

**MISCELLANEOUS ACTS (HIGHER EDUCATION) REPEAL  
AND AMENDMENT ACT 1989 No. 130**

**NEW SOUTH WALES**



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**MISCELLANEOUS ACTS (HIGHER EDUCATION) REPEAL  
AND AMENDMENT ACT 1989 No. 130**

**NEW SOUTH WALES**



**Act No. 130, 1989**

An Act to repeal the Colleges of Advanced Education Act 1975 and to amend certain other Acts as a consequence of that repeal; and for other purposes. [Assented to 30 August 1989]

**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Miscellaneous Acts (Higher Education) Repeal and Amendment Act 1989.

**Commencement**

2. (1) This Act commences on the date of assent, except as otherwise provided by this section.

(2) Section 3 and Schedule 1 commence on a day to be appointed by proclamation.

(3) Item (3) of the provisions of Schedule 2 relating to the University of New England Act 1989 commence when Part 8A of the Higher Education (Amalgamation) Act 1989 commences.

**Repeal of Colleges of Advanced Education Act 1975 No. 11**

3. The Colleges of Advanced Education Act 1975 is repealed.

**Amendments**

4. The Acts specified in Schedules 1 and 2 are amended as set out in those Schedules.

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**SCHEDULE 1 - AMENDMENTS**

(Sec. 4)

**Anti-Discrimination Act 1977 No. 48:**

**Section 4 (Definitions):**

From paragraph (a) of the definition of "private educational authority" in section 4 (1) omit "the Colleges of Advanced Education Act 1975,".

**Education and Public Instruction Act 1987 No. 62:**

**Section 47 (Scholarships attached to schools):**

From section 47 (1) omit "college of advanced education,".

SCHEDULE 1 - AMENDMENTS - *continued*

**Hunter Water Board Act 1988 No. 119:**

Schedule 3 (**Exemptions**):

Omit item 16 from Part 1 of the Schedule.

**Industrial and Commercial Training Act 1989 No. 77:**

Section 4 (**Definitions**):

From paragraph (a) of the definition of "recognised educational establishment" in section 4 (1) omit ", a college of advanced education".

**Liquor Act 1982 No. 147:**

(1) Section 4 (**Definitions**):

Omit the definition of "college" from section 4 (1).

(2) Sections 18, 23, 34, 36, 41, 54A, 56, 67, 68, 94, 104, 110, 132, 133, 134, 137:

Omit "or college" wherever occurring.

**Local Government Act 1919 No. 41:**

Section 132 (**Definition of ratable land**):

Omit section 132 (1) (fiv).

**Public Finance and Audit Act 1983 No. 152:**

Schedule 2 (**Statutory bodies**):

Omit "A college of advanced education constituted under section 5 of the Colleges of Advanced Education Act 1975."

**Water Board Act 1987 No. 141:**

Schedule 3 (**Land exempt from service charges**):

Omit item 16 from Part 1 of the Schedule.

**SCHEDULE 1 - AMENDMENTS - *continued***

**Water Supply Authorities Act 1987 No. 140:**

Schedule 6 (**Land exempt from service charges**):

Omit item 16 from Part 1 of the Schedule.

**Workers Compensation Act 1987 No. 70:**

Section 3 (**Definitions**):

Omit paragraph (a) of the definition of "Government employer" in section 3 (1).

**SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE LAW  
REVISION**

(Sec. 4)

**Charles Sturt University Act 1989 No. 76:**

(1) Section 6 (**University network**):

After section 6 (2), insert:

(3) The Governor may make regulations of a savings or transitional nature consequent on the making of an order under this section.

(2) Section 9 (**The Board**):

(a) After "elected" in section 9 (6) (a) (iii), insert "by members of the academic staff of the University".

(b) After "elected" in section 9 (6) (b) (iii), insert "by members of the non-academic staff of the University".

(c) After "elected" in section 9 (6) (c) (iii), insert "by students of the University".

(3) Section 20 (**Delegation by Board**):

After "other person", insert "or body".

(4) Schedule 4 (**Savings and transitional provisions**):

(a) Omit clause 4 (1).

(b) From paragraph (b) of the definition of "relevant commencement" in clause 2 (1) omit "clause 6", insert instead "clause 5".

SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE  
LAW REVISION - *continued*

- (c) From paragraph (c) of the definition of "relevant commencement" in clause 2 (1) omit "clause 7", insert instead "clause 6".
- (d) After clause 23, insert:

**Control and direction of former institutions**

23A. Pending the relevant commencement, each former institution is subject to the control and direction of the University.

**Conduct of elections etc.**

23B. (1) For the purpose only of enabling the Board to be duly constituted on or after the commencement of section 9, elections may be conducted and appointments made before that commencement as if the whole of this Act were in force.

(2) A member who is elected or appointed to the Board under this clause does not assume office before the commencement of section 9.

**University of New England Act 1989 No. 67:**

- (1) Section 3 (**Definitions**):  
After "pursuant to" in section 3 (2) (b), insert "this Act or to".
- (2) Section 6 (**University network**):  
After section 6 (2), insert:
  - (3) The Governor may make regulations of a savings or transitional nature consequent on the making of an order under this section.
- (3) Section 7 (**Functions of University**):
  - (a) From section 7 (1) (b) omit "and" where lastly occurring.
  - (b) After section 7 (1) (b), insert:
    - (b1) the maintenance of the Orange Agricultural College as a college of the University, and

SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE  
LAW REVISION - *continued*

- (4) **Section 9 (The Board):**
- (a) After "elected" in section 9 (6) (a) (iii), insert "by members of the academic staff of the University".
  - (b) After "elected" in section 9 (6) (b) (iii), insert "by members of the non-academic staff of the University".
  - (c) After "elected" in section 9 (6) (c) (iii), insert "by students of the University".
  - (d) After "elected" in section 9 (6) (d) (iii), insert "by members of Convocation".
- (5) **Section 17 (Advisory councils):**
- (a) After "member" in section 17 (1), insert "and may establish an advisory council for any branch or college of the University".
  - (b) After "member" in section 17 (2) (a), insert "or the head of the branch or college, as the case requires".
- (6) **Section 20 (Delegation by Board):**  
After "other person", insert "or body".
- (7) **Schedule 3 (Savings and transitional provisions):**
- (a) After "pursuant to" in clause 7 (1) (a), insert "this Act or to".
  - (b) After clause 9, insert:  
**Conduct of elections etc.**  
9A. (1) For the purpose only of enabling the Board to be duly constituted on or after the commencement of section 9, elections may be conducted and appointments made before that commencement as if:
    - (a) the whole of this Act; and

SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE  
LAW REVISION - *continued*

(b) section 17A of the Higher Education (Amalgamation) Act 1989, were in force.

(2) A member who is elected or appointed to the Board under this clause does not assume office before the commencement of section 9.

**University of Newcastle Act 1989 No. 68:**

(1) **Section 3 (Definitions):**

After "pursuant to" in section 3 (2) (b), insert "this Act or to".

(2) **Section 9 (Constitution of Council):**

(a) From section 9 (2) (b) (ii) omit "Assembly", insert instead "Council".

(b) After "elected" in section 9 (5) (a) (iii), insert "by members of the academic staff of the University".

(c) After "elected" in section 9 (5) (b) (iii), insert "by members of the non-academic staff of the University".

(d) After "elected" in section 9 (5) (c) (iii), insert "by students of the University".

(e) After "elected" in section 9 (5) (d) (iii), insert "by members of Convocation".

(3) **Section 17 (Delegation by Council):**

After "other person", insert "or body".

(4) **Schedule 3 (Savings and transitional provisions):**

(a) After clause 1 (5), insert:

(6) Nothing in this Act prevents the Council from being constituted in accordance with this clause before the commencement of section 4 and, if the Council is so constituted, it may exercise its functions (as far as is practicable) even though the University has not yet been established under this Act.



SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE  
LAW REVISION - *continued*

(b) After clause 2 (1), insert:

(1A) The Chancellor elected under this clause does not assume office before the commencement of section 4 otherwise than for the purpose of exercising his or her functions as a member of the Council.

(c) After clause 3 (1), insert:

(1A) The Deputy Chancellor elected under this clause does not assume office before the commencement of section 4.

(d) After "pursuant to" in clause 6 (1) (a), insert "this Act or to".

(e) After clause 8, insert:

**Conduct of elections etc.**

8A. (1) For the purpose only of enabling the Council to be duly constituted on or after the commencement of section 9, elections may be conducted and appointments made before that commencement as if:

- (a) the whole of this Act; and
- (b) sections 8 and 11 of the Higher Education (Amalgamation) Act 1989,

were in force.

(2) A member who is elected or appointed to the Council under this clause does not assume office before the commencement of section 9.

**Control and direction**

8B. The governing bodies of:

- (a) the University of Newcastle established under the University of Newcastle Act 1964;
- (b) the Conservatorium of Music (Newcastle branch) within the meaning of the Higher Education (Amalgamation) Act 1989; and

SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE  
LAW REVISION - *continued*

(c) the Hunter Institute of Higher Education,  
are subject to the control and direction of the Council  
pending the dissolution of those bodies.

**University of Technology, Sydney, Act 1989 No. 69:**

(1) **Section 3 (Definitions):**

After "pursuant to" in section 3 (2) (b), insert "this Act or to".

(2) **Section 9 (Constitution of Council):**

(a) From section 9 (2) (b) (ii) omit "Assembly", insert instead "Council".

(b) After "elected" in section 9 (5) (a) (iii), insert "by members of the academic staff of the University".

(c) After "elected" in section 9 (5) (b) (iii), insert "by members of the non-academic staff of the University".

(d) After "elected" in section 9 (5) (c) (iii), insert "by students of the University".

(e) After "elected" in section 9 (5) (d) (iii), insert "by members of Convocation".

(3) **Section 17 (Delegation by Council):**

After "other person", insert "or body".

(4) **Schedule 3 (Savings and transitional provisions):**

(a) After clause 1 (6), insert:

(7) Nothing in this Act prevents the Council from being constituted in accordance with this clause before the commencement of section 4 and, if the Council is so constituted, it may exercise its functions (as far as is practicable) even though the University has not yet been established under this Act.

SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE  
LAW REVISION - *continued*

(b) After clause 2 (1), insert:

(1A) The Chancellor elected under this clause does not assume office before the commencement of section 4 otherwise than for the purpose of exercising his or her functions as a member of the Council.

(c) After clause 3 (1), insert:

(1A) The Deputy Chancellor elected under this clause does not assume office before the commencement of section 4.

(d) After "pursuant to" in clause 6 (1) (a), insert "this Act or to".

(e) After clause 8, insert:

**Conduct of elections etc.**

8A. (1) For the purpose only of enabling the Council to be duly constituted on or after the commencement of section 9, elections may be conducted and appointments made before that commencement as if:

(a) the whole of this Act; and

(b) sections 16 and 24 of the Higher Education (Amalgamation) Act 1989,

were in force.

(2) A member who is elected or appointed to the Council under this clause does not assume office before the commencement of section 9.

**Control and direction**

8B. The governing bodies of:

(a) the University of Technology, Sydney, established under the University of Technology, Sydney Act 1987;

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SCHEDULE 2 - AMENDMENTS BY WAY OF STATUTE  
LAW REVISION - *continued*

- (b) the Kuring-gai College of Advanced Education; and
  - (c) the Institute of Technical and Adult Teacher Education,
- are subject to the control and direction of the Council pending the dissolution of those bodies.

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[*Minister's second reading speech made in -  
Legislative Assembly on 27 July 1989  
Legislative Council on 10 August 1989*]