

**UNIVERSITY LEGISLATION (AMENDMENT) ACT 1994**  
**No. 16**

NEW SOUTH WALES



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**UNIVERSITY LEGISLATION (AMENDMENT) ACT 1994**  
**No. 16**

NEW SOUTH WALES



**Act No. 16, 1994**

An Act to amend certain university Acts with respect to university Visitors, by-laws, rules and leasing powers; and for other purposes.  
[Assented to 10 May 1994]

*University Legislation (Amendment) Act 1994 No. 16*

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

**Short title**

1. This Act may be cited as the University Legislation (Amendment) Act 1994.

**Commencement**

2. This Act commences on a day or days to be appointed by proclamation.

**Amendment of university legislation**

3. Each Act specified in Schedule 1 is amended as set out in that Schedule.

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**SCHEDULE 1—AMENDMENT OF UNIVERSITY  
LEGISLATION**

(Sec. 3)

**CHARLES STURT UNIVERSITY ACT 1989 No. 76**

(1) Section 14:

Omit the section, insert instead:

**Visitor**

14. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 21 (**Powers of Board relating to property**):

Omit section 21 (3) (b), insert instead:

(b) the Board is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(3) Section 31 (**By-laws**):

(a) From section 31 (1) (y), omit "and" where secondly occurring.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(b) At the end of section 31 (1) (z), insert:  
; and

(aa) the making, publication and inspection of rules.

(4) Section 32:

Omit the section, insert instead:

**Rules**

32. (1) The by-laws may empower any authority (including the Board) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 9 (6), 10 (2), 15 (1), 19 (1) (d) and (e), 26 and 31 (1) (b) and (k) and clauses 1 (d) and 3 of Schedule 1.

(2) A rule:

(a) has the same force and effect as a by-law; and

(b) may, from time to time, be amended or repealed by the Board (whether or not the Board is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and

(c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and

(d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*(5) Schedule 4 (**Savings and transitional provisions**):

After Part 2, insert:

**PART 3—PROVISIONS CONSEQUENTIAL ON THE  
ENACTMENT OF THE UNIVERSITY  
LEGISLATION (AMENDMENT) ACT 1994****Visitor**

31. (1) Section 14(2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

32. (1) Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

**MACQUARIE UNIVERSITY ACT 1989 No. 126**

## (1) Section 13:

Omit the section, insert instead:

**Visitor**

13. (1) The Governor is the Visitor of the University but has ceremonial functions only.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

(b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(3) Section 28 (**By-laws**):

(a) From section 28 (1) (y), omit “and” where secondly occurring.

(b) At the end of section 28 (1) (z), insert:

; and

(aa) the making, publication and inspection of rules.

(4) Section 29:

Omit the section, insert instead:

**Rules**

29. (1) The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 9 (5), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) and clauses 1 (d) and (e) and 3 of Schedule 1.

(2) A rule:

(a) has the same force and effect as a by-law; and

(b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and

(c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

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

After clause 8, insert:

**Visitor**

9. (1) Section 13 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

10. (1) Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

**SOUTHERN CROSS UNIVERSITY ACT 1993 No. 69**

(1) Section 14:

Omit the section, insert instead:

**Visitor**

14. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

(b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(3) Section 29 (**By-laws**):

After section 29(1) (z), insert:

(aa) the making, publication and inspection of rules.

(4) Section 30:

Omit the section, insert instead:

**Rules**

30. (1) The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 10 (5), 11 (2), 16 (1) (d) and (e), 24 and 29 (1) (b) and (k) and clauses 1 (d) and 3 of Schedule 1.

(2) A rule:

(a) has the same force and effect as a by-law; and

(b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and



SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and
- (d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

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

After Part 5, insert:

**Part 6—Miscellaneous****Visitor**

29. (1) Section 14 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

30. (1) Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

**UNIVERSITY OF NEW ENGLAND ACT 1993 No. 68**

(1) Section 13:

Omit the section, insert instead:

**Visitor**

13. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

(b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(3) Section 28 (**By-laws**):

After section 28 (1) (z), insert:

(aa) the making, publication and inspection of rules.

(4) Section 29:

Omit the section, insert instead:

**Rules**

29. (1) The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 9 (S), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) and clauses 1 (d) and (e) and 3 of Schedule 1.

(2) A rule:

(a) has the same force and effect as a by-law; and

(b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and
- (d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

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

After Part 5, insert:

**Part 6—Miscellaneous**

**Visitor**

33. (1) Section 13 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

34. (1) Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued***UNIVERSITY OF NEW SOUTH WALES ACT 1989**  
**No. 125**

## (1) Section 13:

Omit the section, insert instead:

**Visitor**

13. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 17 (**Powers of Council relating to property**):

Omit section 17 (3) (b), insert instead:

(b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(3) Section 27 (**By-laws**):

(a) From section 27 (1) (y), omit “and” where secondly occurring.

(b) At the end of section 27 (1) (z), insert:

; and

(aa) the making, publication and inspection of rules.

## (4) Section 28:

Omit the section, insert instead:

**Rules**

28. (1) The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 9 (5), 10 (2), 15 (1) (d) and (e), 22 and 27 (1) (b) and (k) and clauses 1 (d) and (e) and 3 of Schedule 1.

(2) A rule:

(a) has the same force and effect as a by-law; and

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

- (b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and
- (c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and
- (d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

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

After clause 7, insert:

**Visitor**

8. (1) Section 13 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

9. (1) Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

**UNIVERSITY OF NEWCASTLE ACT 1989 No. 68**

## (1) Section 13:

Omit the section, insert instead:

**Visitor**

13. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

(b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(3) Section 28 (**By-laws**):

(a) From section 28 (1) (y), omit “and” where secondly occurring.

(b) At the end of section 28 (1) (z), insert:

; and

(aa) the making, publication and inspection of rules.

## (4) Section 29:

Omit the section, insert instead:

**Rules**

29. (1) The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

which by-laws may be made, except the matters referred to in sections 3 (2), 9 (5), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) and clauses 1 (d) and (e) and 3 of Schedule 1.

(2) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and
- (c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and
- (d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

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

After clause 9, insert:

**Visitor**

10. (1) Section 13 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

11. (1) Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

**UNIVERSITY OF SYDNEY ACT 1989 No. 124**

## (1) Section 13:

Omit the section, insert instead:

**Visitor**

13. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 18 (**Powers of Senate relating to property**):

Omit section 18 (3) (b), insert instead:

(b) the Senate is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(3) Section 36 (**By-laws**):

(a) From section 36 (1) (cc), omit “and” where secondly occurring.

(b) At the end of section 36 (1) (dd), insert:

; and

(ee) the making, publication and inspection of rules.



SCHEDULE I—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

## (4) Section 37:

Omit the section, insert instead:

**Rules**

37. (1) The by-laws may empower any authority (including the Senate) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 9 (5) and (9), 10 (2), 14 (1), 16 (1) (d) and (e), 30 and 36 (1) (b) and (k) and clauses 1 (d) and (e) and 3 of Schedule 1.

## (2) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Senate (whether or not the Senate is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and
- (c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and
- (d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

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

After clause 9, insert:

**Visitor**

10. (1) Section 13 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

11. (1) Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

**UNIVERSITY OF TECHNOLOGY, SYDNEY, ACT 1989**  
**No. 69**

(1) Section 13:

Omit the section, insert instead:

**Visitor**

13. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

(b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*(3) Section 28 (**By-laws**):

- (a) From section 28 (1) (y), omit “and” where secondly occurring.
- (b) At the end of section 28 (1) (z), insert:
  - ; and
  - (aa) the making, publication and inspection of rules.

## (4) Section 29:

Omit the section, insert instead:

**Rules**

29. (1) The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to which by-laws may be made, except the matters referred to in sections 3 (2), 9 (5), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) and clauses 1 (d) and (e) and 3 of Schedule 1.

## (2) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and
- (c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and
- (d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*(5) Schedule 3 (**Savings and transitional provisions**):

After clause 10, insert:

**Visitor**

11. (1) Section 13 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

12. (1) Any by-law made or taken to have been made under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made, under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

**UNIVERSITY OF WESTERN SYDNEY ACT 1988 No. 90**(1) Section 11 (**Powers of Board**):

Omit section 11 (3) (b), insert instead:

- (b) the Board is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

## (2) Section 29:

Omit the section, insert instead:

**Visitor**

29. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(3) Section 35 (**By-laws**):

At the end of section 35 (2) (x), insert:

; and

(y) the making, publication and inspection of rules.

## (4) Section 36:

Omit the section, insert instead:

**Rules**

36. (1) The by-laws may empower any authority (including the Board) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters ~~or~~ or with respect to which by-laws may be made, except the matters referred to in sections 3 (3), 9 (6), 11 (1) (e) and (f), 13 (2), 24 (1) and 35 (2) (b) and clauses 2 (d) and 4 of Schedule 1.

(2) A rule:

(a) has the same force and effect as a by-law; and

(b) may, from time to time, be amended or repealed by the Board (whether or not the Board is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and

(c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and

(d) must indicate the authority or officer who made the rule and that it is made under this section.

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

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

(a) In the heading, before “TRANSITIONAL”, insert “SAVINGS AND”.

(b) After clause 18, insert:

**Visitor**

19. (1) Section 29 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws, rules and orders**

20. (1) Any by-law made or taken to have been under this Act and in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

(3) Any order made under section 36 and in force immediately before the commencement of this clause is taken to be a rule made under that section as inserted by the

**SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued***

University Legislation (Amendment) Act 1994, but only to the extent that it could have been made as a rule under that section as so inserted.

**UNIVERSITY OF WOLLONGONG ACT 1989 No. 127**

(1) Section 13:

Omit the section, insert instead:

**Visitor**

13. (1) The Governor is the Visitor of the University but has ceremonial functions only.

(2) Accordingly, the Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) Section 18 (**Powers of Council relating to property**):

Omit section 18 (3) (b), insert instead:

(b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

(3) Section 28 (**By-laws**):

(a) From section 28 (1) (y), omit “and” where secondly occurring.

(b) At the end of section 28 (1) (z), insert:

; and

(aa) the making, publication and inspection of rules.

(4) Section 29:

Omit the section, insert instead:

**Rules**

29. (1) The by-laws may empower any authority (including the Council) or officer of the University to make rules (not inconsistent with this Act or the by-laws) for or with respect to any or all of the matters for or with respect to

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

which by-laws may be made, except the matters referred to in sections 3 (2), 9 (5), 10 (2), 14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k) and clauses 1 (d) and (e) and 3 of Schedule 1.

(2) A rule:

- (a) has the same force and effect as a by-law; and
- (b) may, from time to time, be amended or repealed by the Council (whether or not the Council is empowered to make such a rule), or by the authority or officer of the University for the time being empowered to make such a rule; and
- (c) takes effect on the day on which it is published or on such later day as may be specified in the rule; and
- (d) must indicate the authority or officer who made the rule and that it is made under this section.

(3) In the event of an inconsistency between a by-law and a rule, the by-law prevails to the extent of the inconsistency.

(4) The fact that a provision of this Act specifically provides for a matter to be the subject of by-laws (without mention of rules) does not prevent the matter from being the subject of rules made in accordance with this section.

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

After clause 8, insert:

**Visitor**

9. (1) Section 13 (2) extends to disputes and other matters arising before the commencement of this clause.

(2) However, if an inquiry by or at the direction of the Visitor into a dispute or other matter has commenced or been completed before the commencement of this clause, the dispute or other matter is to be dealt with and determined as if the University Legislation (Amendment) Act 1994 had not been enacted.

**Effect of the University Legislation (Amendment) Act 1994 on existing by-laws and rules**

10. (1) Any by-law made or taken to have been made under this Act and in force immediately before the



*University Legislation (Amendment) Act 1994 No. 16*

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SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION—  
*continued*

commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the by-law was made.

(2) Any rule in force immediately before the commencement of this clause is taken to have been made under this Act as amended by the University Legislation (Amendment) Act 1994, but only to the extent to which it could have been made under this Act if this Act had been so amended at the time the rule was made.

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*[Minister's second reading speech made in—  
Legislative Council on 14 April 1994  
Legislative Assembly on 21 April 1994 a.m.]*