

UNIVERSITIES COMMISSION ACT 1974

No. 79 of 1974

An Act to amend the *Australian Universities Commission Act 1959-1973*.

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

Short title
and citation.

1. (1) This Act may be cited as the *Universities Commission Act 1974*.¹

(2) The *Australian Universities Commission Act 1959-1973*² is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the *Universities Commission Act 1959-1974*.

Commence-
ment.

2. This Act shall come into operation on the day on which it receives the Royal Assent.¹

Title.

3. The title of the Principal Act is amended by omitting the words “an Australian Universities Commission” and substituting the words “a Universities Commission”.

Definitions.

4. Section 3 of the Principal Act is amended—

(a) by inserting, before the definition of “financial assistance”, the following definition:—

“ ‘Deputy Chairman’ means a Deputy Chairman of the Commission;”;

(b) by omitting from the definition of “the Commission” the word “Australian”;

(c) by omitting the definition of “the Deputy Chairman”; and

(d) by omitting the definition of “university” and substituting the following definition:—

“ ‘university’ means—

(a) an institution constituted as a university within Australia by a law of Australia, a State or an internal Territory; or

(b) an institution or proposed institution that is specified in a direction for the time being in force under section 4,

and includes a residential college or a proposed residential college connected with any such institution or proposed institution.”.

5. (1) Section 4 of the Principal Act is repealed and the following section substituted:—

“4. The Minister may, by writing under his hand, direct that this Act shall apply to an institution or proposed institution that he is satisfied is to be constituted as a university within Australia by a law of Australia, a State or an internal Territory.”.

Certain institutions to be treated as universities.

(2) A direction in force under section 4 of the Principal Act immediately before the date of commencement of this Act continues in force on and after that date as if made under section 4 of the Principal Act as amended by this Act.

6. Section 5 of the Principal Act is amended—

- (a) by omitting from sub-section (1) the word “Australian”;
- (b) by omitting from sub-section (2) the words “a Deputy Chairman” and substituting the words “two Deputy Chairmen”; and
- (c) by omitting from sub-section (4) the words “the Deputy Chairman” and substituting the words “each Deputy Chairman”.

Establishment of Commission.

7. Section 6 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-sections:—

Acting members.

“(3) In the event of the inability of a Deputy Chairman (whether on account of illness or otherwise) to attend meetings of the Commission, the Minister may appoint a member, other than the Chairman or the other Deputy Chairman, to be an Acting Deputy Chairman of the Commission during that inability.

“(3A) A person appointed to be an acting member, the Acting Chairman or an Acting Deputy Chairman shall act in that capacity on such terms and conditions as the Minister determines.”.

8. (1) Section 7 of the Principal Act is repealed and the following section substituted:—

“7. (1) A member shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid remuneration at the rate that was applicable immediately before the commencement of this section to the office in the Australian Universities Commission that corresponds to the office that he holds in the Universities Commission.

Remuneration.

“(2) For the purposes of sub-section (1), the office of the Deputy Chairman of the Australian Universities Commission shall be deemed to

correspond with each of the offices of Deputy Chairman of the Universities Commission.

“(3) Subject to the *Remuneration Tribunal Act* 1973, a member shall be paid such allowances as are prescribed.

“(4) In this section, ‘member’ does not include an acting member of the Commission.”

(2) Regulations in force at the commencement of this Act for the purposes of sub-sections 7 (1), (2) and (3) of the Principal Act—

- (a) continue in force as if made for the purposes of sub-section 7(3) of the Principal Act as amended by this Act;
- (b) apply in relation to the Universities Commission in like manner as they applied in relation to the Australian Universities Commission; and
- (c) apply to a Deputy Chairman of the Universities Commission as if the references in those regulations to the Deputy Chairman of the Australian Universities Commission were references to a Deputy Chairman of the Universities Commission.

Vacation of office.

9. Section 11 of the Principal Act is amended by omitting from paragraph (a) the words “the Deputy Chairman” and substituting the words “a Deputy Chairman.”

Meetings.

10. Section 12 of the Principal Act is amended—

- (a) by omitting sub-sections (3A) and (4) and substituting the following sub-sections:—

“(3A) In the event of the absence of the Chairman from a meeting of the Commission, a Deputy Chairman, if present, shall preside at the meeting.

“(3B) In sub-section (3A), a reference to a Deputy Chairman shall be read as a reference to—

- (a) if there are two Deputy Chairmen present at the meeting—the Deputy Chairman who has the longer service in the office of Deputy Chairman; or
- (b) if no Deputy Chairman is present but there is present an acting Deputy Chairman appointed to act in the place of a Deputy Chairman who would, if he were present at the meeting, be required to preside at the meeting—that acting Deputy Chairman.

“(4) In the event of there being no person present at a meeting of the Commission who is, under sub-section (3) or (3A), required to preside at that meeting, the members present shall appoint one of their number to preside at that meeting.”; and

- (b) by omitting sub-section (8) and substituting the following sub-section:—

“(8) In this section, ‘Chairman’ includes an Acting Chairman of the Commission.”

11. Section 14 of the Principal Act is amended by omitting from sub-section (2) the word “Australian”.

Performance
of functions
of
Commission.

12. (1) Section 17 of the Principal Act is amended by omitting sub-section (3) and substituting the following sub-sections:—

Committees.

“(3) A member of a Committee shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

“(3A) Subject to the *Remuneration Tribunal Act* 1973, a member of a Committee shall be paid such allowances as are prescribed.

“(3B) Subject to sub-sections (3) and (3A), a member of a Committee shall hold office on such terms and conditions as the Minister determines.”

(2) Regulations in force at the commencement of this Act under sub-section 17 (3) of the Principal Act to the extent that they prescribe fees continue in force as if made for the purposes of sub-section 17(3) of the Principal Act as amended by this Act.

(3) Regulations in force at the commencement of this Act under sub-section 17 (3) of the Principal Act to the extent that they prescribe allowances continue in force as if made for the purposes of sub-section 17(3A) of the Principal Act, as amended by this Act.

13. Section 18 of the Principal Act is amended by inserting before the words “Deputy Chairman” (wherever occurring) the word “a”.

Officer of
Common-
wealth
becoming
Chairman or
a Deputy
Chairman.

14. Section 20 of the Principal Act is amended by omitting the words “section seven or sub-section (3.) of section seventeen of this Act” and substituting the words “section 7 or sub-section 17 (3)”.

Regulations.

15. (1) An act done, or a report furnished, by the Australian Universities Commission, and a direction or requirement issued by the Minister to the Australian Universities Commission, before the commencement of this Act shall, for the purposes of the Principal Act as amended by this Act and for the purposes of any other Act, be deemed to be an act done, or a report furnished, by the Universities Commission, or a direction or requirement issued to the Universities Commission.

Transitional
provision.

(2) A person holding office as a member of the Australian Universities Commission immediately before the commencement of this Act shall, for the purposes of the Principal Act as amended by this Act, be deemed to have been appointed to the corresponding office as a member of the Universities Commission under the Principal Act as amended by this Act and shall, subject to the Principal Act as amended by this Act, continue to hold office for the balance of the term for which he was appointed and, for the purposes of this sub-section, the office of Deputy Chairman of the Australian Universities Commission shall be deemed to correspond with one of the offices of Deputy Chairman of the Universities Commission.

(3) A Committee appointed by virtue of section 17 of the Principal Act to assist the Australian Universities Commission and subsisting immediately before the date of commencement of this Act continues in existence on and after that date, by force of this sub-section, as a Committee appointed under section 17 of the Principal Act as amended by this Act to assist the Universities Commission and the terms and conditions determined by the Minister that applied to the members of such a Committee immediately before that date continue so to apply on and after that date as if they had been determined under sub-section 17 (3B) of the Principal Act as amended by this Act.

(4) A reference in a law in force at the commencement of this Act to the Australian Universities Commission shall be read as including a reference to the Universities Commission.

NOTES

1. Act No. 79, 1974; assented to 8 October 1974.
2. Act No. 30, 1959, as amended by No. 28, 1962; No. 63, 1965; No. 35, 1967; No. 129, 1968; No. 117, 1971; and No. 216, 1973 (as amended by No. 20, 1974).