

UNIVERSITY OF NEW SOUTH WALES
(AMENDMENT) ACT.

New South Wales



ANNO UNDEVICESIMO

ELIZABETHÆ II REGINÆ

Act No. 75, 1970.

An Act to make further provisions in relation to the constitution of the Council of The University of New South Wales; for this and other purposes to amend the University of New South Wales Act, 1968; and for purposes connected therewith. [Assented to, 27th November, 1970.]

BE it enacted by the Queen's Most Excellent Majesty, by 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. (1) This Act may be cited as the "University of New South Wales (Amendment) Act, 1970".

Short title
and con-
struction.

University of New South Wales (Amendment).

(2) The University of New South Wales Act, 1968, No. 75, 1970 is, in this Act, referred to as the Principal Act.

2. (1) The Principal Act is amended—

Amendment
of Act No.
37, 1968.

(a) (i) by inserting in paragraph (a) of subsection three of section eight after the word “Council” where secondly occurring the words “as soon as practicable after the commencement of the term of service of the members of that Council elected at each election held as required by subsection five of section 17F of the Constitution Act, 1902”;

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(The
Council.)

(ii) by inserting in paragraph (b) of the same subsection after the word “Assembly” where secondly occurring the words “as soon as practicable after each general election of members of that Assembly”;

(iii) by inserting in subsection five of the same section next before the words “For the purposes” the following new proviso and paragraph :—

Provided that a person who is a full time member of the staff of the University shall be ineligible to be elected as a member of the Council under paragraph (b) of this subsection.

The by-laws may make provision for or with respect to determining whether or not a person is a full time member of the staff of the University for the purposes of this subsection.

(iv) by omitting from paragraph (a) of subsection six of the same section the word “six” and by inserting in lieu thereof the word “five”;

(v)

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- (v) by omitting from paragraph (e) of the same subsection the word "seven" and by inserting in lieu thereof the word "six";
- (vi) by inserting in paragraph (c) of subsection eight of the same section after the word "prescribed" the words "by the by-laws";
- (vii) by omitting from the same subsection the words "prescribed by reference" and by inserting in lieu thereof the words "prescribed by the by-laws by reference";
- (viii) by inserting at the end of the same subsection the following new paragraph :—

The by-laws may prescribe different periods of office in respect of different classes of members.
- (ix) by omitting from paragraph (a) of subsection ten of the same section the words "by a person appointed by the Council for the purpose in the manner" and by inserting in lieu thereof the word "as";
- (x) by omitting from the same subsection the words "so appointed" and by inserting in lieu thereof the words "filling a casual vacancy under this subsection";

Sec. 9.
(Vacation of office.)

- (b) (i) by omitting from paragraph (e) of section nine the word "or" where secondly occurring;
- (ii) by omitting paragraph (f) of the same section and by inserting in lieu thereof the following paragraphs :—
 - (f) in the case of a parliamentary member elected by the Legislative Council, ceases to be a member of that Council;
or

(g)

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(g) in the case of a parliamentary member No. 75, 1970
elected by the Legislative Assembly—

- (i) ceases to be a member of that Assembly otherwise than by reason of its dissolution or its expiration by effluxion of time; or
- (ii) ceases to be a member of that Assembly by reason of its dissolution or its expiration by effluxion of time and is not re-elected as a member of that Assembly at the next general election of members of that Assembly.

(2) The persons holding office as parliamentary members of the Council immediately before the commencement of this section shall, subject to section nine of the Principal Act, as amended by this section, hold office until a member of the House of Parliament that elected him is elected by that House to replace him.

(3) Notwithstanding anything in this section, but subject to section nine of the Principal Act, as amended by this section—

- (a) the members of the Council elected under paragraph (b) of subsection five of section eight of the Principal Act and holding office as such members immediately before the commencement of this section, shall continue in office until the expiration of the period for which they would have held office had this section not been enacted; and
- (b) a member of the Council filling a casual vacancy in the office of an elected or nominated member and holding office as such immediately before the
commencement

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commencement of this section shall continue **in** office until the expiration of the residue of **his** predecessor's term of office.

(4) Any member of the Council referred to **in** subsection two or three of this section shall, subject to **the** Principal Act, as amended by this section, be eligible for re-election.

(5) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Further
amendment
of Act No.
37, 1968.

3. (1) The Principal Act is further amended—

Sec. 8.
(The
Council.)

(a) by omitting paragraph (c) of subsection two of section eight and by inserting in lieu thereof the following paragraph :—

(c) elected members, being—

- (i) elected non-student members; and
- (ii) elected student members; and

(b) by omitting from subsection five of the same section the words "elected members" and by inserting in lieu thereof the words "elected non-student members";

(c) by omitting paragraph (a) of the same subsection;

(d) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following paragraph :—

(d) six persons, of whom one has been so elected by each of such six of the faculties and boards of studies as the Council has not less than one month before the closing

of

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of nominations for the election of those persons, specified for the purposes of this paragraph. **No. 75, 1970**

- (e) by inserting next after the same subsection the following new subsection :—

(5A) The elected student members of the Council shall comprise three persons, each qualified and elected as prescribed by the by-laws :

Provided that—

- (a) a person who is not a student of the University shall be ineligible to be elected as a member of the Council under this subsection; and
- (b) a person who is a full time member of the staff of the University shall be ineligible to be elected as a member of the Council under this subsection.

For the purposes of this subsection “student” means a person who is enrolled as a candidate proceeding to a degree or diploma of the University.

The by-laws may make provision for or with respect to determining whether or not a person is a full time member of the staff of the University for the purposes of this subsection.

(2) For the purposes only of the election of persons to hold office as members of the Council under paragraph (d) of subsection five and under subsection (5A) of section eight of the Principal Act, as amended by this section, and of any matters necessary for or incidental to that election, the provisions of subsection one of this section shall commence on the day upon which the assent of Her Majesty to this Act is signified.

(3)

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No. 75, 1970 (3) The persons so elected shall assume office as such members of the Council upon the day appointed under subsection four of this section.

(4) Subsection one of this section shall come into force for all purposes upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

**Continuity
of body
corporate.**

4. Nothing in this Act shall prejudice or affect the continuity of the body corporate constituted under section five of the Principal Act, but the same shall continue notwithstanding the provisions of this Act.