

# The University and University Colleges Act, 1900

(As amended by the Acts of 1902, 1912, 1916, 1924, 1936, 1937, 1948, 1951, 1952, 1959, 1965, 1973, 1978 and 1984)

An Act to consolidate the Acts relating to the University of Sydney and Colleges within the University of Sydney.

[Assented to 22nd September, 1900.]

WHEREAS it is expedient for the better advancement of religion and morality and the promotion of useful knowledge, to hold forth to all classes and denominations of Her Majesty's subjects resident in New South Wales, without any distinction whatsoever, an encouragement for pursuing a regular and liberal course of education; and to ascertain by means of examination the persons who acquire proficiency in literature, science, and art, and to reward them by academical degrees as evidence of their respective attainments and by marks of honour proportioned thereto; and to encourage and assist the establishment of colleges within the University of Sydney, in which colleges systematic religious instruction and domestic supervision, with efficient assistance in preparing for the University lectures and examinations, shall be provided for students of the University; Be it therefore 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:

## PART I

### Preliminary

1. This Act may be cited as the 'University and University Colleges Act, 1900' and is divided into Parts and Divisions, as follows:

PART I.—*Preliminary*.—ss. 1-5.

PART II.—*Incorporation and constitution of the University and provisions relating to the Senate*.—ss. 6-18.

PART III.—*Examinations and degrees*.—ss. 19-23.

PART IV.—*Endowment and finance*.—ss. 23A-29.

PART IVA.—*Variation of trusts*.—ss. 29A-29E.

PART V.—*Exhibitions, Lectures, Matriculation and Privileged Officials*.—ss. 31A-32.

PART VI.—*Colleges within the University*—

Division 1.—*Interpretation*—s. 33.

Division 2.—*Endowment*.—ss. 34-40.

Division 3.—*Government of students*.—s. 41.

PART VII.—*Colleges outside the Sydney Metropolitan Area*.—ss. 42-46.

PART VIIA.—*Chifley University College*.—ss. 46A-46F.

PART VIII.—*Acquisition of land.*—ss. 47, 48.

Repeal  
Schedule.

2. (1) The Acts mentioned in the Schedule to this Act are, to the extent therein expressed, hereby repealed.

Officers under  
Acts hereby  
repealed.

(2) All persons elected or appointed under the Acts hereby repealed, and holding office at the time of the passing of this Act, shall continue in office as if this Act had been in force at the time they were appointed, and they had been appointed hereunder.

Regulation  
or by-laws  
under Acts  
hereby  
repealed.

(3) All regulations or by-laws made under the authority of any Act hereby repealed, and being in force at the time of the passing of this Act, shall be deemed to have been made under the authority of this Act, and references in such regulations to the provisions of any Act hereby repealed shall be deemed to be references to the corresponding provisions of this Act.

Interpretation.

3. In this Act, unless the context or subject-matter otherwise indicates or requires—

'Bachelor' means any person upon whom the degree of Bachelor has been conferred by the University.

'Doctor' means any person upon whom the degree of Doctor has been conferred by the University.

'Exhibition' means public exhibition awarded to a student who intends to graduate in the University.

'Fellow' means a member of the Senate.

'Higher School Certificate' means a higher school certificate granted in accordance with the provisions of Part III of the Education Act, 1961.

'Leaving Certificate' means—

(1) the leaving certificate granted by the Department of Public Instruction on the recommendation of the Board of Secondary School Studies, in pursuance of regulations under the Public Instruction Act of 1880, and the Acts amending it, to a student leaving a secondary or high school which he has attended; or

(2) a leaving certificate granted by the Department of Public Instruction on the recommendation of the Board of Secondary School Studies to a student leaving a school—(registered under the Bursaries Endowment Act, 1912, and not under the Department of Public Instruction)—who has complied with the conditions prescribed for the leaving certificate granted in pursuance of regulations under the Public Instruction Act of 1880 and the Acts amending it.

'Master' means any person upon whom the degree of Master has been conferred by the University.

'University' means the University of Sydney.

Act not to  
interfere  
with rights  
of Her  
Majesty.

4. Nothing in this Act shall be deemed to affect or interfere with any right, title, or interest of Her Majesty, Her Heirs and Successors, or in any way to limit the Royal Prerogative.

Women to be  
admitted to  
University  
Privileges.

5. The benefits and advantages of the University, and the provisions of this and any other Act relating thereto, shall be deemed to extend in all respects to women equally with men.

PART II

**Incorporation and constitution of the University and provisions relating to the Senate.**

The University  
of Sydney.

6. The University of Sydney is the body politic and corporate incor-

porated by that name under the Act fourteenth Victoria number thirty-one, and shall, by that name, have a perpetual succession and a common seal and power to sue and be sued, and to take, purchase, and hold all real and personal property whatsoever, whether the same is situate in New South Wales or elsewhere, and to grant, demise, alien, or otherwise dispose of the same, and also to do all other matters and things incidental or appertaining to a body politic.

Provided that the University shall not, unless with the approval of the Minister, alienate, mortgage, charge, or demise any of its lands, except by way of lease for any term not exceeding thirty-one years from the making thereof, by which lease there shall be reserved and made payable during the whole of the term the best yearly rent that can reasonably be obtained without any fine or foregift.

7. (1) The body politic and corporate of the University of Sydney shall consist of a Senate, which shall be constituted by—

- (a) six Fellows appointed by the Minister;
- (b) one Fellow elected by and from the members of the Legislative Council;
- (c) one Fellow elected by and from the members of the Legislative Assembly;
- (d) six Fellows elected by and from the academic members of the full-time permanent staff of the University, the Fellows so elected to include at least—
  - (i) such number of professors; and
  - (ii) such number of those members who are not professors

as is in each case prescribed by the by-laws:

(d1) one Fellow elected by and from the members (other than the academic members) of the full-time permanent staff of the University;

(e) ten Fellows elected from persons who are ineligible for election under paragraph (d) or (d1) by persons who are graduates of the University;

(f) three Fellows elected from persons who are enrolled as candidates proceeding to a degree or diploma in the University and who are ineligible for election under paragraph (d) or (d1) by persons who are enrolled as candidates proceeding to a degree or diploma in the University, the Fellows so elected to include at least one undergraduate candidate and one postgraduate candidate;

(g) one Fellow who shall be the person for the time being holding the office of Chancellor, where he is not otherwise a Fellow;

(h) one Fellow who shall be the person for the time being holding the office of Vice-Chancellor; and

(i) one Fellow who shall be the person for the time being holding the office of Chairman of the Academic Board.

(2) An election for the purposes of the election of—

(a) the Fellow referred to in paragraph (b) of subsection (1), shall be held—

(i) as soon as practicable after each periodic Council election within the meaning of section 3 of the Constitution Act, 1902; or

(ii) Where there is a casual vacancy in the office of that Fellow as soon as practicable after that office becomes vacant;

(b) the Fellow referred to in paragraph (c) of subsection (1), shall be held—

(i) as soon as practicable after each general election of members of the Legislative Assembly; or

(ii) where there is a casual vacancy in the office of that Fellow as soon as practicable after that office becomes vacant; and

(c) the Fellows referred to in paragraphs (d), (d1), (e) and (f) of subsection (1), shall be held in each case or class of cases as may be prescribed by the by-laws.

(3) For the purposes of paragraph (e) of subsection (1) 'graduates of the University' includes—

(a) the Fellows;

(b) the persons specified in section 32 who by virtue of that section have the same rights and privileges within the University as are enjoyed by Masters and Doctors; and

(c) the persons who possess any certificate or qualification which the Senate may, by by-law made for the purposes of this paragraph, declare to be equivalent to the degree of Bachelor.

(3A) For the purposes of this section, 'members of the full-time permanent staff of the University' includes persons—

(a) upon whom the Senate has conferred the title of Professor, Reader, Associate Professor, Senior Lecturer or Lecturer; and

(b) who are members of the full-time staff of such institutions or organisations as may be prescribed by the by-laws.

(3B) Whether or not a person is, for the purposes of this section, to be treated as—

(a) a member of the full-time permanent staff of the University, except as provided by subsection (3A); or

(b) an academic member of that full-time permanent staff,

shall be determined by the by-laws which may require that, for persons of a specific category to be treated as full-time permanent staff, they shall have completed or contracted to complete a specified minimum period of service.

(3C) For the purposes of paragraph (f) of subsection (1), candidates referred to in that paragraph shall be treated as—

(a) postgraduate candidates, if they are proceeding to the degree of Doctor or Master or to a postgraduate diploma in the University or to any other degree or diploma prescribed by the by-laws; or

(b) undergraduate candidates, if they are proceeding to any other degree or diploma in the University.

(4) Where a person (not being a person who is a Fellow) is appointed at any time by the Senate to act in the place of the Vice-Chancellor, that person shall, while so acting, be deemed to be a Fellow.

8. (1) Subject to this Act, a Fellow shall hold office—

Tenure of office of Fellows.

(a) in the case of a Fellow appointed by the Minister, for such term not exceeding four

years as may be specified in the instrument of appointment, or, if no term is so specified, for a term of four years commencing on the date of appointment;

(b) in the case of a Fellow referred to in paragraph (b) or (c) of subsection (1) of section 7, until a member of the House of Parliament that elected him is elected by that House to replace him; and (c) in the case of a Fellow referred to in paragraph (d), (d1), (e) or (f) or (i) of subsection (1) of section 7, for such term not exceeding four years as the by-laws may prescribe.

(2) A retiring Fellow shall not, by reason only of his retirement, be disqualified from again becoming a Fellow.

(3) A by-law for the purposes of paragraph (c) of subsection (1) may—

(a) prescribe a term of office by reference to deter-

mined, or determinable, days of commencement and termination;

(b) prescribe different terms of office in respect of different classes of Fellows; and

(c) provide for the retirement in rotation of Fellows of a particular class or classes.

9. (1) A Fellow shall be deemed to have vacated his office if he—

(a) dies;

(b) [*Repealed*]

(c) declines to act;

(d) resigns his office by writing under his hand addressed—

(i) in the case of a Fellow referred to in paragraph (a) of subsection (1) of section 7, to the Minister;

(ii) in the case of a Fellow referred to in paragraph (b) of subsection (1) of section 7, to the President of the Legislative Council;

(iii) in the case of a Fellow referred to in paragraph (c) of subsection (1) of section 7, to the Speaker of the Legislative Assembly; and

(iv) in the case of a Fellow referred to in paragraph (d), (d1), (e) or (f) of subsection (1) of section 7, to the Vice-Chancellor;

(e) becomes in the case of a Fellow referred to in paragraph (d), (d1), (e) or (f) of subsection (1) of section 7, bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes any assignment of his estate for their benefit;

(f) becomes, in the case of a Fellow referred to in paragraph (d), (d1), (e) or (f) of subsection (1) of section 7, a temporary patient or 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;

(g) absents himself, in the case of any Fellow other than a Fellow referred to in paragraph (b), (c), (g), (h) or (i) of subsection (1) of section 7, from three consecutive meetings of the Senate without leave of the Senate;

(h) ceases, in the case of a Fellow referred to in section 7 (1) (b)—

(i) to be a member of the Legislative Council otherwise than by reason of section 22B (1) (c) of the Constitution Act, 1902; or

(ii) to be a member of the Legislative Council by reason of section 22B (1) (c) of that Act and does not become a candidate at the next periodic Council election within the meaning of section 3 of that Act or, as the case may be, becomes a candidate but is not elected;

(i) ceases, in the case of a Fellow referred to in paragraph (c) of subsection (1) of section 7—

(i) to be a member of the Legislative Assembly otherwise than by reason of its dissolution or its expiration by effluxion of time; or

(ii) to be a member of the Legislative Assembly by reason of its dissolution or its expiration by effluxion of time and does not become a candidate at the next general election of members of that Assembly or, as the case may be, becomes a candidate but is not elected;

(j) ceases, in the case of a Fellow referred to in section 7 (1) (d), (d1) of (f), to meet a requirement which made the Fellow eligible to be elected;

(k) becomes, in the case of a Fellow referred to in paragraph (e) or (f) of subsection (1) of section 7, a member of such class or classes of members of the

full-time staff of the University as may be prescribed by the by-laws; or  
(1) ceases, in the case of a Fellow referred to in paragraph (f) of subsection (1) of section 7, to be enrolled as a candidate proceeding to a degree or diploma in the University.

(2) A Fellow referred to in section 7 (1) (d)—  
(a) who was a professor when elected, but who ceases to be a professor; or  
(b) who was not a professor when elected, but who becomes a professor,

shall be deemed to have vacated office.

(3) A Fellow referred to in section 7 (1) (f)—  
(a) who was a postgraduate candidate when elected, but who ceases to be a postgraduate candidate; or  
(b) who was an undergraduate candidate when elected, but who ceases to be an undergraduate candidate,

shall be deemed to have vacated office.

Casual vacancy.

9A. A casual vacancy in the Senate shall—

(a) in the case of a Fellow referred to in paragraph (a) of subsection (1) of section 7, be filled by such person as the Minister may appoint; and  
(b) in the case of a Fellow referred to in paragraph (d), (d1), (e) or (f) or (i) of subsection (1) of section 7, be filled, in such manner as may be prescribed by the by-laws, by a person qualified in accordance with that section to be elected to the vacancy concerned, and any Fellow filling a casual vacancy under this section shall hold office for the residue of the term of office of his predecessor.

Chancellor.

10. (1) The Senate shall elect, by a majority of votes, a Chancellor of the University, who shall hold office for such period as the Senate shall from time to time appoint.

Vacancies in office of Chancellor.

(2) Whenever a vacancy occurs in the office of Chancellor of the University by reason of death, resignation, or otherwise, the Senate shall elect a person (whether a Fellow or not) to be Chancellor of the University.

Deputy Chancellor.

11. (1) The Senate shall annually, on a day of which due notice has been given, elect out of their own body a Deputy Chancellor of the University, who shall hold office for one year.

Vacancies in office of Deputy Chancellor.

(2) Whenever a vacancy occurs in the said office by death, resignation, or otherwise before the expiration of the year of office, the Senate shall, as soon as conveniently may be, hold a meeting of which due notice has been given, and at such meeting elect out of their own body some other person to be Deputy Chancellor for the remainder of the year.

Deputy Chancellor eligible for re-election.

(3) Any Deputy Chancellor shall be capable of re-election as often as is deemed meet.

Chairman of meetings of the Senate.

12. At every meeting of the Senate the Chancellor or, in his absence, the Deputy Chancellor shall preside as chairman, but if the Chancellor and the Deputy Chancellor are both absent, the Fellows present shall elect a chairman.

Questions how decided.

13. (1) All questions which come before the Senate shall be decided at any meeting duly convened, at which a quorum is present, by a majority of the votes of the Fellows present.

(2) The Chairman at any such meeting shall have a vote, and in case of an equality of votes a second or casting vote.

Chairman.

(3) At any such meeting fourteen Fellows shall form a quorum.

Quorum.

(4) No act or proceeding of the Senate or any committee thereof, or of the Vice-Chancellor or any other person acting pursuant to any direction of the Senate, shall be invalidated or prejudiced by reason only of the fact that at the time the act or proceeding was done, taken or commenced there was a vacancy or a number of vacancies, not exceeding ten, in the office or offices of any Fellow or Fellows.

(5) All acts and proceedings of the Senate of any committee thereof, or of the Vice-Chancellor or any other person acting pursuant to any direction of the Senate, shall, notwithstanding the subsequent discovery of any defect in the appointment or election of any Fellow or that any such Fellow was disqualified from acting as or is incapable of being a Fellow, be as valid as if that Fellow had been duly appointed or elected and was qualified to act or was capable of being a Fellow and had acted as a Fellow and as if the Senate had been properly and fully constituted.

14. (1) [*Repealed*]

(1A) The Senate may appoint an officer who shall be styled the Vice-Chancellor and who shall have and exercise such powers, rights, duties, and functions as may be prescribed by by-laws made by the Senate.

May appoint Vice-Chancellor.

(2) The Senate shall have the entire management of and superintendence over the affairs, concerns, and property of the University, and in all cases unprovided for by this Act the Senate may act in such manner as appears to them to be best calculated to promote the purposes of the University.

And to have entire management.

14A. The Senate shall provide for the establishment and maintenance of evening tutorial classes in such subjects as it may determine.

Evening Tutorial Classes.

Such classes shall be open to students whether they have or have not matriculated within the University.

The Senate may issue certificates in respect of students who have in such classes studied for at least one year in any one subject.

15. (1) The Senate may make by-laws relating to—

By-laws.

- (a) the discipline of the University;
- (a1) the matriculation, admission and enrolment of students;
- (b) examinations for and the granting of scholarships, exhibitions, degrees, diplomas or honours;
- (b1) the election of a Chairman of the Academic Board;
- (c) the conferring of *ad eundem* degrees;
- (c1) the establishing and regulating of evening tutorial classes;
- (d) the mode and time of convening meetings of the Senate; and
- (e) all other matters whatsoever regarding the University.

(2) The by-laws may provide for empowering any authority (including the Senate) or officer or class of officers of the University to make regulations, rules or orders (not inconsistent with this Act or with any by-laws) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which by-laws may be made) or for carrying out or giving effect to the by-laws.

(3) Any regulation, rule or order referred to in subsection (2)—

(a) shall have the same force and effect as a by-law; (b) may, from time to time as the occasion requires, be amended or repealed by any authority (including the Senate) or officer or class of officers of the University empowered by subsection (2) to make the regulation, rule or order; and (c) shall be deemed not to be within the meaning of the term 'regulation' as defined in section 41 of the Interpretation Act, 1897.

(4) Every by-law shall be reduced to writing and submitted for the consideration and approval of the Governor, and when approved shall be countersigned by him, and when so countersigned and sealed with the seal of the University shall be of full force and effect.

(5) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

16. (1) As soon as practicable after the first day of January in each year, the Senate shall, in respect of the period of twelve months immediately preceding that day, prepare and furnish to the Minister a report upon the proceedings of the University during that period.

(2) A copy of each report under subsection (1) shall be laid before both Houses of Parliament as soon as practicable after it has been received by the Minister.

17. The Governor of New South Wales shall be the visitor of the University, with authority to do all things that pertain to visitors as often as he deems meet.

18. No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold any office therein, or to partake of any advantage or privilege thereof.

### PART III

#### Examinations and degrees

19. (1) The Senate may give such instruction as it thinks fit, and may, after examination, confer the several degrees of Bachelor, Master, and Doctor, and such other degrees and such diplomas in the nature of degrees as it thinks fit in all branches of knowledge.

(2) All persons who obtain any certificate or qualification which the Senate by by-law declares to be of equivalent rank to the degree of Bachelor shall have the same rights and privileges within the University as Bachelors.

20. All degrees conferred by the University shall be evidenced by a certificate given under the seal of the University.

21. (1) When any person has obtained in any University, recognised by the by-laws of the University in force for the time being, any degree corresponding or equivalent to any degree which the Senate is now or may hereafter be empowered to confer after examination, the Senate may confer such latter degree upon such persons without examination.

(2) The persons upon whom degrees are conferred, under the provisions of the preceding subsection, shall be entitled to the same rights and privileges as appertain to those who have taken the same degrees in the ordinary course in the University.

21A. (1) The Senate shall have power and shall be deemed always to have had power to confer without examination the several degrees of Bachelor, Master, and Doctor and such other degrees and such certificates in the nature of degrees as the Senate thinks fit upon persons approved by the Senate.

(2) The persons upon whom degrees or certificates are conferred under the provisions of subsection one of this section shall be entitled to the same rights and privileges as appertain to those who have taken the same degrees or certificates, as the case may be in the ordinary course in the University.

22. (1) The Senate may authorise any college or educational establishment, whether incorporated or not, instituted for the promotion of literature, science, or art, to issue to candidates for any degree (other than the degrees referred to in section twenty-three of this Act) or diploma certificates to the effect that the candidate for any such degree or diploma has completed such course of instruction therefor as the Senate by regulation prescribes.

(2) Any person who presents to the Senate any such certificate may be admitted as a candidate for the degree or diploma to which it has reference.

23. (1) For the purpose of granting the degrees of Bachelor of Medicine and Doctor of Medicine, and for the improvement of medical education in all its branches, as well in medicine as in surgery, midwifery, and pharmacy, the Senate may report to the Governor the medical institutions and schools, whether incorporated or not, in the city of Sydney, from which, either singly or jointly with other medical institutions and schools in New South Wales or in foreign parts, it appears to the Senate fit and expedient to admit candidates for medical degrees.

(2) On approval of such report by the Governor, the Senate shall admit as a candidate for the degree of Bachelor of Medicine or Doctor of Medicine any person who presents to the Senate a certificate from any such institution or school to the effect that such person has completed the course of instruction therefor which the Senate by regulation prescribes.

### PART IV

23A. In this Part— "class A funds" means—

(a) private gifts, other than private gifts which may be applied without restriction or limitation—  
(i) for any of the purposes of the University; or  
(ii) for any of the purposes of any faculty, department, school or foundation within the University;

(b) grants; and  
(c) student tuition fees;

"class B funds" means moneys held by the University, which are not class A funds;

"grant" means money granted to the University by or on behalf of the Government of—

(a) the State of New South Wales; or  
(b) the Commonwealth, or any part of that money;

Honorary degrees and other Distinctions.

Senate may authorize educational establishments to issue certificates.

Upon which degrees may be granted.

Report on medical establishments by Senate.

Candidates from such establishments may be admitted to degrees.

Interpretation.

“investment pool” means investment pool established by the Senate under section 27D (1);

“pooled item” means—

- (a) a private gift;
- (b) a grant;
- (c) student tuition fees;
- (d) class B funds;
- (e) securities; or
- (f) real property,

forming part of an investment pool;

“private gift” means—

- (a) money, not being a grant, given to the University;
- (b) money obtained from the conversion of property given to the University; and
- (c) money obtained from the investment or use of property given to the University;

“securities” means debentures, stocks, shares, bonds and notes.

### Endowment and Finance

Permanent endowment.

24. (1) There shall be paid by the Treasurer to the University in respect of the year commencing upon the first day of January next following the year in which the University and University Colleges (Amendment) Act, 1973, commences, and in respect of each succeeding year, such sum as the Treasurer may determine having regard to the University's estimated expenditure requirements and income from all sources which is capable of being applied towards meeting those expenditure requirements.

(2) To enable the Treasurer to exercise and perform the powers and functions conferred on him by subsection (1), the University shall in respect of the year commencing upon the first day of January next following the date of commencement of the University and University Colleges (Amendment) Act, 1973, either before or as soon as practicable after that day, and in respect of each succeeding year either before or as soon as possible after its commencement, submit to the Treasurer estimates of the expenditure and income of the University for that year and such other information as the Treasurer may deem necessary.

(3) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

Fees and charges.

25. The Senate may make by-laws under section 15 for or with respect to—

(a) the payment of such fees and charges, including fines, as it deems necessary, including fees and charges to be paid in respect of—

- (i) entrance to the University;
- (ii) tuition;
- (iii) lectures and classes;
- (iv) examinations;
- (v) residence;
- (vi) the conferring of degrees and diplomas;
- (vii) the provision of amenities and services, whether or not of an academic nature; and
- (viii) an organisation of students or of students and other persons; and

(b) the exemption from, or deferment of, payment of fees and charges, including fines.

26. [Repealed]

27. [Repealed]

27A. The terms of—

Trust instruments apply notwithstanding ss. 27B–27E.

(a) in the case of a private gift—any instrument creating a trust with respect to that private gift;

(b) in the case of a grant—the instrument of grant; and

(c) in the case of property, other than money, given to the University—any instrument creating a trust with respect to that property.

shall have effect notwithstanding sections 27B, 27C, 27D and 27E.

27B. Where property, other than money, is given to the University, the Senate may retain that property in the form in which it is given to the University.

27C. (1) The Senate may invest any class A funds held by the University in accordance with and subject to the Trustee Act, 1925.

(2) The Senate may invest any class B funds held by the University—

(a) in accordance with and subject to the Trustee Act, 1925;

(b) in the same manner as the State Superannuation Board constituted by the Superannuation Act, 1916, may invest the State Superannuation Fund established under that Act or any part of that Fund—

(i) under section 5 (1) (a), (b), (b1) and (c1) of that Act (except that section 5 (1) (c1) of that Act shall not authorise or enable a loan other than a loan to a building society specified in Schedule 2 to the Permanent Building Societies Act, 1967);

(ii) under section 5A of that Act (except that section 5A (8) (d) of that Act shall not apply to any investment made by the Senate);

(iii) with the approval of the Minister and the concurrence of the Treasurer, under section 5B of that Act (except that section 5B (1) (a) and (7) of that Act shall not apply to any investment made by the Senate) and, subject to subsection (3), for the purposes of this section, a reference in section 5B (4) or (5) of that Act to the Board shall be read and construed as if it were a reference to the Senate; or

(iv) with the approval of the Minister and the concurrence of the Treasurer, under Section 5C of that Act, notwithstanding section 5C (3) of that Act (except that section 5C (4) (j) of that Act, to the extent to which it authorises investment other than by way of subscription of share capital in, deposit with, or loan of money to, a building society specified in Schedule 2 to the Permanent Building Societies Act, 1967, shall not apply to any investment made by the Senate); or

(c) in any prescribed manner.

(3) A certificate under section 5B (4) of the Superannuation Act, 1916, as applied by subsection (2), shall be furnished to the Senate by the Valuer-General upon payment of such fee as is determined by the Valuer-General.

(4) The Senate may invest any class A funds or class B funds in a form of investment approved by the Minister, with the concurrence of the Treasurer, where the Minister is of the opinion that the University would suffer loss or hardship or be otherwise disadvantaged if the funds were to be invested in accordance with the other provisions of this section.

27D. (1) Subject to subsection (2), the Senate may establish and maintain one or more investment pools for the collective investment of property held by the University.

Retention of property in specie.

Investment of money.

Investment pools.

- (2) The Senate may from time to time—
- (a) bring into or withdraw from an investment pool the whole or any part of any class A funds or class B funds held by the University; or
  - (b) bring into an investment pool—
    - (i) securities, other than securities in respect of which the donor has, in an instrument creating a trust in respect of those securities, specified that the income from those securities shall be applied for a purpose other than the general purposes of the University; or
    - (ii) real property, other than real property in respect of which the donor has, in an instrument creating a trust in respect of that real property, specified that the income from that real property shall be applied for a purpose other than the general purposes of the University,

or withdraw money to the value attributed equitably to those securities or that real property by the Senate at the date of withdrawal.

(3) Notwithstanding subsections (1) and (2), the Senate shall not bring into or retain in any investment pool the whole or any part of any Class A funds if the investments in which the capital of the investment pool is invested are not investments made in accordance with and subject to the Trustee Act, 1925.

Distribution of income of investment pools.

27E. (1) The Senate shall, at least once a year, distribute the income of an investment pool.

(2) On the distribution of the income of an investment pool under subsection (1), the Senate shall, in respect of—

- (a) a pooled item being a private gift where the donor of that private gift has, in an instrument creating a trust in respect of that private gift—
  - (i) specified that the income from the investment of that private gift shall be applied for a purpose other than the general purposes of the University; or
  - (ii) specified that that private gift shall be applied for a purpose other than the general purposes of the University and that private gift is insufficient, without the addition of the income from the investment of that private gift, to achieve that purpose; and
- (b) any other pooled item in respect of which the Senate is otherwise required to do so,

credit the income of that investment pool to the account kept by it in respect of that private gift or other pooled item proportionately according to the value attributed equitably to that private gift or other pooled item by the Senate at the date of distribution and the period for which that private gift has formed part of that investment pool since the date of the last preceding distribution of the income of that investment pool.

(3) Where the Senate distributes the income of an investment pool under subsection (1), it may, in respect of a pooled item, other than a pooled item referred to in subsection (2) (a) or (b), credit the income of that investment pool to any account kept by it.

Nature of private gift, etc., not affected by pooling.

27F. (1) The inclusion in an investment pool of—

- (a) a pooled item being a private gift, a grant, student tuition fees or class B funds does not affect the identity of that pooled item as a private gift, a grant, student tuition fees or class B funds, as the case may be; and
- (b) a pooled item does not affect any trust to which

that pooled item was subject immediately before its inclusion in that investment pool.

(2) On the withdrawal from an investment pool of—

- (a) a pooled item being a private gift, a grant, student tuition fees or class B funds, that pooled item shall continue to be subject to any trust to which it was subject immediately before its inclusion in that investment pool; and
- (b) money to the value attributed to any Securities or real property by the Senate under section 27D (2) (b), that money shall be subject to any trust to which those securities were subject immediately before their inclusion in that investment pool or that real property was subject immediately before its inclusion in that investment pool, as the case may be.

28. The securities representing the investments of the sum of money bequeathed by the late Solomon Levey, Esquire, to the Sydney College, with the interest thereon, shall be held by the Senate upon trust to continue to hold the same, or to alter them from time to time in favour of other investments at interest upon such security and in such manner in all respects as the Senate in their absolute discretion think fit, and the clear or net interest or income arising therefrom shall be applied in or towards the endowment of a scholarship in the University under such regulations as the Senate, in their absolute and uncontrolled discretion in respect of making and altering the same, deem to be as nearly as circumstances permit in accordance with the intention of the said Solomon Levey in making the aforesaid bequest.

Powers of the Senate in respect of Levey's Legacy.

29. The Senate shall once in every year transmit a full account of the whole income and expenditure of the University to the Minister, who shall submit the same to the Legislative Council and Legislative Assembly, such account shall be audited by the Auditor-General, but nothing in the section shall prevent the Senate from employing a private auditor to examine the books of account of the University.

Accounts of annual income and expenditure to be laid before the Legislative Council and Assembly.

#### PART IVA

##### Variation of trusts

##### Interpretation

29A. In this Part—

'donor', in relation to a trust, means the person creating the trust, whether or not the trustee is a volunteer;

'prize' includes a scholarship or exhibition.

##### Trusts to which this Part applies

29B. This Part applies to a trust, whether created before, on or after the commencement of the University and University Colleges (Amendment) Act 1987—

- (a) by which any real or personal property is held—
  - (i) by the University upon trust for a particular purpose; or
  - (ii) by any person upon trust for the University for a particular purpose; and
- (b) the terms of which, by reason of the death or incapacity of the donor or otherwise, could not, but for the provisions of this Part, be varied without the order of a court.

##### Variation of amount of prize, scholarship or exhibition

29C. (1) If—

- (a) by the terms of a trust for the award from time to time, out of the income from the trust property or its

proceeds, of a prize, the prize to be awarded is a fixed amount of money; and  
 (b) in the opinion of the University (expressed by resolution of the Senate), the value of the amount so fixed has been so affected by monetary inflation that it no longer reflects the intentions of the donor with respect to the value and significance of the prize, the University may request the Minister to effect a variation, to an extent approved by the Senate, of the amount of the prize.  
 (2) The Minister, if satisfied that it is just and equitable to do so, may determine to vary the amount of the prize in accordance with the University's request.  
 (3) Upon delivery to the University of an instrument in writing signed by the Minister and specifying such a variation, the trust concerned is varied accordingly.

*Variation of terms of trust*

**29D.** (1) If—  
 (a) by the terms of a trust, any property is held—  
 (i) upon trust for a charitable purpose; or  
 (ii) upon trust for a purpose of the University other than its general purposes; and  
 (b) in the opinion of the University (expressed by resolution of the Senate), it is impossible or inexpedient to carry out or observe the terms of the trust, whether as to its purpose or any other of its terms, the University may request the Minister to effect a variation, in a manner approved by the Senate, of the terms of the trust.  
 (2) The Minister, if satisfied that it is just and equitable to do so, and with the concurrence of the Attorney General, may determine to vary the terms of the trust concerned in accordance with the University's request.  
 (3) In the making of any such determination, regard shall be had—  
 (a) to the extent to which it may be necessary to depart from the terms of the trust concerned in order to avoid the impossibility or inexpediency complained of; and  
 (b) to what appear to have been the intentions of the donor in creating the trust.  
 (4) Upon delivery to the University of an instrument in writing signed by the Minister and specifying a variation of the terms of the trust concerned, the trust is varied accordingly.

*Further variation*

**29E.** A trust that has been varied in accordance with this Part may in like manner be further varied from time to time.

**PART V**

**Exhibitions, Lectures, Matriculation and Privileged Officials**

**30.** [*Repealed*]

**31.** [*Repealed*]

Public Exhibitions.

**31A.** (1) The Senate shall allot to students entering the University public exhibitions, which shall take the form of exempting the holders from the payment of matriculation, tuition and degree fees to the University; such exhibitions shall be tenable as prescribed by by-laws to be made by the Senate in that behalf: Provided that the exhibitor shall be of good conduct and shall make such progress in his studies as shall satisfy the Senate.

The Senate may, in any case where it deems proper, permit an exhibitor to postpone entering the University for a period not exceeding one year.

(2) The number of such exhibitions to be so allotted each year shall be two hundred.

**(2A)** (a) Subject to subsection three of this section—

- (i) one hundred of such exhibitions shall be allotted to the candidates who are highest in the order of merit as shown at the examination for the leaving certificate or higher school certificate (whichever of such examinations may be adopted for the purpose by the Senate by by-laws made under section fifteen of this Act);
- (ii) In allotting the remaining one hundred exhibitions the Senate shall have regard solely to such limitations in the circumstances or income of the candidate and his family as may be prescribed by by-laws made under section fifteen of this Act; and where the number of such candidates eligible for an exhibition exceeds one hundred, the Senate shall have regard to the order of merit of those candidates as shown at the examination so adopted.

(b) The Senate shall each year determine the number of such exhibitions to be allotted during that year to students entering each school within the University having due regard to the expressed wish of the exhibitor.

(3) The exhibitions shall be allotted to those candidates who at the examination adopted in accordance with subsection (2A) of this section—

(a) are the recipients of leaving certificates or higher school certificates (as the case may be):

Provided that—

- (i) a certain number of exhibitions, to be determined by the Senate, may be allotted to students at evening tutorial classes who have been candidates at such examination notwithstanding the fact that such students are not the recipients of a leaving certificate or a higher school certificate, as the case may be;
- (ii) a certain number of exhibitions to be determined by the Senate may be allotted to persons who have been candidates at such examination and who have been residents of New South Wales for three years, notwithstanding the fact that such persons are not the recipients of a leaving certificate or a higher school certificate as the case may be;

(b) satisfy such requirements as are determined with respect to that examination by the Senate.

(4) The total number of exhibitions to be allotted to persons referred to in the proviso to paragraph (a) of subsection three of this section in any one year shall not exceed twelve.

(5) After the commencement of the University and University Colleges (Amendment) Act, 1952, and until a day to be appointed by the Governor and notified by proclamation published in the Gazette, it shall not be necessary for the Senate to allot public exhibitions pursuant to this section.

**31B.** The Senate shall allow such teachers in schools under the Public Instruction Act of 1880 as the Minister may approve to attend the University lectures without the payment of any matriculation, tuition or degree fees; Provided that such teachers have previously satisfied the requirements which the Senate determines are necessary for matriculation, have been selected for admission to the University and not otherwise excluded therefrom.

Teachers in schools may attend lectures without payment of fees.

**31C.** [*Repealed*]

Privileges of students entering by means of leaving certificate or higher school certificate.

Members of the University.

31D. Any student entering the University by means of the leaving certificate, higher school certificate or exhibition shall be eligible for any bursary or scholarship or exhibition at the disposal of the Senate, subject to the terms of the foundation thereof.

32. Each and every of the following officials, that is to say—

- (a) every professor and other full-time permanent member of the academic staff of the University; and
  - (b) every principal of any incorporated college within the University; and
  - (c) every superior officer of the University declared to be such by any by-law
- shall during his tenure of office, but no longer have the same rights and privileges within the University as are enjoyed by Masters and Doctors.

#### PART VI

##### Colleges within the University

###### DIVISION 1.—*Interpretation*

33. In this part of the Act, unless the context or subject matter otherwise indicates or requires—

'College' means a college within the University.

'Principal' includes the master, warden, rector, or any other head of a college.

###### DIVISION 2.—*Endowment and subscribed fund*

34. (1) There shall be paid by the Treasurer to any college established before or after the commencement of the University and University Colleges (Amendment) Act, 1973, whether or not the college is incorporated by any Act, such sums as the Treasurer may determine.

(2) The whole of any sums paid to a college pursuant to subsection (1) shall be applied to the erection of college buildings on land, being—

- (a) land granted by the Crown to the University in trust for the college for or with respect to purposes of the college; or
- (b) land conveyed to and accepted by the University in trust for or with respect to purposes of the college.

35. [Repealed]

36. [Repealed]

Endowment for principal's salary.

37. There shall be paid annually out of the Consolidated Revenue Fund to each college established by the University, whether or not the college is incorporated by any Act, such sum as the Treasurer may determine for or in aid of a salary to be paid to the principal of that college.

38. [Repealed]

Provision where selected principal is out of New South Wales.

39. Where any person selected to be the principal of any such college is out of New South Wales at the time of his appointment he shall be entitled to the salary, and the college to which he has been appointed may receive the same accordingly for his use from the day of his embarkation for New South Wales: Provided that every principal shall actually enter on his duties within six months after such embarkation unless the Governor, upon being satisfied that unavoidable obstacles have intervened, thinks fit to extend that term to nine months.

40. [Repealed]

###### DIVISION 3.—*Government of students*

41. (1) Each college shall have the right to provide accommodation, instruction and supervision to any person attending courses of instruction within the University or proceeding to a degree within the University and to members of the teaching staff of the University.

(2) All students and other residents in a college shall be subject to the discipline of the University and of the college.

#### PART VII

##### Colleges outside the Sydney Metropolitan Area

42. (1) The Senate may, with the approval of the Minister, establish and maintain one or more colleges outside the Sydney Metropolitan Area.

Power to establish and maintain colleges.

Each such college shall be established at such place within New South Wales, but outside the Sydney Metropolitan Area, as the Senate may think fit.

(2) The University shall have power to acquire by gift, devise or bequest any property upon trust to apply the same or the proceeds thereof or the income therefrom for the benefit of any college established under this Part and to agree to the conditions of any such gift, devise or bequest.

(3) Where, before the establishment under this Part of a college, any property, real or personal, has been vested in or acquired by any person upon trust for the purposes for which such college is established, such person may, when the college is established, convey or transfer such property to the University upon trust to apply the same or the proceeds thereof or the income therefrom for the benefit of the college.

The acceptance by the University of any such property shall be a complete discharge to the person conveying or transferring the same.

43. (1) There shall be constituted for and in respect of each college established under this Part an advisory council.

Advisory council of each college.

(2) Each advisory council shall consist of not less than ten nor more than twenty members.

(3) The members of each advisory council shall be appointed by the Minister on the nomination of the Senate.

(4) Each advisory council shall have and may exercise and perform such powers, authorities, duties and functions as may be prescribed by by-laws made by the Senate.

44. (1) The powers conferred on the Senate by section 14 shall extend to and in respect of the employment of all professors and other employees of the University engaged in or in connection with any college established under this Part.

Senate to appoint officers, etc., and manage property.

(2) The Senate shall have the entire management of the superintendence over the affairs and concerns of each college established under this Part and of any property of the University held upon trust for the purposes of a college established under this Part, and in all cases unprovided for by this Act the Senate may, in relation to any such property, act in such manner as appears to them to be best calculated to promote the purposes of the college.

(3) Without prejudice to the generality of subsection two of this section the Senate may make provision for classes and courses of instruction in such subjects as it may think fit at any college established under this Part

and may also make provision for the conduct of examinations at any such college.

(4) The Senate may delegate to the advisory council constituted for or in respect of any college established under this Part any of the powers, authorities, duties and functions conferred or imposed upon the Senate by this section.

Treasurer to meet costs incurred in establishment and maintenance of each college.

45. (1) Any expenditure incurred by the University for or in respect of the establishment or maintenance of any college established under this Part which is so incurred with the approval of the Governor given on the recommendation of the Treasurer is in this section referred to as approved expenditure.

(2) The Treasurer shall, in each year, pay to the University the amount by which the approved expenditure in connection with any college established under this Part exceeds the income from all sources of the University derived in connection with that college or so much of such income as is capable of being applied for the purpose of meeting approved expenditure.

(3) Any moneys payable by the Treasurer under this section shall be paid out of moneys provided by Parliament.

By-laws. 46. (1) The Senate may make by-laws relating to—

- (a) the discipline of colleges established under this Part;
- (b) the classes and courses of instruction provided at colleges established under this Part and the conduct of examinations at such colleges;
- (c) advisory councils constituted for or in relation to colleges established under this Part;
- (d) the delegation of powers, authorities, duties and functions of the Senate to advisory councils;
- (e) any matter which is required or permitted by this Part of this Act to be prescribed by by-laws or which is necessary or convenient to be so prescribed for carrying this Part of this Act into effect.

(2) Any by-law may be made to apply to all colleges established under this Part or to any specified college.

(3) Every such by-law shall be sealed with the seal of the University and shall be transmitted for the consideration and approval of the Governor, and when approved shall be countersigned by him, and when so countersigned and sealed with the seal of the University shall be of full force and effect.

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

#### PART VIIA

##### Chifley University College

###### Interpretation

46A. In this Part—

'College' means Chifley University College to be established under this Part;

'Interim Council' means the Chifley University Interim Council constituted under the Chifley University Interim Council Act 1987.

###### Power to establish the College

46B. The Senate may, with the approval of the Minister, establish and maintain a college, to be known as Chifley University College, at a place appointed by the Minister.

###### Management of the College and its property

46C. (1) Except as otherwise provided by the Chifley University Interim Council Act 1987—

(a) the Senate shall have the entire management of and superintendence over the affairs and concerns of the College and any property held upon trust for the purposes of the College; and

(b) in all cases not provided for by this Act the Senate may, in relation to any such property, act in such manner as appears to it to be best calculated to promote the purposes of the College.

(2) The Senate may, in consultation with the Interim Council—

(a) make provision for classes and courses of instruction at the College in such subjects as it may think fit; and

(b) make provision for the conduct of examinations at the College.

(3) The Senate may delegate to the Interim Council any of the powers, authorities, duties and functions conferred or imposed upon the Senate by this section.

###### Acquisition of property

46D. (1) The University shall have power—

(a) to acquire by gift, devise or bequeath any property upon trust to apply the property, or the proceeds of or income from the property, for the benefit of the College; and

(b) to agree to the conditions of any such gift, devise or bequest.

(2) If, before the establishment of the College, any property, real or personal, has been vested in or acquired by any person upon trust for the purposes for which the College is established—

(a) the person may, when the College is established, convey or transfer the property to the University upon trust to apply the property, or the proceeds of or income from the property, for the benefit of the College; and

(b) the acceptance of the property by the University shall be a complete discharge to the person so conveying or transferring it.

###### By-laws

46E. (1) The Senate may make by-laws relating to—

(a) the discipline of the College;

(b) the classes and courses of instruction provided at the College and the conduct of examinations at the College;

(c) the delegation of powers, authorities, duties and functions to the Interim Council;

(d) any matter which is necessary or convenient to be prescribed by by-laws for carrying this Part into effect.

(2) Every such by-law—

(a) shall be sealed with the seal of the University;

(b) shall be transmitted for the consideration and approval of the Governor; and

(c) when approved, shall be countersigned by the Governor,

and being duly sealed and countersigned, shall be of full force and effect.

(3) Until the commencement of the Interpretation Act 1987, section 41 of the Interpretation Act 1897 applies in respect of a by-law made under this section as if this Act had been passed after the commencement of the Interpretation (Amendment) Act 1969.

###### Annual report on progress of College

46F. The University shall include, in that part of its annual report to Parliament which concerns the College, a report on the progress of the College towards independence as an autonomous university.

PART VIII

Acquisition of land

47. (1) For the purposes of this Act, 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.

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

(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.

48. (1) Where land is vested in the Minister as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or appropriation effected pursuant to section 47 (1), the Minister may convey or transfer that land to the University for such estate, and subject to such trusts and rights of way or other easements, as he thinks fit.

(2) A 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.