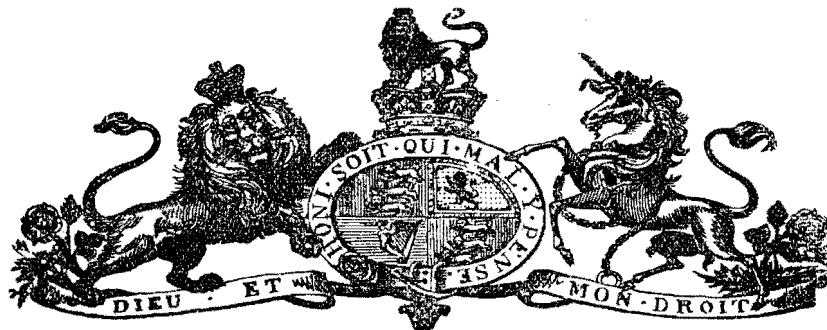


T A S M A N I A.



1889.

ANNO QUINQUAGESIMO-TERTIO

VICTORIAE REGINÆ,

No. 41.

AN ACT to establish a University in *Tasmania*. A.D. 1889. [5 December, 1889.] —

WHEREAS it is deemed expedient, for the promotion of useful PREAMBLE. knowledge, to hold forth to all classes of Her Majesty's subjects resident in *Tasmania*, without any distinction whatsoever, encouragement for pursuing a regular and liberal course of Education by the establishment of a University:

Be it therefore 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 A University, consisting of a Council and Senate, shall be established at *Hobart*, and, when duly constituted and appointed according to the provisions of this Act, shall be a body politic and corporate by the name of "The University of *Tasmania*," and by that name shall have perpetual succession, and shall have a Common Seal, and be capable by that name to sue and be sued in all Courts, and to take, purchase, and hold land and personal estate, and to grant, sell, alienate, assign, and demise the same for any estate, term, or interest, and also to do all other matters and things incidental or appertaining to a body politic and corporate: Provided always, that it shall not be lawful for the University to sell, mortgage, or dispose of any real estate without the consent in writing of the Governor in Council previously obtained: Provided, that until the Senate of the University shall have been constituted as herein enacted, the University shall consist of a Council only.

University to consist of Council and Senate.

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Council to consist
of Eighteen
Members.

2 The Council shall consist of Eighteen Members, Nine of whom shall be elected by the Senate, and Eight of whom shall be elected by both Houses of Parliament in such manner as may be provided by Regulations to be made by the Governor in Council, and the Minister of Education shall, *ex officio*, be a Member of the Council: Provided, that the Council of Education, together with three other persons to be appointed by the Governor in Council, shall in the first instance act as and be the Council of the University, but that when and so soon as the Senate shall be duly constituted as hereinbefore provided, the Council shall be constituted as hereinbefore mentioned. Provided that there shall never be more than Four Ministers of Religion Members of the Council at the same time.

How Members
of the Council
retire.

3—(1.) Three of the Members of the Council elected by the Senate, and Four of the Members elected by the Houses of Parliament, shall retire from office every year.

(2.) The order in which the Members of the Council shall retire from office shall be determined, in regard to first Members of the Council, by lot amongst themselves, and thereafter the Three Members elected by the Senate and the Four Members elected by the Houses of Parliament who have been the longest time in office shall retire every year.

(3.) Every retiring Member of the Council shall be eligible for re-election.

Extraordinary
vacancies.

4—(1.) If any Member of the Council shall die, or resign, or depart out of *Tasmania* and remain out of *Tasmania* for a period exceeding Six months, or shall neglect to attend Six consecutive meetings of the Council, his seat shall thereupon become vacant, and another person shall be elected to fill the vacancy caused as aforesaid.

(2.) Every Member of the Council elected to fill any extraordinary vacancy in the Council shall hold office for the residue of the period for which his predecessor was elected.

(3.) Every election for the filling up of extraordinary vacancies shall be by the Senate.

Constitution of
Senate.

5 The Senate shall consist of all male Graduates of the University of the Degree of Master or Doctor, and of all other male Graduates of the University of Three years' standing; of all male Graduates of any other University of Three years' standing admitted to Degrees in the University of *Tasmania*; of the Members of the Council; and of such Associates of Arts of *Tasmania*, and Associates of Institutions duly authorised to grant Degrees and Certificates, as shall be admitted to membership of the Senate under Regulations made in that behalf by the Council of the University and approved by the Governor in Council: Provided, that a Graduate of another University admitted to a Degree in the University of *Tasmania* shall reckon his standing from the date of his graduation in such other University.

Senate when con-
stituted.

6 When and so soon as the number of enrolled Members of the Senate as hereinbefore provided and the Members of the Council together shall amount to Fifty, the Council shall make a Report thereof to the Governor, and such Report shall be published in the *Hobart Gazette*, and the Senate shall thereupon be deemed to be constituted; and until the Senate is so constituted the Council shall have and exercise all the rights and powers of the University.

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7 The Common Seal of the University shall be kept in such custody A.D. 1889.
 as the Council shall approve, and the same shall not be used except
 upon the order of the Council: Provided, that the said University may
 exercise any of its functions without affixing its Common Seal to the
 document by which any such function may be exercised, and provided
 further, that the Common Seal of the Council of Education may be used
 as the Common Seal of the University until another Seal is provided.

8 The Governor for the time being shall be Visitor of the said University, with authority to do all those things which pertain to the office of Visitor. The Governor to be Visitor.

9 The Council shall have power, after examination, to confer on persons of either sex the several Degrees of Bachelor of Arts, Master of Arts, Bachelor of Science, Doctor of Science, Bachelor of Laws, Doctor of Laws, Bachelor of Medicine, Doctor of Medicine, Bachelor of Music, and Doctor of Music; and such Degrees and Certificates in the nature of Degrees as it shall think fit in all branches of knowledge, except Theology or Divinity.

10 The Council may at their discretion confer without examination *Ad eundem* any such Degree upon any person who shall have obtained a corresponding or equivalent Degree at any other University or Institution duly authorised to grant Degrees and Certificates. Degrees provided for.

11 The Council shall have power, so soon as the University shall have acquired a sufficient endowment or income for any such purpose, to appoint such Professors and Lecturers as the Council may think fit, and to establish Scholarships, Exhibitions, Prizes, and a Library.

12 The Council may make any Statutes for the affiliation to or connection with the University of any College or School which now is or hereafter may be established for the purposes of Technical Instruction in Agriculture, Arts, and Mechanics, and in such Statutes to provide for the control and management of any such College or School: Provided always, that no such College or School for Technical Instruction in Agriculture, Arts, and Mechanics shall be affiliated to or connected with the University unless and until the Governor in Council shall have first allowed and approved of such affiliation or connection.

13 The Council shall have the management and control of the affairs and property of the University; and in all cases unprovided for by this Act, it shall be lawful for the Council to act in such manner as shall appear to them best fitted to promote the interests of the University: Provided, that the acts of the Council shall be deemed valid although there may be vacancies in that body.

14 The University shall, in addition to the powers conferred by this Act, have and exercise through its Council all the powers which the Council of Education now has or exercises; and all property vested in the Council of Education is hereby transferred to and vested in the University, as fully and for the same intents and purposes as the same may be vested in the said last-mentioned Council at the time this Act takes effect, and thenceforth the Council of Education shall merge in the Council of the University.

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Power to make
Statutes and
Regulations.**15** The Council may make Statutes or Regulations touching any of the following matters:—

- i. The creation of Offices in the said University, and the appointment and removal of Officers:
- ii. The times and places for holding Examinations, and the number and character of such Examinations:
- iii. The granting of Degrees and Honours:
- iv. The Fees to be paid for any Examination or Degree:
- v. The affiliation to or connection with the University of any College or Educational Establishment to which the governing body of such College or Establishment may consent:
- vi. The licensing and supervision of boarding-houses intended for the reception of students, and the revocation of such licences:
- vii. The Lectures or Classes of the Professors and Lecturers (when appointed), and the Fees to be charged:
- viii. The granting of Scholarships, Exhibitions, or Prizes:
- ix. The discipline of the University:
- x. The Meetings of the Council and of the Senate, the mode of voting at Meetings, and the Qualification of those who claim to vote:
- xi. In general, touching all matters that may affect the University.

No religious test
to be applied, &c.**16** No religious test shall be administered to any person in order to entitle him or her to be admitted as a student of the said University, or to hold office therein, or to graduate thereat, or to hold any advantage or privilege thereof.Power to rescind
or alter Rules.**17** The Council may from time to time alter or rescind any of such Statutes or Regulations.Statutes and
Regulations to be
approved by
Senate.**18** So soon as the Senate shall have been constituted, no new Statute or Regulation, or alteration or repeal of any existing Statute or Regulation, shall be of any force until approved by the Senate.And in writing,
&c.**19** All such Statutes and Regulations as aforesaid shall be reduced to writing, and the Common Seal of the University having been affixed thereto, shall be submitted to the Governor in Council to be allowed and countersigned by him, and if so allowed and countersigned shall be valid for all purposes.Repeal of part of
22 Vict. No. 21.**20** So much of "The *Tasmanian* Council of Education and Scholarship Act" as relates to the *Tasmanian* Scholarships is hereby repealed from the Thirty-first day of *December*, in the year One thousand eight hundred and ninety; but such repeal shall not apply to any *Tasmanian* Scholarship held under the provisions of the said Act at the date on which such repeal takes effect; and every such Scholarship as last aforesaid shall continue to be held subject to the provisions of the said Act in the same manner as if this Act had not been passed.Appropriation for
the years 1890-1.**21** There shall be paid to the Council by the Treasurer of the Colony out of the Consolidated Revenue Fund of the Colony in the year One thousand eight hundred and ninety the sum of Three thousand Pounds, and in the year One thousand eight hundred and ninety-one the sum of

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Three thousand Pounds, and the said sums shall be applied by the **A.D. 1889.** Council, in the first place, in making provision for the *Tasmanian Scholarships* in accordance with "The *Tasmanian Council of Education and Scholarship Act*," and, subject to such provision, the said sums shall be applied by the Council for the purposes of this Act; and the Governor is hereby empowered and required in each of the years aforesaid, by warrant under his hand, to direct the sum of Three thousand Pounds to be paid out of such Consolidated Revenue Fund for the purposes aforesaid.

22 In the year One thousand eight hundred and ninety-two and in every subsequent year the Treasurer shall pay to the Council out of the Consolidated Revenue Fund of the Colony the sum of Four thousand Pounds, to be applied by the Council, in the first place, in making provision for such *Tasmanian Scholarships* as shall from time to time be held subsequent to the year One thousand eight hundred and ninety-one, and, subject to such provision, the said sum of Four thousand Pounds shall be applied yearly by the Council for the purposes of this Act, and, in the second place, for the continuance of *Minor Scholarships* as heretofore provided by the Council of Education; and the Governor is hereby empowered and required from time to time, by warrant under his hand, to direct the said sum to be paid out of such Consolidated Revenue Fund for the purposes aforesaid.

Appropriation for 1892 and following years.

23 All moneys and fees received by virtue of this Act shall be **Appropriation.** applied for the purposes of this Act and not otherwise.

24 The Council shall, during the month of *January* in every year, report the proceedings of the University during the previous year to the Governor in Council, and such Report shall contain a full account of the income and expenditure of the University, audited in such manner as the Governor in Council may direct; and a copy of every such Report, and of all the Statutes and Regulations of the University allowed as aforesaid by the Governor in Council, shall be laid in each year before the Parliament.

Council to report annually to the Governor.

25 This Act and *The Tasmanian Council of Education and Scholarship Act*, and every Act amending the same, shall, save so far as the same is affected or altered hereby, be read and construed together as one Act.

Acts to be read together.
22 Vict. No. 21.
35 Vict. No. 16.
42 Vict. No. 30.
51 Vict. No. 22.

Short title.

26 This Act may be cited as "The *Tasmanian University Act*."

27 This Act shall come into force and take effect on and after the First day of *January*, 1890.

Commencement of Act.