

AUSTRALIAN NATIONAL UNIVERSITY.

No. 22 of 1946.

An Act to establish and incorporate a University in the Australian Capital Territory.

[Assented to 1st August, 1946.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

1. This Act may be cited as the *Australian National University Act 1946.* Short title.
2. This Act shall come into operation on a date to be fixed by Proclamation. Commencement.
3. In this Act, unless the contrary intention appears— Definitions
 - “the Canberra University College” means the college established under that name by the *Canberra University College Ordinance 1929–1940* of the Australian Capital Territory;
 - “the Council” means the Council of the University;
 - “the Statutes” means the Statutes of the University in force in pursuance of this Act;
 - “the University” means The Australian National University constituted under this Act.
- 4.—(1.) A University, consisting of a Council and Convocation, and graduate and under-graduate members, shall be established at Canberra, in the Australian Capital Territory. Establishment and incorporation of University.

(2.) When the Council has been duly constituted and appointed in accordance with the provisions of this Act, the University shall be a body corporate by the name of “The Australian National University” and by that name shall have perpetual succession, and shall have a common seal, and be capable by that name of—

 - (a) suing and being sued in all courts;
 - (b) taking, purchasing and holding real and personal property (including property devised, bequeathed or given to the University);
 - (c) granting, selling, alienating, assigning and demising real or personal property; and
 - (d) doing all other matters and things incidental or appertaining to a body corporate.
- 5.—(1.) The common seal of the University shall be kept in such custody as the Council directs, and shall not be used except upon the order of the Council. Common seal.

(2.) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the University affixed to any document, and shall presume that it was duly affixed.

Functions of
the University.

6. The functions of the University shall include the following:—

- (a) To encourage, and provide facilities for, post-graduate research and study, both generally and in relation to subjects of national importance to Australia;
- (b) To provide facilities for university education for persons who elect to avail themselves of those facilities and are eligible so to do; and
- (c) Subject to the Statutes, to award and confer degrees and diplomas.

Research
schools.

7. The University may establish such Research Schools as are deemed desirable, including—

- (a) a School of Medical Research, to be known as "The John Curtin School of Medical Research";
- (b) a Research School of Physical Sciences;
- (c) a Research School of Social Sciences; and
- (d) a Research School of Pacific Studies.

Training for
Public Service.

8. The University may provide specialist training in such subjects as are considered desirable for the purposes of members of the Public Service or of the staff of any public authority.

Canberra
University
College.

9. The University may provide for the incorporation in the University of the Canberra University College.

Governing
authority.

10. The governing authority of the University shall be the Council.

Constitution
of Council.

11.—(1.) The Council shall consist of not more than thirty members.

(2.) Two members shall be members of the Senate, elected by the Senate.

(3.) Two members shall be members of the House of Representatives, elected by that House.

(4.) A number of members determined in accordance with this sub-section, but not at any time exceeding eight, shall be appointed by the Governor-General, being persons who, in the opinion of the Governor-General, by their knowledge and experience can advance the full development of the University. The number of members appointed under this sub-section shall be four, together with one further member for every member in excess of five elected by Convocation for the time being holding office.

(5.) A number of members determined in accordance with this sub-section, but not at any time exceeding nine, shall be elected by Convocation. When Convocation is first constituted five such members shall be elected, and an additional member shall be elected for every fifty members by which the number of members of Convocation from time to time exceeds the minimum number required for the original Constitution of Convocation.

(6.) The Vice-Chancellor shall be *ex officio* a member of the Council.

(7.) Two members shall be appointed or elected, in the manner provided by the Statutes, to represent under-graduate students and other students of the University.

(8.) Three members shall be appointed or elected, in the manner provided by the Statutes, to represent the professorial and teaching staff of the University.

(9.) The members of the Council for the time being appointed or elected in accordance with the foregoing provisions of this section may, in the manner provided by the Statutes, co-opt not more than three additional members of the Council.

(10.) The members elected or appointed under sub-sections (2.), (3.) and (4.) of this section shall be severally elected or appointed for periods not exceeding three years.

(11.) Subject to the last preceding sub-section and to sections thirteen and fourteen of this Act, the members of the Council (other than the Vice-Chancellor) shall hold office for such periods as the Statutes provide.

(12.) The Statutes may provide for the retirement in rotation of members of the Council of any particular class.

(13.) A person ceasing to be a member of the Council shall, unless otherwise disqualified, be eligible to become a member for a further period.

(14.) In the event of a casual vacancy in the Council, a member shall be elected or appointed in the same manner as that in which the member whose seat is vacant was elected or appointed or, in such cases and in such circumstances as are specified in the Statutes, in such other manner as is prescribed by the Statutes, and the person so elected or appointed shall hold office for the residue of his predecessor's term of office.

12.—(1.) At any time before the Council has been duly constituted and appointed, the Governor-General may establish an Interim Council, consisting of such persons as he thinks fit.

(2.) Unless sooner dissolved by the Governor-General, the Interim Council shall remain in existence until the date on which the Council is duly constituted and appointed, or until the thirty-first day of December, One thousand nine hundred and forty-seven, whichever is the earlier.

(3.) The Interim Council shall do such things as it considers necessary in connexion with the establishment of the University and the commencement of the functions of the University, and for that purpose shall have all the powers and functions of the Council (except the powers and functions of the Council under section seventeen of this Act).

(4.) While the Interim Council is in existence, any reference in any provision of this Act, other than sections eleven, fourteen, fifteen, seventeen and twenty-four, to the Council shall be read as a reference to the Interim Council.

Disqualifications.

13. No person who—

- (a) is not of the full age of twenty-one years ;
- (b) is an undischarged bankrupt, or has his affairs under liquidation by arrangement with his creditors ;
- (c) has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence ; or
- (d) is an insane person within the meaning of the laws relating to insanity in force for the time being in any State or Territory of the Commonwealth,

shall be capable of being or continuing to be a member of the Council.

Vacation of office.

14. If any member of the Council—

- (a) dies ;
- (b) declines to act ;
- (c) resigns his seat ;
- (d) is absent without leave of the Council from six consecutive meetings of the Council ; or
- (e) in the case of a member elected by either House of the Parliament—ceases to be a member of that House,

his seat shall become vacant and shall be filled as a casual vacancy in accordance with sub-section (14.) of section eleven of this Act.

Meetings of Council.

15.—(1.) The Chancellor shall preside at all meetings of the Council at which he is present.

(2.) At any meeting of the Council at which the Chancellor is not present, the member specified in, or ascertained in accordance with, the provisions of the Statutes or, if the Statutes do not make any such provision, the member elected by the members present from among their number, shall preside.

Constitution of Convocation.

16.—(1.) Convocation shall consist of—

- (a) all members and past members of the Council ;
- (b) all graduates of the University of the degree of Master or Doctor ;
- (c) all other graduates of the University of three years' standing ; and
- (d) such graduates of other Universities, or other persons, as are, in accordance with the Statutes, admitted as members of Convocation.

(2.) Until Convocation is constituted, the Council shall cause to be kept a roll of all persons who are entitled to become members of Convocation and thereafter shall cause to be kept a roll of all members of Convocation.

(3.) When the number of persons so enrolled amounts to fifty, the Council shall report the fact to the Governor-General.

(4.) The report mentioned in the last preceding sub-section shall be published in the *Gazette*, and Convocation shall be deemed to be constituted on the day of that publication.

(5.) Meetings of Convocation may be convened by the Vice-Chancellor, or as provided in the Statutes.

17.—(1.) The Council shall, at its first meeting, and whenever a vacancy in the office of Chancellor occurs, elect one of its number to be Chancellor of the University.

Election of
Chancellor.

(2.) The Chancellor shall hold office for such period as is specified in the Statutes and on such conditions as are provided by the Statutes.

18.—(1.) The first Vice-Chancellor of the University shall be appointed by the Governor-General, and shall hold office, subject to good behaviour, for a period of five years.

Appointment
of Vice-
Chancellor.

(2.) Whenever a vacancy in the office of Vice-Chancellor occurs, the Council shall appoint a person (whether a member of the Council or not) to be Vice-Chancellor.

(3.) The Vice-Chancellor (other than the first Vice-Chancellor) shall be appointed for such period as is specified in the Statutes and on such conditions as the Council determines.

(4.) The Vice-Chancellor shall be the executive office of the University, and shall possess such powers and perform such duties as the Statutes prescribe or, subject to the Statutes, the Council determines.

19.—(1.) At any meeting of the Council, not less than one half of the total number of members for the time being shall form a quorum.

Quorum.

(2.) At any meeting of Convocation, twenty-five members shall form a quorum.

20. Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is otherwise capable, for the time being, of holding that office or place.

Re-election or
appointment.

21. No proceedings of the Council or of Convocation, or of any committee thereof, and no act done by a person acting as Chancellor or Vice-Chancellor, shall be invalidated by reason of any defect in the appointment or election, or of any disqualification of, any member of the Council or of Convocation, or of any such person, or in the convening or conduct of any meeting, or by reason of there being any vacancy in the number of members of the Council.

Validity of
proceedings.

22.—(1.) The Statutes may provide for the establishment of a Board of Graduate Studies consisting of such Professors in the University and other persons as are specified in, or appointed in accordance with, the Statutes.

Board of
Graduate
Studies.

(2.) Subject to this Act, the Board of Graduate Studies shall have such powers and functions in relation to courses of study in the University and other matters as the Statutes provide, or as are delegated to it by the Council.

23. Subject to this Act and the Statutes, the Council may from time to time appoint deans, professors, lecturers, examiners and other officers and servants of the University, and shall have the entire control and management of the affairs and concerns of the University,

Powers of
Council.

and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests of the University.

Standing
Committee
of Council.

24.—(1.) There shall be a standing committee of the Council, appointed by the Council, which shall consist of not more than seven members, including the Vice-Chancellor.

(2.) The Vice-Chancellor shall be Chairman of the Committee, and in his absence the members present shall elect one of their number to act as Chairman.

(3.) The Standing Committee shall exercise such powers and perform such functions as are conferred upon it by the Council.

(4.) Four members of the Standing Committee shall constitute a quorum.

Delegation
by Council.

25.—(1.) The Council may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation and its powers in relation to the making of Statutes) to any member or to any Committee of its members, or to any officer or officers of the University.

(2.) Every delegation under this section shall be revocable by resolution of the Council, and no delegation shall prevent the exercise of any power or function by the Council.

Control and
management
of property.

26.—(1.) Subject to this section, the Council shall have the control and management of all real and personal property at any time vested in or acquired by the University, and may dispose of real or personal property in the name and on behalf of the University.

(2.) The Council shall not, except with the approval of the Governor-General, alienate, mortgage, charge or demise any lands, tenements or hereditaments of the University, except by way of lease for any term not exceeding twenty-one years from the time when the lease is made, in and by which there is reserved, during the whole of the term, the highest rent that can reasonably be obtained without fine.

Statutes.

27.—(1.) The Council may from time to time make, alter and repeal Statutes with respect to all or any of the following matters:—

- (a) The management, good government and discipline of the University ;
- (b) The use and custody of the common seal ;
- (c) The method of election of members of the Council who are to be elected ;
- (d) The manner and time of convening, holding and adjourning the meetings of the Council and Convocation ; the voting at such meetings (including postal or proxy voting) ; the appointment, powers and duties of the chairman thereof ; the conduct and record of the business ; the appointment of committees of the Council and Convocation ; and the quorum, powers and duties of such committees ;
- (e) The resignation of members of the Council and of the Chancellor or Vice-Chancellor ;

- (f) The tenure of office, stipend and powers and duties of the Vice-Chancellor ;
- (g) The number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners and other officers and servants of the University ;
- (h) The matriculation of students ;
- (i) The times, places and manner of holding lectures, classes and examinations, and the number and character of such lectures, classes and examinations ;
- (j) The promotion and extension of University teaching ;
- (k) The granting of degrees, diplomas, certificates and honours ;
- (l) The granting of fellowships, scholarships, exhibitions, bursaries and prizes ;
- (m) The admission of students of other Universities to any corresponding status or of graduates of other Universities to any corresponding degree or diploma without examination ;
- (n) The admission of members of Convocation ;
- (o) The fees to be paid for examinations, for the granting of degrees, diplomas and certificates, for attendance at the lectures and classes of the University and for use of the facilities of the University ;
- (p) The establishment, management and control of libraries, laboratories and museums in connexion with the University ;
- (q) The establishment or affiliation of residential colleges within the University ;
- (r) The affiliation or admission to the University of any educational or research establishment wheresoever situated ;
- (s) The control and investment of the property of the University ;
- (t) The provision of a scheme of superannuation for the salaried teachers and officers of the University upon retirement ;
- (u) Academic costume ; and
- (v) Generally, all other matters authorized by this Act, or necessary or convenient for giving effect to this Act.

(2.) The Statutes may provide for empowering any authority (including the Council) or officer of the University to make by-laws, rules or orders (not inconsistent with this Act or with any Statute) for regulating, or providing for the regulation of, any specified matter (being a matter with respect to which Statutes may be made) or for carrying out or giving effect to the Statutes, and any such by-law, rule or order shall have the same force and effect as a Statute.

28.—(1.) Every Statute when approved by the Council shall be sealed with the common seal, and shall be transmitted by the Chancellor for the approval of the Governor-General, and upon being so approved shall be notified in the *Gazette*, and shall thereupon have the force of law.

Statutes to
be approved by
Governor-
General and
published.

(2.) The notification of any Statute in the *Gazette* shall specify the place at which copies of the Statute may be purchased.

(3.) A copy of every such Statute shall be laid before each House of the Parliament within fifteen sitting days of that House after notification of the Statute in the *Gazette*.

(4.) The production of a copy of a Statute under the common seal of the University, or of a document purporting to be a copy of a Statute and to have been printed by the Government Printer, shall, in all proceedings, be sufficient evidence of the Statute.

(5.) The Statutes shall be numbered consecutively in the order in which they are notified in the *Gazette*, and a notice in the *Gazette* of the fact that a Statute has been made and specifying the number of the Statute shall be sufficient compliance with the requirement of sub-section (1.) of this section that the Statute shall be notified in the *Gazette*.

Fees, &c.,
to be
payable.

29.—(1.) Fees shall be payable by students of the University except, in the case of any student who is granted any fellowship, scholarship, exhibition, bursary or similar benefit, to the extent to which he is thereby exempted from payment of fees.

(2.) The Governor-General may, by Proclamation, determine that fees shall not be payable by students of the University and, while the Proclamation is in force, fees shall not be so payable.

Finance.

30.—(1.) There shall be payable to the University—

(a) in each financial year during the period of five years commencing on the first day of July, One thousand nine hundred and forty-six—such sum, not exceeding Three hundred and twenty-five thousand pounds, as the Treasurer is satisfied is necessary to meet the expenses of the University in that financial year; and

(b) in each financial year thereafter—the sum of Three hundred and twenty-five thousand pounds.

(2.) The amounts payable to the University under this section shall be paid out of the Consolidated Revenue Fund which, to the necessary extent, is hereby appropriated accordingly.

Application
of fees, &c.

31. All fees and all other moneys received by the Council under the provisions of this Act or otherwise shall be applied by the Council solely for the purposes of the University.

No religious
test.

32. 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 office therein, or to graduate thereat, or to enjoy any benefit, advantage or privilege thereof.

Report.

33.—(1.) The Council shall, within six months after the close of each University year, transmit to the Governor-General a report of the proceedings of the University during that year, containing a true and detailed account of the income and expenditure of the University during the year, audited in such manner as the Treasurer of the Commonwealth directs.

(2.) A copy of every such report shall be laid before both Houses of the Parliament.

34.—(1.) Every person who, at the date on which the Canberra University College is incorporated in the University in pursuance of section nine of this Act, holds any salaried office or employment in the Canberra University College, and has not attained the age of sixty-five years, shall be entitled to be appointed to an office or to be employed in the University on terms and conditions (including terms and conditions as to remuneration and duration of appointment, but not including terms and conditions prescribing the title, duties or status of the office or employment) not less favourable than those upon which he so holds that office or employment:

Persons
holding
office in
Canberra
University
College.

Provided that this sub-section shall not apply to or in relation to any employment as a part-time lecturer, or any remuneration in respect of a part-time lectureship.

(2.) A person to whom the last preceding sub-section applies shall not have any right to damages or compensation in respect of the termination, in consequence of the coming into operation of this Act, of his tenure of any office or employment in the Canberra University College.
