

# AUSTRALIAN NATIONAL UNIVERSITY.

## No. 3 of 1960.

### An Act relating to the Australian National University.

[Assented to 8th April, 1960.]

**B**E it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

#### PART I.—PRELIMINARY.

1.—(1) This Act may be cited as the *Australian National University Act 1960*.

Short title  
and citation.

(2.) The *Australian National University Act 1946–1947\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Australian National University Act 1946–1960*.

2.—(1.) Parts I. and III. of this Act shall come into operation on the day on which this Act receives the Royal Assent.

Commence-  
ment.

(2.) Part II. of this Act shall come into operation on a date to be fixed by Proclamation.

3. This Act is divided into Parts, as follows:—

Parts.

Part I.—Preliminary (Sections 1–3).

Part II.—Amendments of the Australian National University Act (Sections 4–19).

Part III.—Transitional Provisions (Sections 20–29).

#### PART II.—AMENDMENTS OF THE AUSTRALIAN NATIONAL UNIVERSITY ACT.

4. Section three of the Principal Act is repealed and the following section inserted in its stead:—

“ 3.—(1.) In this Act, unless the contrary intention appears—

Interpretation.

‘ professor ’ does not include an assistant professor or an associate professor;

‘ the Council ’ means the Council of the University;

‘ the Institute ’ means the Institute of Advanced Studies within the University;

\* Act No. 22, 1946, as amended by Nos. 21 and 56, 1947.

' the School ' means the School of General Studies within 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.

" (2.) A reference in this Act to the holder of an office in the University shall be read as including a reference to a person for the time being performing the duties of that office."

Establishment  
and  
incorporation  
of University.

5. Section four of the Principal Act is amended by omitting from sub-section (2.) the words " When the Council has been duly constituted and appointed in accordance with the provisions of this Act, the University " and inserting in their stead the words " The University ".

6. Sections seven, eight and nine of the Principal Act are repealed and the following sections inserted in their stead:—

Organization of  
the University.

" 7. There shall be, within the University—

- (a) an Institute of Advanced Studies; and
- (b) a School of General Studies.

Institute of  
Advanced  
Studies.

" 8.—(1.) The Institute shall comprise research schools in relation to medical science, the physical sciences, the social sciences, Pacific studies and such other fields of learning as the Council determines.

" (2.) Subject to the next succeeding sub-section, the names of the research schools and the fields of learning in relation to which they are established shall be as determined by the Council.

" (3.) The research schools shall include a research school in relation to medical science to be known as ' The John Curtin School of Medical Research '.

" (4.) The Departments of a Research School shall be such as are determined by the Council.

Faculties in  
School of  
General Studies.

" 9. The Faculties in the School shall be such as are determined by the Council."

7. Sections eleven and twelve of the Principal Act are repealed and the following section is inserted in their stead:—

Constitution  
of Council.

" 11.—(1.) The Council shall consist of—

- (a) two Senators elected by the Senate;
- (b) two members of the House of Representatives elected by that House;
- (c) twelve persons 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;

- (d) the following persons:—
- (i) the Chancellor;
  - (ii) the Pro-Chancellor;
  - (iii) the Vice-Chancellor;
  - (iv) the Deputy Vice-Chancellor;
  - (v) the Principal of the School; and
  - (vi) the Deputy Chairman of the Board of the Institute;
- (e) two of the Heads of the Research Schools in the Institute chosen in the manner provided by the Statutes;
- (f) two of the Deans of Faculties in the School chosen in the manner provided by the Statutes;
- (g) one of the professors in the Institute elected by those professors;
- (h) one of the professors in the School elected by those professors;
- (i) a member of the academic staff of the Institute, not being a professor, elected by the members of that staff other than the professors;
- (j) a member of the academic staff of the School, not being a professor, elected by the members of that staff other than the professors;
- (k) a student of the University, being a graduate of a university of at least two years' standing, elected by the students of the University enrolled for study for degrees other than degrees of Bachelor or for courses of research;
- (l) a student of the University, being a graduate of a university of at least two years' standing, elected by the matriculated students of the University enrolled for study for degrees of Bachelor and such other students of the University (not being students referred to in the last preceding paragraph), if any, as the Statutes provide;
- (m) four members of Convocation, not being members of the staff of the University, elected by Convocation by a system of proportional representation; and
- (n) such other persons, not exceeding two in number, as the Council appoints.

“(2.) A member of the Council referred to in paragraph (a), (b) or (c) of the last preceding sub-section holds office, subject to this Act, for such period, not exceeding three years, as is fixed by the House of the Parliament by which he is elected or by the Governor-General, as the case may be, at the time of the election or appointment.

“(3.) The members of the Council other than those referred to in paragraphs (a), (b), (c) and (d) of sub-section (1.) of this section shall, subject to this Act, hold office for such periods as the Statutes provide.

“ (4.) The Statutes may provide for the retirement in rotation of members of the Council of a particular class.

“ (5.) In the event of a casual vacancy in the Council (including a vacancy arising from the appointment or election of a member to an office specified in paragraph (d) of sub-section (1.) of this section), a member shall be elected or appointed in accordance with whichever paragraph of sub-section (1.) of this section is appropriate, 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 holds office, subject to this Act, for the residue of his predecessor's term of office.”.

8. Section fourteen of the Principal Act is repealed and the following section inserted in its stead:—

Vacation of office.

“ 14.—(1.) If a 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;
- (e) in the case of a member elected by either House of the Parliament—ceases to be a member of that House; or
- (f) not being a member referred to in the last preceding paragraph—ceases to have the qualification by virtue of which he was elected or chosen,

his seat shall become vacant and shall be filled as a casual vacancy in accordance with sub-section (5.) of section eleven of this Act.

“ (2.) For the purposes of paragraph (e) of the last preceding sub-section, a member of either House of the Parliament shall be deemed not to have ceased to be a member of that House while he continues to be entitled to the Parliamentary allowance that became payable to him as such a member.”.

9. After section fifteen of the Principal Act, the following sections are inserted:—

Board of the Institute of Advanced Studies.

“ 15A.—(1.) There shall be a Board of the Institute, consisting of—

- (a) the Vice-Chancellor;
- (b) the Deputy Vice-Chancellor;
- (c) the Heads of the Research Schools within the Institute;
- (d) the Heads of all Departments of the Research Schools within the Institute;
- (e) the Principal of the School;
- (f) three of the members of the Board of the School, other than the Principal of the School, elected by the members of the Board of the School; and

- (g) such other persons as the Council, on the advice of the Board itself, appoints, who shall hold office, subject to the Statutes, for such period as is fixed by the Council at the time of their appointment.

“(2.) Subject to section fifteen c of this Act, the Board of the Institute—

- (a) is responsible under the Council for all academic matters relating to the Institute; and  
 (b) may advise the Council on any matter relating to education, learning or research or the academic work of the University.

“(3.) The Council shall from time to time appoint a member of the Board to be Deputy Chairman of the Board.

“(4.) The Vice-Chancellor shall preside at all meetings of the Board of the Institute at which he is present and, in his absence, the Deputy Chairman shall preside.

“(5.) In the absence of both the Vice-Chancellor and the Deputy Chairman from a meeting of the Board of the Institute, the members present shall elect one of their number to preside at the meeting.

“15B.—(1.) There shall be a Board of the School of General Studies, consisting of—

Board of the  
School of  
General Studies.

- (a) the Vice-Chancellor;  
 (b) the Principal of the School;  
 (c) the Deputy Vice-Chancellor;  
 (d) the professors in the School;  
 (e) three of the members of the Board of the Institute elected by the members of that Board; and  
 (f) such other persons as the Council, on the advice of the Board itself, appoints, who shall hold office, subject to the Statutes, for such period as is fixed by the Council at the time of their appointment.

“(2.) Subject to the next succeeding section, the Board of the School—

- (a) is responsible under the Council for all academic matters relating to the School; and  
 (b) may advise the Council on any matter relating to education, learning or research or the academic work of the University.

“(3.) The Vice-Chancellor shall preside at all meetings of the Board of the School at which he is present and, in his absence, the Principal shall preside.

“(4.) In the absence of both the Vice-Chancellor and the Principal from a meeting of the Board of the School, the members present shall elect one of their number to preside at the meeting.

Responsibility  
for degrees.

“ 15C.—(1.) For a period of ten years from the commencement of this section—

- (a) the Board of the Institute is responsible under the Council for matters relating to doctoral degrees and to scholarships for study at the University for doctoral degrees; and
- (b) the Board of the School is responsible under the Council for matters relating to degrees or diplomas, other than doctoral degrees, and to scholarships for study at the University for degrees or diplomas, other than doctoral degrees.

“ (2.) The Statutes may make provision for responsibility, under the Council, for the matters referred to in the last preceding sub-section after the period referred to in that sub-section.

Professorial  
Board.

“ 15D.—(1.) There shall be a Professorial Board of the University, consisting of—

- (a) the Vice-Chancellor, who shall be the Chairman of the Board;
- (b) all professors of the University; and
- (c) such other persons as are appointed in accordance with the Statutes.

“ (2.) The Professorial Board may advise the Council on any matter relating to education, learning or research or the academic work of the University.

“ (3.) The Vice-Chancellor may at any time convene a meeting of the Professorial Board, and shall convene such a meeting when so required by—

- (a) the Council;
- (b) the Board of the Institute;
- (c) the Board of the School; or
- (d) any six members of the Professorial Board.”.

Constitution of  
Convocation.

10. Section sixteen of the Principal Act is amended by omitting sub-sections (2.), (3.) and (4.) and inserting in their stead the following sub-section:—

“ (2.) The Council shall cause to be kept a roll of all members of Convocation.”.

Election of  
Chancellor.

11. Section seventeen of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

“ (1.) The Council shall, from time to time as occasion requires, elect one of its members or some other person to be Chancellor of the University.”.

**12.** Section eighteen of the Principal Act is repealed and the following sections are inserted in its stead:—

“ 18.—(1.) The Council shall, from time to time as occasion requires, appoint one of its members or some other person to be the Vice-Chancellor of the University. Appointment of Vice-Chancellor.”

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

“ (3.) The Vice-Chancellor shall be the executive officer of the University, and shall have such powers and perform such duties as the Statutes prescribe or, subject to the Statutes, as the Council determines.

“ 18A. The Council shall appoint or elect persons to the following offices in the University:— Certain officers to be appointed or elected.”

- (a) Pro-Chancellor;
- (b) Deputy Vice-Chancellor; and
- (c) Principal of the School.”

**13.** Section nineteen of the Principal Act is amended by adding at the end thereof the following sub-section:— Quorums.

“ (3.) At any meeting of a Board established by this Act, a quorum shall be constituted as provided by the Statutes.”

**14.** Section twenty-one of the Principal Act is repealed and the following section inserted in its stead:—

“ 21. No act or proceedings of, or of the members or any Committee of, the Council, Convocation or any Board established by this Act, and no act done by a person acting as Chancellor or Vice-Chancellor, shall be invalidated by reason of— Validity of proceedings.”

- (a) a defect in the appointment, election, choosing or admission of any member of the Council, Convocation or any such Board;
- (b) a disqualification of any such member;
- (c) a defect in the convening of any meeting; or
- (d) a vacancy or vacancies in the number of members of the Council or of any such Board.”

**15.** Section twenty-two of the Principal Act is repealed. Board of Graduate Studies.

**16.** Section twenty-four of the Principal Act is amended— Standing Committee of Council.

- (a) by omitting from sub-section (1.) the word “ seven ” and inserting in its stead the word “ nine ”;
- (b) by inserting after sub-section (1.) the following sub-section:—

“ (1A.) Where, on account of illness or otherwise, a member of the Standing Committee of the Council will be, or is likely to be, absent from a meeting or

meetings of the Committee, the Vice-Chancellor may appoint another member of the Council as a temporary member of the Committee for the purpose of that meeting or those meetings, and the member so appointed may attend that meeting or those meetings in the absence of the member of the Committee and, when so attending, shall be deemed to be a member of the Committee.”; and

- (c) by omitting from sub-section (4.) the word “ Four ” and inserting in its stead the word “ Five ”.

Delegation  
by Council.

17. Section twenty-five of the Principal Act is amended by omitting from sub-section (1.) the words “ or to any Committee of its members ” and inserting in their stead the words “ or to a Committee consisting of members of the Council, with or without other persons ”.

Statutes.

18. Section twenty-seven of the Principal Act is amended—

- (a) by omitting paragraph (c) of sub-section (1.) and inserting in its stead the following paragraphs:—

“ (c) The method of any election (other than the election of a Senator or Member of the House of Representatives as a member of the Council) provided for by this Act and the determination of questions arising in relation to the conduct or result of any such election;

“ (ca) The persons who are to be regarded, for the purposes of section eleven of this Act, as members of the academic staff of the Institute and of the academic staff of the School, respectively ;”;

- (b) by inserting in paragraph (d) of sub-section (1.), after the word “ Convocation ” (wherever occurring), the words “ and of any Board established by this Act ”;

- (c) by inserting in paragraph (e) of sub-section (1.), after the word “ Council ”, the words “ or of any Board established by this Act ”; and

- (d) by inserting after paragraph (f) of sub-section (1.) the following paragraphs:—

“ (fa) The functions, powers and duties of the Pro-Chancellor and the Deputy Vice-Chancellor, including the exercise, in specified circumstances, of the powers and functions of the Vice-Chancellor by the Deputy Vice-Chancellor;



“(fb) The tenure of the holder of any office or place established by or under this Act in respect of which this Act does not specify a term of office or provide for the fixing of the term of office otherwise than by the Statutes;”.

19. Section thirty-four of the Principal Act is repealed.

Persons holding office in Canberra University College.

### PART III.—TRANSITIONAL PROVISIONS.

20.—(1.) In this Part, “the prescribed date” means the date of commencement of Part II. of this Act. Interpretation.

(2.) Expressions used in this Part have the same meanings as those expressions have in the Principal Act as amended by this Act.

21.—(1.) A person who, immediately before the prescribed date, holds office as a member of the Council elected by either House of the Parliament shall continue, from and including that date, but subject to the Principal Act as amended by this Act, to hold his seat on the Council for the balance of the term for which he was elected. Reconstitution of Council.

(2.) The places of all members of the Council (other than a member referred to in the last preceding sub-section, the Chancellor and the Vice-Chancellor) shall become vacant immediately before the prescribed date.

(3.) At any time after the commencement of this Part and before the prescribed date, members of the Council may be elected, chosen or appointed as if the amendments of the Principal Act made by Part II. of this Act were in operation, and the term of office of a member so elected, chosen or appointed shall commence on the prescribed date.

22. For the purposes of the election or choosing of members of the Council in accordance with the last preceding section— Elections by staff.

- (a) a person holding office as Head of a Research School, professor or other member of the academic staff of the University shall be deemed to hold a corresponding office in the Institute;
- (b) a person holding office as Dean of a Faculty Board, professor or other member of the academic staff of the Canberra University College shall be deemed to hold office as Dean of a Faculty, professor or other member of the academic staff of the School; and
- (c) a person who is a student of the Canberra University College shall be deemed to be a student of the University.

Chancellor and  
Vice-Chancellor  
to continue in  
office.

23. Notwithstanding any amendment of the Principal Act made by this Act, a person holding office as Chancellor or Vice-Chancellor of the University immediately before the prescribed date shall, subject to the Statutes from time to time in force, continue in office as if the Principal Act had not been so amended.

Abolition of  
Canberra  
University  
College.

24. On the prescribed date—

- (a) the Canberra University College and The Council of the Canberra University College shall, by force of this Act, cease to exist;
- (b) all contracts of employment by The Council of the Canberra University College shall, by force of this Act, be deemed to be terminated; and
- (c) subject to the last preceding paragraph, all property, rights, liabilities and obligations of The Council of the Canberra University College shall, by force of this Act, but subject to the next succeeding section, become property, rights, liabilities and obligations of the University.

Persons holding  
office in  
Canberra  
University  
College.

25.—(1.) A person who, immediately before the prescribed date, holds a salaried office or employment in the Canberra University College, and has not attained the age of sixty-five years, is entitled to be appointed to an office in, or to be employed by, the University, from and including that date, on terms and conditions (including terms and conditions as to remuneration and duration of employment, but not including terms and conditions prescribing the title, duties or status of the office or employment) not less favorable than those upon which he holds that office or employment in the Canberra University College.

(2.) The last preceding sub-section does not apply to or in relation to part-time employment or remuneration in respect of part-time employment.

(3.) A person to whom sub-section (1.) of this section applies has no right to damages or compensation in respect of the termination, by reason of the operation of this Part, of his tenure of any office or employment in the Canberra University College.

(4.) Where, after the prescribed date, a person is appointed to an office or employment in the University in pursuance of this section—

- (a) the appointment shall be deemed to have had effect from and including the prescribed date; and
- (b) he shall, for the purposes of the *Superannuation Act 1922-1959*, be deemed to have become employed by the University immediately after the date on which his employment by the Canberra University College was terminated.

26. A person who, immediately before the prescribed date, is a member of the academic staff of the University shall, on that date, become, by force of this Act, a member of the academic staff of the Institute.

Existing  
academic  
staff of the  
University.

27. At any time on or after the date of commencement of this Part and before the prescribed date, persons may be appointed or elected to the offices specified in section eighteen A of the Principal Act, as amended by this Act, as if that section were in operation, but a person so appointed or elected as Principal of the School shall not assume office by virtue of that appointment or election before the prescribed date.

Appointments.

28. For any of the purposes of this Part—

(a) the Council may determine which members of the staff of the University are members of the academic staff of the University; and

(b) the Council of the Canberra University College may determine which members of the staff of that College are members of the academic staff of that College.

Definition of  
academic staff.

29. The power of the Council under the Principal Act to make, alter and repeal Statutes shall be deemed to extend, before the prescribed date, to the making, alteration and repeal of Statutes for the purposes of the Principal Act as amended by this Act and as affected by this Part.

Statutes.