable to the Board, provide courses or programmes of study that are not advanced education courses;
- (h) shall, at such times as may be required by the Board, forward to the Board such estimates as are specified by the Board as to the financial and other

needs

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needs of the college, and such other information as ^{No. 11, 1975} the Board requires in order to discharge its responsibilities.

(2) The rule of law against remoteness of vesting does not apply to or in respect of any condition of a gift, devise or bequest to which a corporate college has agreed.

(3) Where a college is not a corporate college—

- (a) subsection (1) (c) applies to it as if it were a corporate college; and
- (b) the Minister or other person administering the college shall cause subsections (1) (f) and (1) (h) to be complied with as if the college were a corporate college.

11. (1) The council of a corporate college may, by resolution, delegate to— ^{Delegation of powers, etc.}

- (a) a member of the college;
- (b) a servant of the college;
- (c) the holder for the time being of a specified office in the service of the college; or
- (d) a committee appointed by the council,

the exercise or performance, in any specified case or specified class of cases, of any power, authority, duty or function of the college other than this power of delegation and any power conferred on it under section 23.

(2) A delegation by the council of a corporate college pursuant to subsection (1)—

- (a) may be revoked by a resolution of the council; and
- (b)

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- (b) does not prevent the exercise or performance by the college of the power, authority, duty or function delegated.

Servants
of
corporate
college.

12. (1) Subject to subsection (2), a corporate college may not appoint a person as a member of its academic staff unless the position to which he is appointed is within the academic staff establishment of the college determined by the Board.

(2) To the extent to which a corporate college may, pursuant to a delegation under section 6 (1B) of the Higher Education Act, 1969, determine its own academic staff establishment, it may appoint a person as a member of its academic staff as if its determination were a determination of the Board.

(3) Subject to subsection (4), a corporate college may not employ a person as a member of the staff (other than academic staff) of the college unless the position in which he is to be employed is within the staff (other than academic staff) establishment of the college determined by the Public Service Board.

(4) To the extent to which a corporate college may, pursuant to a delegation under subsection (9), determine its own staff (other than academic staff) establishment, it may appoint a person as a member of its staff (other than academic staff) as if its determination were a determination of the Public Service Board.

(5) Subject to this Act, a corporate college may—

- (a) determine what promotions may be made, whether or not of academic staff;
- (b) determine the qualifications required of persons to be appointed or promoted within the academic staff of the college;

(c)

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(c) in accordance with the by-laws, discipline servants No. 11, 1975 of the college whether or not they are members of the academic staff; and

(d) in accordance with the by-laws, impose penalties for any such breaches of discipline.

(6) Except in so far as provision is otherwise made by law, the conditions of employment (including salary, wages or remuneration) of servants of a corporate college shall be such as are from time to time determined by the council of the college after consultation with, and with the concurrence of, the Public Service Board.

(7) In any proceedings before a tribunal having power to deal with industrial matters within the meaning of the Industrial Arbitration Act, 1940, the Public Service Board shall act for a corporate college in so far as the proceedings involve a matter in respect of which subsection (6) confers power on a college.

(8) A corporate college shall give effect to any order or determination made in respect of the college by a tribunal referred to in subsection (7).

(9) To the extent to which the Public Service Board may, under section 11A of the Public Service Act, 1902, delegate any power, authority, duty or function to an officer it may, under that section, delegate the power, authority, duty or function to a corporate college or to a servant of a corporate college.

13. (1) In this section “superannuation scheme” means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act. Transfer of certain persons to staff of corporate college.

(2)

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(2) Where the Minister constitutes a corporate college he may, in the notification that constitutes the college or in another notification published in the Gazette with respect to the college, specify the names of members of the Public Service and of the Teaching Service who are to be transferred to the service of the college, but he shall not so specify the name of a person unless that person—

- (a) is a member of the Public Service or Teaching Service employed in connection with the provision of the courses or programmes of study provided or to be provided by the college; and
- (b) agrees in writing to the inclusion of his name in the notification.

(3) Where, immediately before the day on which a notification referred to in subsection (2) is published, a person whose name is specified in the notification was a member of the Public Service or the Teaching Service, that person becomes on that day a servant of the college to which the notification relates.

(4) A person who, pursuant to subsection (3), becomes a servant of a college shall be paid salary or wages at a rate not less than the rate that was payable to him immediately before he became a servant of the college, subject to any adjustment necessary to give effect to any fluctuation in the basic wage for adult males, or adult females, as the case may be, for the time being in force within the meaning of Part V of the Industrial Arbitration Act, 1940, until his salary is, or his wages are, varied in accordance with law.

(5) Where any condition of employment of a person who, pursuant to subsection (3), becomes a servant of a college was, immediately before he became such a servant, regulated by an award or industrial agreement, or an agreement made under the Public Service Act, 1902, or the Teaching Service Act, 1970, that condition shall continue to

be

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be so regulated until an award or industrial agreement **No. 11, 1975** regulating that condition and binding on the college is made by a competent tribunal.

(6) Subject to subsection (7), a person who, pursuant to subsection (3), becomes a servant of a college—

- (a) retains any rights accrued or accruing to him as a member of the Public Service or the Teaching Service, as the case may be;
- (b) may continue to contribute to any superannuation scheme to which he was a contributor immediately before becoming a servant of a corporate college; and
- (c) is entitled to receive annual, sick and long service leave and any payment, pension or gratuity,

as if he had continued to be a member of the Public Service or the Teaching Service, as the case may be, and—

- (d) his service as a servant of the college shall be deemed to be service as a member of the Public Service or the Teaching Service, as the case may be, for the purposes of any law under which those rights accrued or were accruing, under which he continues to contribute or by which that entitlement is conferred; and
- (e) he shall be deemed to be a member of the Public Service or the Teaching Service, as the case may be, for the purposes of any superannuation scheme to which, by the operation of this subsection, he is entitled to contribute.

(7) A person who, but for this subsection, would be entitled under subsection (6) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under that scheme shall not be so entitled upon his becoming

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No. 11, 1975 a contributor to any other superannuation scheme, and the provisions of subsection (6) (e) cease to apply to or in respect of him in any case where he becomes a contributor to another superannuation scheme.

(8) Subsection (7) does not prevent the payment to a servant of a college, upon his ceasing to be a contributor to a superannuation scheme, of such amount as would have been payable to him if he had ceased, by reason of resignation, to be such a contributor.

(9) Where, pursuant to subsection (6) (b), a person continues to contribute to a superannuation scheme, the college shall contribute to the superannuation scheme the same amount as would have been payable by the Government of New South Wales if that person had remained a member of the Public Service or the Teaching Service, as the case may be, and been paid salary or wages at the rate paid to him by the college.

(10) A person who, pursuant to subsection (3), becomes a servant of a college is not entitled to claim, both under this Act and any other Act, benefits in respect of the same period of service.

(11) Nothing in this section affects the operation of the Industrial Arbitration Act, 1940.

Acquisition
of land.

14. (1) The Governor may, on the recommendation of the Minister, resume or appropriate any land under Division 1 of Part V of the Public Works Act, 1912, for the purposes of a corporate college.

(2) The Minister shall not make a recommendation for the purposes of subsection (1) unless he is satisfied that adequate provision has been or will be made for the payment, by the college for the purposes of which the resumption or appropriation is to be effected, of compensation for the resumption or appropriation and of all necessary charges and expenses incidental to the resumption or appropriation.

(3)

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(3) A resumption or appropriation effected pursuant to subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

(4) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not, but section 38 of that Act does, apply in relation to a resumption or appropriation under this section.

15. (1) Where land on which a corporate college is conducted is vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise) the land may—

Grant or transfer of certain land to corporate college.

- (a) where it is vested in the Crown—be granted to the college subject to such trusts, conditions, covenants, provisions, exemptions and reservations as the Governor thinks fit; or
- (b) where it is vested in a Minister of the Crown—be conveyed or transferred to the college for such estate, and subject to such trusts and rights of way or other easements, as the Minister thinks fit.

(2) A grant, conveyance, transfer or other instrument executed for the purposes of subsection (1)—

- (a) is not liable to be stamped with stamp duty under the Stamp Duties Act, 1920; and
- (b) may be registered under any Act without fee.

16. A college shall not confer any academic award in respect of a course or programme of study conducted by it unless the award is of a nomenclature approved by the Board.

Control of academic awards.

17.

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No. 11, 1975 **17.** (1) Subject to this section, the Minister may fix the fees to be charged by a college.
Fees.

(2) Subsection (1) does not authorise or require the Minister to fix the fees to be charged—

(a) in respect of residential facilities provided by a college; or

(b) in respect of courses or programmes of study other than advanced education courses.

(3) Before he fixes fees under subsection (1) in respect of a college that forms part of a Department of the Government, the Minister shall take into consideration any representations with respect to those fees made by the Minister administering that Department or made by a person or body nominated by him for the purpose.

(4) Where any fees have been fixed under this section in respect of any matter, a college shall not make any charge, other than the fees so fixed, in respect of that matter.

Certificate of academic award. **18.** A certificate evidencing any academic award conferred by a corporate college shall be under the seal of the college.

Accounts. **19.** (1) A corporate college shall cause to be kept proper books of account in relation to all of its operations 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 college.

(2)

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(2) The Minister shall cause each statement of accounts transmitted to him under subsection (1) to be laid before Parliament within fourteen sitting days if Parliament is in session and, if not, within fourteen sitting days after the commencement of the next session. No. 11, 1975

20. (1) The accounts of a corporate college shall be audited by the Auditor-General who shall have in respect thereof all the powers conferred on the Auditor-General in relation to the audit of public accounts.

(2) The Audit Act, 1902, applies to the members of the council of a corporate college, and to the servants of a corporate college, in the same way as it applies to accounting officers of a public department.

21. A college and any other institution that conducts an advanced education course shall, as soon as practicable and not later than the thirty-first day of March in each year cause a report on its work and activities in relation to advanced education courses during the year that ended on the last preceding thirty-first day of December to be prepared and shall—

- (a) cause a copy of the report to be forwarded to the Minister; and
- (b) where the college forms part of a Department of the Government not administered by the Minister—also cause a copy to be forwarded to the Minister administering that Department.

22. No political or religious test shall be administered to any person in order to entitle him to be admitted as a student at a college, or to hold office therein, or to be eligible to receive any academic award or to enjoy any benefit, advantage or privilege thereof.

23.

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No. 11, 1975 **23.** (1) A corporate college may, by its council, make
By-laws. by-laws for or with respect to—

- (a) all matters that by this Act are required or permitted to be prescribed by by-laws or are necessary or convenient for the purpose of giving effect to this Act;
- (b) the discipline of servants of the college and the imposition of penalties for breaches of discipline by servants of the college;
- (c) the management and good government of the college, the discipline of students at the college and the imposition of penalties for breaches of discipline by those students;
- (d) the use and custody of the common seal of the college;
- (e) the conduct of meetings of the council of the college;
- (f) the election of the elected members of the council of the college and their accession to office;
- (g) the person entitled to preside at a meeting of the council of the college and his voting powers at such a meeting;
- (h) the constitution of a quorum at a meeting of the council of the college;
- (i) the membership and method of appointment of committees and boards of the college and of the council of the college and the quorum, powers and duties of any such committee or board;
- (j) the manner of appointment, promotion and dismissal of servants of the college;

(k)

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- (k) the qualifications for admission and continuation as No. 11, 1975 a student of the college;
- (l) the examinations for, and the conferring of, awards and the attendance of candidates therefor;
- (m) the examinations for, and the granting of, fellowships, scholarships, bursaries and prizes;
- (n) the admission of students of other educational institutions to any status within the college;
- (o) the conferring on graduates of other educational institutions, or on other persons, of academic awards without examination;
- (p) the establishment of residential colleges and halls of residence and their conduct, and the affiliation of residential colleges within the college;
- (q) the affiliation with the college of an educational or research establishment;
- (r) the payment of out-of-pocket expenses to members of the council;
- (s) the powers, authorities, duties and functions of the principal officer of the college;
- (t) the establishment and membership of a convocation.

(2) The by-laws may provide for empowering the council or principal officer of the college, subject to any restrictions and conditions specified in the by-laws, to make rules (not inconsistent with this Act or a by-law) for regulating, or providing for the regulation of, a specified matter that is a matter with respect to which by-laws may be made or for carrying out and giving effect to the by-laws, and any such rule has the same force and effect as a by-law.

(3)

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No. 11, 1975 (3) A by-law made by the council of a college shall be sealed with the seal of the college and submitted for the consideration and approval of the Governor.

(4) A by-law made by a college may be proved by the production of a verified copy under the seal of the college or by the production of a document purporting to be a copy of the by-law and to be printed by the Government Printer.

Regulations. 24. (1) The Governor may make regulations for or with respect to—

- (a) any matter with respect to which by-laws may be made by a corporate college;
- (b) the keeping of records and accounts by corporate colleges and the supply to the Board of information relating to those colleges and to advanced education courses;
- (c) the administration and functions of colleges;
- (d) prescribing all matters that, by this Act, are required or permitted to be prescribed by regulations or which are necessary or convenient for carrying out or giving effect to this Act.

(2) A regulation made under subsection (1) may apply to all corporate colleges or to a corporate college specified in the regulation and shall, to the extent of any inconsistency with any by-law made by a corporate college to which it applies, prevail over that by-law.

Savings and transitional provisions. 25. Schedule 1 has effect

26.

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26. The Local Government Act, 1919, is amended by omitting section 132 (1) (fiv) and by inserting instead the following paragraph :—

No. 11, 1975
Amendment
of Act No.
41, 1919.

- (fiv) land which is vested in a corporate college of advanced education constituted or continued under the Colleges of Advanced Education Act, 1975, and is used or occupied by the corporate college solely for the purposes thereof; and

Sec. 132.
(Definition
of ratable
land.)

27. The Metropolitan Water, Sewerage, and Drainage Act, 1924, is amended by omitting section 88 (1) (f2) and by inserting instead the following paragraph :—

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

- (f2) land which is vested in a corporate college of advanced education constituted or continued under the Colleges of Advanced Education Act, 1975, and is used or occupied by the college solely for the purposes thereof.

(Lands
exempted
from
rates.)

28. The Hunter District Water, Sewerage and Drainage Act, 1938, is amended by omitting section 91 (1) (m) and by inserting instead the following paragraph :—

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

- (m) land which is vested in a corporate college of advanced education constituted or continued under the Colleges of Advanced Education Act, 1975, and is used or occupied by the college solely for the purposes thereof.

(Lands
exempted
from
rates.)

29. A provision of the Higher Education Act, 1969, specified in the First Column of Schedule 2 is amended in the manner specified opposite that provision in the Second Column of that Schedule.

Amendment
of Act No.
29, 1969.

Colleges of Advanced Education.

No. 11, 1975

SCHEDULE 1.

Sec. 24.
Interpre-
tation.

1. In this Schedule—

“established college” means a college of advanced education (including a corporate college of advanced education) established under the Higher Education Act, 1969, and in existence immediately before the appointed day;

“established corporate college” means a corporate college of advanced education established under the Higher Education Act, 1969, and in existence immediately before the appointed day.

Application
of Act to
certain
colleges.

2. This Act applies to and in respect of an established college (other than an established corporate college) as if—

(a) this Act had been in force on the day on which the notification by which the college was constituted was published; and

(b) that notification had been an order under section 4.

Reconstitu-
tion of
certain
corporate
colleges.

3. On the appointed day, an established corporate college is hereby reconstituted as a corporation having as its members the persons referred to in section 5 (2).

Continua-
tion of
reconsti-
tuted
colleges.

4. An established corporate college continues on and after the appointed day as reconstituted by clause 3 and its continuity as a corporation is not affected by that reconstitution or by any amendments effected by this Act.

Application
of Act to
established
corporate
colleges.

5. Subject to this Schedule, this Act applies to and in respect of an established corporate college as if—

(a) this Act had been in force on the day on which the notification by which the college was constituted was published; and

(b) that notification had been a notification under section 5 (1).

Council of
established
corporate
college.

6. (1) The members of a body corporate comprising an established corporate college constituted under section 16 (1), or reconstituted under section 16 (7), of the Higher Education Act, 1969, who held office immediately before the appointed day continue on and after that day as the council of that corporate college to the extent provided by this clause.

(2)

Colleges of Advanced Education.

(2) Where a body corporate referred to in subclause (1) had **No. 11, 1975** not, before the appointed day, been reconstituted under section 16 (7) of the Higher Education Act, 1969—

- (a) the members of the body corporate holding office immediately before the appointed day shall be deemed to be the members of the first council of the college holding office pursuant to section 5 (1); and
- (b) any notification with respect to those members published under section 16 (6) of the Higher Education Act, 1969, shall be deemed to be a notification published under section 6 (2) of this Act.

(3) Where a body corporate referred to in subclause (1) had, before the appointed day, been reconstituted under section 16 (7) of the Higher Education Act, 1969—

- (a) the members of the body corporate holding office immediately before the appointed day shall be deemed to be the council of the college as reconstituted under section 7;
- (b) the persons who, immediately before the appointed day, were official members of that body corporate hold office, subject to this Act, on and from the appointed day as official members of the council, as so reconstituted;
- (c) the persons who immediately before that day, were elected members of that body corporate hold office, subject to this Act, on and from the appointed day as elected members of the council, as so reconstituted, for the balance of the term of office for which they were last appointed as members of that body corporate; and
- (d) the persons who, immediately before that day, were nominated members of that body corporate hold office, subject to this Act, on and from the appointed day as appointed members of the council, as so reconstituted, for the balance of the term of office for which they were last appointed as members of that body corporate and so hold that office as if they had been appointed thereto by the Minister under section 7 (2) (c).

7. To the extent to which a determination made under section 18 of the Higher Education Act, 1969, was in force immediately before the appointed day, the determination—

- (a) shall, where it was made under section 18 (1) (a) of that Act, be deemed to have been made under section 12 (1);

Certain determinations continue to have effect.

(b)

Colleges of Advanced Education.

No. 11, 1975
— 11

- (b) shall, where it was made under section 18 (1) (b) of that Act, be deemed to have been made under section 12 (3); and
- (c) shall, where it was made under section 18 (3) of that Act, be deemed to have been made by the council of the college to which it relates under section 12 (6).

Saving of certain rights of servants.

8. Section 13 applies to and in respect of a servant of a college to whom section 19 of the Higher Education Act, 1969, applied immediately before the appointed day in the same way as it would apply to him if—

- (a) his employment as such a servant had been—
- (i) where, before he became such a servant, he was a member of the Public Service—employment as a member of the Public Service; or
- (ii) where, before he became such a servant, he was a member of the Teaching Service—employment as a member of the Teaching Service; and
- (b) he had, pursuant to section 13 (3), been transferred to the service of the college on the appointed day.

Fees to continue.

9. Any fees that, immediately before the appointed day, were in force under section 22 of the Higher Education Act, 1969, shall be deemed to have been fixed on that day under section 17.

Saving of by-laws.

10. To the extent to which a by-law made under the Higher Education Act, 1969, would, but for this clause, have ceased on the appointed day to have any force or effect but could have taken effect on that day had it been made under this Act, the by-law shall be deemed to have been made under this Act and to have taken effect on that day.

Construction of cross-references.

11. A reference in any other Act, or in any by-law, regulation or statutory instrument, or in any other instrument, shall be construed—

- (a) where the reference is to a college of advanced education constituted under the Higher Education Act, 1969—as including a reference to a college;
- (b) where the reference is to a corporate college of advanced education constituted under the Higher Education Act, 1969—as including a reference to a corporate college;

(c)

Colleges of Advanced Education.

- (c) where the reference is to a college of advanced education No. 11, 1975 constituted under this Act—as including a reference to an established college; and
- (d) where the reference is to a corporate college of advanced education constituted under this Act—as including a reference to an established corporate college.

12. To the extent to which a delegation by an established corporate college under section 21 of the Higher Education Act, 1969, was in force immediately before the appointed day, it shall be deemed to be a delegation under section 11 by resolution of the council of that college. Delegations by council of corporate college.

13. Nothing in this Schedule affects any saving effected by the Interpretation Act, 1897. Interpretation Act, 1897.

SCHEDULE 2.

Sec. 29.

AMENDMENTS TO HIGHER EDUCATION ACT, 1969.

First Column	Second Column
Provision to be Amended	Amendment
Sec. 2 Sec. 3	Omit the matter relating to Part VI. Omit the definition of "college of advanced education"; insert the following definitions:— "college of advanced education" means— (a) an institution declared under section 4 of the Colleges of Advanced Education Act, 1975, to be a college of advanced education; and (b) a college of advanced education constituted under section 5 of that Act; "corporate college of advanced education" means a college of advanced education constituted under section 5 of the Colleges of Advanced Education Act, 1975.

SCHEDULE

Colleges of Advanced Education.

No. 11, 1975

SCHEDULE 2—*continued.*

First Column	Second Column
Provision to be Amended	Amendment
Sec. 6	After subsection (1A) insert the following subsections:— (1B) The Advanced Education Board may, by instrument in writing, delegate to a college of advanced education its powers under subsection (1) (e), or such part of those powers as is specified in the instrument, and may, by a like instrument, revoke any such delegation. (1C) A delegation under subsection (1B) is subject to any conditions specified in the instrument of delegation.
Part VI	Omit the Part.
Sec. 29	Omit the section.
Sec. 30 (1)	Omit “, the Higher Education Authority or a corporate college of advanced education”; insert “and the Higher Education Authority”.
Sec. 30 (3)	Omit “, in the case of the Advanced Education Board, the Universities Board, or the Higher Education Authority, to any regulations or, in the case of a corporate college of advanced education, to any by-laws,”; insert “to any regulations”.
Sec. 30 (4), 30 (5), 30 (6), 30 (7), 30 (8) and 30 (12).	Omit “, other than a corporate college of advanced education,” wherever occurring.
Sec. 30 (9)	Omit “four; and”; insert “four,”.
Sec. 30 (9) (b)	Omit the paragraph.
Sec. 30 (10)	Omit “, other than an official member of a corporate college of advanced education,”.

COUNTRY