

- 3** Section twenty-two of the Principal Act is amended—
- (a) by omitting from subsection (1) the word “three hundred” (twice occurring) and substituting therefor, in each case, the words “four hundred and fifty”; and
- (b) by omitting from subsections (2) and (3) the words “five hundred” (wherever occurring) and substituting therefor, in each case, the words “seven hundred and fifty”.

When deposit and interest amount to £300 interest to cease and future deposits limited.

4 After section thirty-three of the Principal Act the following section is inserted:—

“33A.—(1) Notwithstanding anything contained elsewhere in this Act or in the *Savings Banks Act 1917**, the executive committee of a savings bank may apply any part of the profits of the bank by way of gifts or donations for or towards such charitable purposes as that committee may determine.

Power to make donations to charities.

(2) The amount which may be applied in accordance with subsection (1) of this section shall not exceed one thousand pounds in any one year.”.

* 8 Geo. V. No. 59. For this Act as amended to 1936, see Reprint of Statutes, Vol. I., p. 287.

TASMANIAN UNIVERSITY.

No. 8 of 1951.

AN ACT to consolidate and amend the law relating to the University of Tasmania. [13 April, 1951.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as the *Tasmanian University Act* Short title. 1951.

2—(1) The Acts enumerated in the first schedule are Repealed.

(2) The repeal of the said Acts shall not affect any statutes made under those Acts and in force immediately before the commencement of this Act or any rules made under any such statute and in force immediately before the commencement of this Act, to the extent that those statutes or rules are not inconsistent with this Act, but they shall, to that extent, have the same effect as if this Act had been in force when they were made and conferred power to make them and as if they had been made under this Act.

Interpretation.

Cf. S.A. No. 2228 of 1935, s. 3.

3 In this Act, unless the contrary intention appears—

“council” means the council of the university;

“senate” means the senate of the university;

“university” means the University of Tasmania.

Continuance and incorporation of university.
Ibid., s. 4.

4—(1) The university established at Hobart pursuant to the *Tasmanian University Act 1889** is hereby continued.

(2) The university shall be a body corporate, by the name of the University of Tasmania, and shall, for all purposes, be deemed to be the same body corporate as the body under that name constituted and appointed under the Act referred to in subsection (1) of this section, and shall have a common seal and shall, by its corporate name, be capable of suing and being sued and, subject to this Act, of taking, purchasing, and holding real and personal property, and of granting, selling, alienating, assigning, and demising any such property for any estate, term, or interest, and of doing and suffering all other acts and things which bodies corporate may by law do and suffer.

(3) The university shall consist of a council and senate, as provided by this Act.

Constitution of Council.
Cf. 53 Vict. No. 41 (Tas.) s. 2.

5—(1) Subject to subsection (2) of section six, the council shall consist of twenty-one members, comprising—

(a) the person for the time being holding office as Minister for Education;

(b) the person for the time being holding office as Director of Education;

(c) the person for the time being holding office as Chairman of the Professorial Board constituted under the statutes of the University;

(d) eight persons elected by Parliament, as prescribed;

(e) six persons elected, as prescribed, by the senate;

(f) two persons elected, as prescribed, by the full-time members of the teaching staff of the university, defined as prescribed; and

(g) two persons appointed by the Governor on the recommendation of the council.

(2) Of the members elected under paragraph (d) of subsection (1) of this section, two shall retire each year in such rotation as may be prescribed and, subject to the transitory provisions prescribed, shall each hold office for four years.

* 53 Vict. No. 41. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 686. Subsequently amended by 10 Geo. VI. No. 13.

(3) Any vacancies occurring (otherwise than by reason of the effluxion of time) in the offices of members elected under paragraph (d) of subsection (1) of this section shall be filled, as prescribed, by the members of the two Houses of Parliament respectively, in rotation, and any person elected to fill any such vacancy shall hold office for the remainder of the term of office of the member in whose place he is so elected.

(4) No full-time member of the teaching staff of the university shall be eligible to vote or to be elected at any election held for the purposes of paragraph (e) of subsection (1) of this section.

(5) Of the members elected under paragraph (e) of subsection (1) of this section three shall retire every second year, in such rotation as may be prescribed, and, subject to the transitory provisions prescribed, shall each hold office for four years.

(6) The members elected under paragraph (f) of subsection (1) of this section shall each hold office for three years, subject to such provisions, if any, as may be prescribed for securing retirement by rotation.

(7) A member appointed under paragraph (g) of subsection (1) of this section shall hold office for such term, not exceeding four years, as may be specified in the instrument of his appointment.

(8) Where any vacancy occurs, otherwise than by reason of the effluxion of time, in the office of any of the members elected or appointed under paragraphs (e) to (g) of subsection (1) of this section, the vacancy shall be filled, as prescribed, by the election or appointment, as the case may be, of a person to fill the vacancy, and the person so elected or appointed shall hold office for the remainder of the term of office of the member in whose place he is so elected or appointed.

(9) All members holding office at the commencement of this section shall be deemed to have been elected or appointed under the authority of this section and shall, subject to this Act, continue in office for the respective terms for which they were elected or appointed.

6—(1) The offices of Chancellor and Vice-Chancellor, respectively, or either of those offices, may be filled by—

Provisions relating to the election of the Chancellor and the Vice-Chancellor.

(a) election, as prescribed, by and from the members of the council; or

(b) the appointment thereto of persons who are not members of the council, according as the council may think fit.

(2) Where the office of Chancellor or the office of Vice-Chancellor, or both of those offices, is or are filled pursuant to paragraph (b) of subsection (1) of this section, the person or persons appointed thereto shall *ex-officio* be a member or be members of the council, and, during his or their tenure of office, the council shall consist of twenty-two or twenty-three members, as the case requires.

(3) The person holding office as Chancellor at the commencement of this section shall, subject to this Act, continue in office until the first ordinary meeting of the council in the month of February in the year 1954 and at that meeting and at the first ordinary meeting of the council in the month of February in each fourth year thereafter the council shall elect or appoint a Chancellor to hold office until the date of the next ensuing election or appointment.

(4) If at any time after the commencement of this section a vacancy occurs, otherwise than by reason of the effluxion of time, in the office of Chancellor, the council shall elect or appoint a person to fill the vacancy, and the person so elected or appointed shall, subject to this Act, hold office for the remainder of the term of office of the person in whose place he is so elected or appointed.

(5) The council shall, as and when any vacancy occurs in the office of Vice-Chancellor, elect or appoint a person to fill the vacancy.

(6) The Vice-Chancellor shall hold office on such terms and conditions and at such salary as the council may determine.

(7) The person holding office as Vice-Chancellor at the commencement of this section shall be deemed to have been appointed under, and in accordance with the provisions of, subsection (2) of this section.

Vacation of
office.
Tas., s. 3.

7 If any member of the council—

- (a) dies;
- (b) declines to act;
- (c) resigns his seat;
- (d) ceases to reside in this State; or
- (e) is absent, without leave of the council, from three consecutive meetings of the council,

his seat shall become vacant and shall be filled by appointment or election as provided by this Act.

Constitution
of senate.
Tas., s. 5.

8 The senate shall consist of—

- (a) all graduates of the university;
- (b) all graduates of any other university admitted to degrees in the university;
- (c) the members of the council; and
- (d) such Associates of Arts of Tasmania and associates of institutions authorised to grant degrees and certificates as may be admitted, as prescribed, to membership of the senate.

Quorum of
council and
senate.
Tas., s. 4.

9—(1) Eleven members of the council shall constitute a quorum thereof, and the council may transact any business, notwithstanding any vacancy in its membership, so long as a quorum remains.

(2) A quorum of the senate shall be such number of the members thereof as may be prescribed.

10 The council shall have the management and control of the affairs and property of the university, and may, subject to this Act, do all such acts and things as it may think best fitted to promote the interests of the university; and no act or thing done by the council shall be prejudiced or affected in any way by reason of any vacancy in the membership of the council, so long as a quorum of the council remains.

Management of affairs of university. Tas., s. 13.

11—(1) The land described in the second schedule (in this section referred to as "the said land") is hereby vested in the university for the purposes of the university and for conversion into, and use as, public parks or gardens under the control and management of the council.

Vesting and control of certain land.

(2) The said land or any part thereof shall not at any time be sold, mortgaged, or otherwise disposed of, and if the said land ceases to be used for the purposes of the university it shall revert to and revest in His Majesty.

(3) The council may, with the approval of the Governor, make by-laws for the good rule and management of the said land, and for regulating and controlling the use of the said land by the public and, in particular, for—

- (a) providing for the safety and preservation of any public property in or on the said land;
- (b) prescribing and regulating the removal from the said land of persons causing any annoyance or inconvenience or using any obscene, blasphemous, or indecent language;
- (c) regulating the days and times of admission to the said land or to any specified part thereof, and prescribing the terms and conditions of admission thereto (including the charges, if any, to be paid in respect of admission to any specified part thereof);
- (d) prohibiting persons generally or any specified class or classes of persons from entering or remaining on the said land or on any specified part thereof;
- (e) regulating and controlling the use of roadways and footways in or across the said land or any part thereof;
- (f) providing for the removal from the said land of dogs or other animals; and
- (g) imposing penalties (not exceeding twenty pounds) for any breaches of the by-laws.

(4) All penalties imposed in respect of breaches of any by-laws under this section shall be paid into the Consolidated Revenue.

Special provisions with respect to certain land.

12—(1) The land vested in the university by section one of the *University Property Act 1892** shall, subject to this section, continue to be vested in the university for the same purposes as those for which, and upon and subject to the same conditions as those upon and subject to which, it was vested in the university immediately before the commencement of this Act.

(2) Notwithstanding the foregoing provisions of this section, upon being satisfied that the erection of new university buildings on the land referred to in section eleven has been completed, the Governor, if the land referred to in subsection (1) of this section is still vested in the university, may, by proclamation, declare that, on such date as may be specified in that behalf in the proclamation, the lastmentioned land shall revert to and revest in His Majesty for educational purposes, and thereupon that land shall, by operation of this section and without further or other authority, revert to and revest in His Majesty accordingly for those purposes.

Power to confer degrees.
Tas., ss. 9, 10.

13 The Council may confer—

- (a) degrees, diplomas, and certificates after examination;
- (b) a degree, without examination, upon any person who has obtained a corresponding or equivalent degree at any other university or institution; and
- (c) honorary degrees on distinguished visitors and on persons who have, in the opinion of the council, given outstanding service to the Commonwealth or to this State.

Annual report of council.
Tas., s. 24.

14—(1) The council shall, within seven months after the close of its financial year, present to the Governor an annual report of the proceedings of the university during that financial year, and the report shall contain a full account of the income and expenditure of the university audited by the Auditor-General.

(2) The Minister shall cause a copy of every such report to be laid before both Houses of Parliament within the first seven sitting days of each House after the report is received by him.

Financial provisions.
Tas., ss. 22, 23.

15—(1) In every financial year the Treasurer shall pay to the council, out of the Consolidated Revenue (which to the necessary extent is hereby appropriated accordingly) the sum of ten thousand pounds, and shall also pay to the council, out of the Consolidated Revenue, such other sums as may be provided by Parliament for the purposes of this Act.

(2) All sums paid to the council pursuant to subsection (1) of this section, and all other moneys and fees received by the council under this Act, shall be applied for the purposes of this Act and not otherwise.

*56 Vict. No. 26. For this Act, as amended to 1936, see Reprint of Statutes, Vol. III., p. 693.

16—(1) The Governor shall be the visitor of the university, and shall have authority, as and when he thinks fit, to do all things which pertain to the office of visitor.

The Governor
to be visitor.
Tas., s. 8;
S.A., s. 22.

(2) In this section, the expression "Governor" means the Governor of this State and not the Governor acting with the advice of the Executive Council.

17 No religious test shall be administered to any person in order to entitle that person to be admitted as a student of the university, or to hold office therein, or to graduate thereat, or to hold any advantage or privilege thereof.

Prohibition of
religious tests.
Tas., s. 16;
S.A., s. 21.

18—(1) The council may make statutes touching any of the following matters, that is to say:—

Power to
make statutes.
Tas., s. 15;
S.A., s. 18.

- (a) The creation of chairs and other offices in the university, and the appointment and removal of professors, lecturers, examiners, officers, and servants of the university;
- (b) The holding of examinations, including public examinations, and the number and character of those examinations;
- (c) The granting of degrees, diplomas, certificates, and honors;
- (d) The fees and deposits to be paid (including fees for enrolment in classes, for exemption from attending lectures, for examinations, for admission to degrees, diplomas, and certificates, and for matriculation) and the fees payable by students for the maintenance of common rooms and facilities for students generally;
- (e) The affiliation to, or connection with the university of any college, educational establishment, or museum to which the governing body of the college, establishment, or museum may consent;
- (f) The government of colleges, hostels, and halls of residence which are under the control of the council; the affiliation of colleges, hostels, and halls of residence which are not under the control of the council; and the licensing and supervision of boarding-houses catering for students of the university;
- (g) The lectures and classes held in the university and the persons who may be admitted to those lectures and classes;
- (h) The granting of scholarships, bursaries, and prizes;
- (i) The discipline of the university;
- (j) The meetings of the council and of the senate, the mode of voting at meetings, and the qualification of persons who claim to vote thereat;
- (k) The participation in conferences of members of the council and of the teaching staff and other officers of the university;

- (l) The nomination of candidates for election to the council and all matters relating to the conduct of elections of members of the council;
- (m) The matriculation of students;
- (n) The use and custody of the common seal of the university, and the functions of the council which may be exercised without the use of the common seal for that purpose;
- (o) Membership of any organisation of students and the fees to be paid in respect of membership thereof; and
- (p) Any other matter which is by this Act required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act.
- (2) The council may, in any statute under or for the purposes of paragraph (o) of subsection (1) of this section, require that membership of any specified organisation of students shall be compulsory.
- (3) Any statute made under this section shall be deemed, for all purposes, to be a regulation within the meaning of the *Acts Interpretation Act 1931**.
- (5) Any statute made under this section may empower the council to make rules governing the administrative functions of the council or for giving effect to any statute.
- (6) Every new statute and every amendment or repeal of an existing statute shall be submitted, under the common seal of the university, for the approval of the Governor.
- (7) No new statute and no amendment or repeal of an existing statute shall have any force or effect unless and until—
- (a) it has been approved by the senate; and
- (b) it has been approved and countersigned by the Governor.

* 22 Geo. V. No. 59. For this Act, as amended to 1936, see Reprint of Statutes, Vol. I., p. 8. Subsequently amended by 11 Geo. VI. No. 43.

THE FIRST SCHEDULE.

(Section 2.)

ACTS REPEALED.

Regnal Year and Number.	Title of Act.
53 Vict. No. 41	<i>Tasmanian University Act 1889.</i>
56 Vict. No. 26	<i>University Property Act 1892.</i>
10 Geo. VI. No. 13	<i>Tasmanian University Act 1946.</i>

THE SECOND SCHEDULE.

(Section 11.)

CITY OF HOBART.

251a. 2r. 18 2/10p. excluding an area reserved or High Level road and an area reserved for widening of Earl-street.

Commencing at the intersection of Sandy Bay-road and Earl-street and bounded on the south-east by 21 chains 14 4/10 links south-westerly in two bearings along Earl-street aforesaid on the south-west by 1 5/10 links north-westerly along portion of 52a. 2r. Op. grant to David Lord again on the south-east by 59 chains 35 1/10 links south-westerly in two bearings again along portion of 52a. 2r. Op. aforesaid along portion of 167a. 2r. Op. granted to David Lord along portion of 66a. 1r. 10p. granted to Octavius Lord along a reserved road and again along portion of 66a. 1r. 10p. aforesaid again on the south-west by 2 chains 56 8/10 links north-westerly along 507a. Or. Op. granted to Robert L. Murray again on the south-east by 42 chains 14 5/10 links south-westerly in several bearings again along 507a. Or. Op. aforesaid to Proctors-road on the west and again on the south-west by 4 chains 40 8/10 links northerly and north-westerly in two bearings along that road on the north-west by 13 chains 90 7/10 links north-easterly along portion of 633a. Or. Op. granted to Robert L. Murray again on the south-west by 21 chains 42 links north-westerly again along portion of that land again on the north-west by 18 chains 15 9/10 links north-easterly again along portion of that land again on the south-west by 4 chains 98 2/10 links north-westerly again along portion of that land to Proctors-road aforesaid again on the west by 4 chains 40 2/10 links northerly along that road on the north-east by 8 chains 47 6/10 links south-easterly again along portion of 633a. Or. Op. aforesaid again on the north-west by 18 chains 44 links north-easterly again along portion of that land again on the south-west by 9 chains 45 8/10 links north-westerly in two bearings along 633a. Or. Op. aforesaid along Bain-avenue and again along 633a. Or. Op. aforesaid to Proctors-road aforesaid again on the north-west by 3 chains 11 links north-easterly along that road again on the north-west by 31 chains 37 7/10 links north-easterly in two bearings again along portion of 167a. 2r. Op. aforesaid and along portion of 65a. 2r. Op. granted to David Lord again on the south-west by 56 4/10 links north-westerly again along portion of that land to Alexander-street again on the north-west by 25 chains 54 4/10 links north-easterly in two bearings along that street again along portion of 65a. 2r. Op. aforesaid along Grace-street and again along portion of 65a. 2r. Op. aforesaid to Sandy Bay-road aforesaid and thence again on the north-east by 8 chains 9 7/10 links south-easterly in several bearings along that road to the point of commencement as the same is shown on plan 151 Hobart and volume 186 Roads, folio 4, filed and registered in the office of the Surveyor-General and Secretary for Lands, at Hobart. Subject to the Sewerage Easements in favour of the Lord Mayor Aldermen and Citizens of the City of Hobart as more particularly described in proclamations in the gazettes of the Commonwealth of Australia dated the 8th day of May 1919 and the 15th day of July 1920 respectively and as shown on the said plan 151 Hobart.