THE UNIVERSITY ACTS

An Act to consolidate the Law relating to the University of Melbourne

[30th September, 1958]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1. This Act may be cited as the University Act 1958, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette, and is divided into Parts and Divisions as follows:

**PART I.—Constitution and Government of the University ss. 4-31.**

- Division 1.—The University s. 4.
- Division 2.—The Council ss. 5-20.
- Division 3.—Convocation and its Standing Committee ss. 21-27.
- Division 4.—The Professorial Board s. 28.
- Division 5.—The Faculties s. 29.
- Division 6.—Statutes and Regulations ss. 30 and 31.

**PART II.—Endowment Finance &c. and Provision for Teaching &c. and Free Places in certain Courses and Subjects ss. 32-41.**

- Division 1.—State Grants and Provision for Teaching &c. and Free Places in certain Courses and Subjects ss. 32-35.
- Division 2.—University Students Loan Funds s. 36.
- Division 3.—Trust Property ss. 37-40.
- Division 4.—Audit s. 41.

**PART III.—General ss. 42-47.**

2. (1) The Acts mentioned in the Schedule to this Act to the extent thereby expressed to be repealed are hereby repealed accordingly.

(2) Except as in this Act expressly or by necessary implication provided—

(a) all persons things and circumstances appointed or created by or under the repealed Acts or existing or continuing under any of such Acts immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if such Acts had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any regulation order statute degree diploma certificate licence election appointment reconstitution investigation report decision lease mortgage grant of land alienation investment grant loan account liability or right made affected issued entered into granted given paid accrued incurred or acquired or existing or continuing under such repealed Acts before the commencement of this Act.

3. In this Act unless inconsistent with the context or subject-matter—

"Casual vacancy" means a vacancy however occurring in the office of any member of the council or of any member of the standing committee of convocation otherwise than by the retirement of such member on the expiration of his term of office.
PART I.—CONSTITUTION AND GOVERNMENT OF THE UNIVERSITY

Division 1.—The University

4. A University is hereby declared to have been established on the eleventh day of April One thousand eight hundred and fifty-three at Melbourne. The University shall consist of a council and convocation and shall be a body politic and corporate by the name of “The University of Melbourne”, and shall for all purposes be deemed to be the same body corporate and politic as the body under that name consisting formerly of a council and senate. The University of Melbourne by such name shall have perpetual succession and shall have a common seal and shall by the same name sue and be sued plead and be impleaded and answer and be answered unto in all courts of Victoria, and shall be capable in law to take purchase and hold all goods chattels and personal property whatsoever, and shall also be able and capable in law to receive take purchase and hold for ever not only such lands buildings hereditaments and possessions as may from time to time be exclusively used and occupied by the immediate requirements of the University but also any other lands buildings hereditaments and possessions whatsoever situate in Victoria or elsewhere, and shall be able and capable in law to grant demise alienae or otherwise dispose of all or any of the property real or personal belonging to the University, and also to do all other matters and things incidental or appertaining to a body politic:

Provided that it shall not be lawful for the University to alienate mortgage charge or demise any lands tenements or hereditaments of which it has become seised or to which it may become entitled by grant purchase or otherwise (unless with the approval of the Governor in Council) except by way of lease for any term not exceeding twenty-one years.
years from the time when such lease is made in and by which there shall
be reserved during the whole of the term the highest rent that can be
reasonably obtained for the same without fine.

Division 2.—The Council

5. (1) The council shall consist of not more than thirty-four* mem-
ers, and shall be constituted as follows:

(a) Eight members shall be appointed by the Governor in Council,
of whom—
(i) one shall be a member of the Legislative Council;
(ii) two shall be members of the Legislative Assembly recom-
mended for appointment by the members thereof;
(iii) one shall be appointed as representing manufacturing and
commercial interests;
(iv) one shall be appointed as representing agricultural interests;
(v) two shall be appointed as representing industrial interests;
and
(vi) one elected by the councils of the technical schools shall be
appointed as representing technical education;
(b) Ten members (hereinafter referred to as “members elected by
convocation”) shall be elected by convocation, and shall not
include any member of the teaching staff or other officer of the
University whose sole or principal employment is in connexion
with his duties as such, or the head of an affiliated college;
(c) Three members (being professors or deans of faculties) shall be
elected by the professors;
(d) One member (being a member of the teaching staff whose sole
or principal employment is in connexion with his duties as such)
shall be elected by the members of the teaching staff other than
the professors;
(e) Two members shall be elected by the undergraduates but shall
not include any member of the teaching staff or any person under
the full age of twenty-one years;
(f) The vice-chancellor the two pro-vice chancellors† the Director
of Education and the chairman of the advisory committee ap-
pointed under the Agricultural College Act 1958 shall be members
ex officio;
(g) Two and not more than two members shall be heads of affiliated
colleges who shall be appointed by co-option by the council;
(h) Not more than two other members shall be persons appointed by
Other co-option by the council; and
(i) One member, who shall be a member of the council or interim
council of Monash University, shall be appointed by the council
upon the nomination of the council or interim council of Monash
University.

(2) The present members of the council of the University in office at
the commencement of this Act shall for the respective terms for which
they were elected or appointed be deemed to be members of the council
elected or appointed under this Act.

6. Subject to this Act—

* This section as printed incorporates the amending effect of Act No. 6802 (1961),
S.2(a).
† This section as printed incorporates the amending effect of Act No. 6802 (1961),
S.2(b).
Power to remove members appointed by Governor in Council.

Members of Legislative Council or Legislative Assembly appointed as members of council.

Members elected or appointed having special qualifications.

Ex-officio members.

Members appointed by co-option.

Elections, how to be held.

No. 3795 s. 7.

Election of members by convocation or by under-graduates.

Electors and appointments to fill vacancies at the end of term of office.

Appointment of co-opted members.

Casual vacancies where no election &c.

No. 3795 s. 8.

7. (1) Subject to this Act elections of members of the council shall be conducted in accordance with statutes or regulations of the University.

(2) In the case of elections of members by convocation or by under-graduates such statutes or regulations may provide for voting by post and for preferential voting or for proportional representation where the principle of proportional representation is applicable.

(3) In the case of elections or appointments of members of the council to fill vacancies caused by the retirement of members on the expiration of their term of office—

(a) elections or appointments of members (other than members appointed by co-option) shall be made within one month before the date of the expiration of the term of office aforesaid and shall take effect immediately on the expiration of such term; and

(b) the appointment of members to be then appointed by co-option shall be made at a meeting of the council to be held on or as soon as practicable after that date.

8. In any case where—

(a) at any election for elective members of the council—

(i) no seats or vacancies are filled; or

(ii) a number of seats or vacancies less than the whole number which should have been filled is filled; or

(b) any such election should have been held but is not held—the seats
or vacancies which should have been filled and are not filled shall severally be deemed to be casual vacancies; and the members eventually elected to fill the same shall be entitled to continue in office as if elected at such election.

9. If any member of the council by writing under his hand directed to the chancellor of the University resigns his office, or if he is declared by commission or otherwise of unsound mind, or if he becomes bankrupt or insolvent or if he is convicted of any felony or misdemeanour, or if without special leave previously granted by the council he absent himself from all meetings of the same during six consecutive months, or if he is removed from office or if he ceases to hold any qualification required for his becoming or being a member of the council, his office shall become vacant.

10. (1) Any casual vacancy in the office of an elected or appointed member of the council shall be filled by the election or appointment of a member to fill the vacancy.

(2) The member to be so elected or appointed shall have the like qualification (if any) as that of the member whose office has become vacant.

(3) The election or appointment shall be made by the person or body of persons by whom or which the member whose office has become vacant was elected or appointed.

(4) Subject to this Act a member elected or appointed to fill a casual vacancy shall (save as is otherwise expressly provided with respect to members appointed by co-option as being heads of affiliated colleges) be entitled to hold office during the residue of the term of the member whose office he fills:

Provided that—

(a) any casual vacancy in the office of a member elected by convocation shall be filled by the standing committee of convocation at a meeting of such committee to be called by the warden; and

(b) if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member it shall not be obligatory to fill such vacancy for the remainder of such term.

11. (1) The council shall elect two of its own members to be chancellor and deputy-chancellor respectively annually or whenever a vacancy occurs.

(2) In the absence of the chancellor, or during a vacancy in the office of chancellor, or during the inability of the chancellor to act, the deputy-chancellor shall have all the powers and duties of the chancellor.

12. At every meeting of the council the chancellor or in his absence the deputy-chancellor shall preside as chairman; and in the absence of the chancellor and deputy-chancellor the members of the council present shall elect a chairman.

13. No member of the council shall be entitled to vote either in the council or in any committee thereof on any subject in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed.

14. (1) All questions which come before any meeting of the council shall be decided by the majority of the members present.

(2) The chairman at any such meeting shall have a vote and in case of an equality of votes a casting vote.

(3) No question shall be decided at any meeting of the council unless at least eight members thereof are present.
15. (1) The council shall have full power to appoint and dismiss all professors officers and servants of the said University, and shall have the entire management and superintendence over the affairs, concerns, and property thereof, subject to the statutes and regulations of the University.

(2) (a) Without limiting the generality of sub-section (1) of this section the council may appoint and dismiss an officer who shall be styled the vice-chancellor.

(b) Subject to this Act, the vice-chancellor shall as such have such powers and duties as are conferred or imposed upon him by statutes or regulations of the University.

(3) (a) Without limiting the generality of sub-section (1) of this section the council may annually appoint two pro-vice-chancellors one of whom shall be the chairman of the professorial board.*

(b) Subject to this Act, each of the pro-vice-chancellors shall as such have such powers and duties as are conferred or imposed upon him by statutes or regulations of the University.*

16. Nothing in the last preceding section shall be deemed either to restrict the power of the University to make any statute or regulation for the good government thereof or to impose upon the council any duty inconsistent with any such statute or regulation.

17. The council shall subject to this Act have full power to make and alter any statutes and regulations (so as the same are not repugnant to any existing law or to the provisions of this Act) touching the discipline of the University, the number, stipend and manner of appointment and dismissal of the officers thereof, the matriculation of students, the examination for fellowships, scholarships, prizes, exhibitions, degrees or honours and the granting of the same respectively, the fees to be charged for matriculation or for any such examination or degree, the lectures or classes of the professors, and the fees to be demanded by them, the manner and time of convening the meetings of the said council and in general touching all other matters whatsoever regarding the University.

18. (1) The council shall subject to this Act have full power to make and alter statutes for the affiliation to or connexion with the University of any college or educational establishment to which the governing body of such college or establishment consents, and for the licensing and supervision of boarding-houses intended for the reception of students and the revocation of such licences: Provided always that no such statutes shall affect the religious observances or regulations enforced in such colleges, educational establishments or boarding-houses.

(2) Without prejudice to the provisions of the last preceding sub-section the council shall subject to this Act have full power to make and alter statutes for and with respect to—

(a) the establishment by the council of hostels and halls of residence for students;

(b) the management, control and closing of any such hostels and halls;

(c) the arrangement of accommodation for students; and

(d) exercising, by agreement with the owner or governing body of any hostel or hall not established by the council, powers of control and management in relation to any such hostel or hall.

19. Subject to the statutes and regulations of the University the council may after examination confer in any faculty except divinity any degree diploma certificate or licence:

Provided that statutes or regulations may be made—

(a) for the admission without examination to any such degree of any person who has graduated at a university; and

* These sub-sections as printed incorporate the amending effect of Act No. 6802 (1961), S.2(c).
(b) for the admission honoris causa to any such degree of any person whether or not he has graduated at a university.

20. No proceeding of the council or of any committee thereof shall be invalidated or be illegal in consequence only of there being any vacancy in the number of the members of the council at the time of such proceeding; and all proceedings of the council or of a committee thereof or of any other person acting as a member of the council shall notwithstanding it may afterwards be discovered that there was some defect in the election or appointment of the members of the council or persons acting as aforesaid or that they or any of them were incapable of being members of the council be as valid as if every such person had been duly elected or appointed and was capable of being a member of the council.

Division 3.—Convocation and its Standing Committee

21. (1) Convocation shall consist of all graduates.

(a) shall elect one of its own members to be warden annually or whenever a vacancy occurs in accordance with standing orders of convocation;

(2) Convocation—

(b) shall hold at least one ordinary meeting in every year;

(c) may hold special meetings as provided for by standing orders of convocation;

(d) may submit for the consideration of the council such suggestions as it thinks fit with respect to the affairs and concerns of the University; and the council shall take all such suggestions into consideration and report to convocation its determinations thereon; and

(2) Subject to this Act—

(a) the elective members of the standing committee shall be elected by convocation; and

(b) the elections shall be conducted in accordance with statutes or regulations of the University.

22. At every meeting of convocation the warden shall preside as chairman and in the absence of the warden the members of convocation present shall elect a chairman.

23. (1) There shall be a standing committee of convocation (hereinafter referred to as "the standing committee") consisting of the warden of convocation ex officio and not less than forty other persons who are members of convocation: Provided that no member of the council and that no member of the teaching staff or other officer of the University whose sole or principal employment is in connexion with his duties as such shall be a member of the standing committee: Provided further that if any member of the standing committee is elected or appointed to be a member of the council or is appointed to be a member of the teaching staff or other such officer as aforesaid his office as a member of the standing committee shall become vacant.

(a) the elective members of the standing committee shall be elected by convocation; and

(b) the elections shall be conducted in accordance with statutes or regulations of the University.

(2) Subject to this Act—

(a) the elective members of the standing committee shall be elected by convocation; and

(b) the elections shall be conducted in accordance with statutes or regulations of the University.

(3) Such statutes or regulations may provide for voting by post and for preferential voting or for proportional representation where the principle of proportional representation is applicable.
(4) The council may from time to time in accordance with statutes of the University determine—
(a) the number of members of the standing committee to be elected;  
(b) how the several classes of graduates are to be represented thereon whether separately or by grouping together two or more classes; and  
(c) the number of members to be elected as representing each class or group of classes of graduates so as to secure so far as practicable proportionate representation of each class or group of classes of graduates according to the number of graduates therein.

(5) Where in consequence of the making of any statute as aforesaid any previously existing statute or regulation of the University is revoked or altered and in consequence thereof any change is made in the number of members to be elected or in the classes or groups of classes of graduates to be represented or in the representation of any class or group of classes of graduates provision may be made in the new statute for any matters or things necessary or convenient to be provided for carrying the new statute into effect.

(6) Any new statute under this section shall take effect immediately before the election of members of the standing committee to be held next after the making of the statute.

(7) In all cases the number of representatives of each class or group of classes of graduates to be elected as provided in this section shall be an even number.

(8) All elections of members of the standing committee to fill vacancies (other than casual vacancies) shall be held at the same time as elections of members of the council to be elected by convocation.

(9) If at any such elections any person is elected both as a member of the council and as a member of the standing committee his election as a member of the standing committee shall be void and his place thereon shall be filled in manner hereinafter provided for the filling of casual vacancies in the standing committee; and the person so elected to fill such place shall be entitled to hold office as if he had been elected at the first-mentioned election.

(10) The provisions of this Act relating to members of the council elected by convocation so far as regards tenure of office, eligibility for re-election, the conduct of elections, and the occurrence of and the filling of vacancies shall mutatis mutandis extend and apply to elected members of the standing committee:
Provided that—
(a) at elections of members of the standing committee every member of convocation shall be qualified to vote by reason of being a graduate of the class or group of classes of graduates to be represented and shall be entitled to one vote in respect of each degree conferred upon such graduate or to which such graduate has been admitted by the University; but no graduate shall be entitled to more than one vote in respect of any degrees in any one faculty or school;
(b) if any elected member of the standing committee by writing under his hand directed to the warden resigns his office or if he is absent from three consecutive meetings thereof without the leave of the standing committee previously granted his office shall become vacant;
(c) in the case of any casual vacancy however occurring in the office of an elected member of the standing committee the vacancy shall be filled by the election by a majority of the remaining members of the standing committee (at a meeting to be convened by the warden) of a member representing the same class or group of classes of graduates; and the person so elected shall be entitled to hold office during the residue of the term of the member whose place he fills; and
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(d) the present elective members of the standing committee of convocation in office at the commencement of this Act shall for the respective terms for which they were elected be deemed to be members as if elected under this Act.

24. (1) Subject to any standing orders of convocation the standing committee—

(a) may meet at such times and places as it thinks fit; and may adjourn any meeting; and

(b) may regulate its own proceedings.

(2) So long as there is a quorum (a) the standing committee may act notwithstanding any vacancy in its numbers.

(3) The warden shall be ex officio chairman of the standing committee and the warden or in his absence a member of the standing committee elected as chairman by the members present shall preside at all meetings of the standing committee.

25. The standing committee—

(a) may amend any statute or regulation submitted by the council for its approval and may return the same so amended for the further consideration of the council but shall not originate any statute or regulation;

(b) may submit for the consideration of the council such suggestions as it thinks fit with respect to the affairs and concerns of the University; and the council shall take all such suggestions into consideration and report to the standing committee its determinations thereon;

(c) shall report to the council on any matters referred to it by the council for report;

(d) may at any time and shall once at least in every year report to convocation; and

(e) shall have such other powers and duties as are conferred or imposed on it by or under this Act or any other Act or any statutes or regulations of the University.

26. (1) All questions which come before any meeting of convocation or of the standing committee of convocation shall be decided by the majority of members present.

(2) The chairman at any such meeting shall have a vote and in case of an equality of votes a casting vote.

(3) No question shall be decided at any meeting of convocation unless at least twenty members thereof are present or at any meeting of the standing committee unless at least ten members thereof are present.

27. The provisions of section twenty of this Act shall extend and apply to convocation and the standing committee and persons acting as members thereof respectively as if for the word "council" in such section there were substituted the word "convocation" or the words "standing committee of convocation" (as the case may require).

Division 4.—The Professorial Board

28. (1) There shall be a professorial board consisting of the chancellor the deputy-chancellor the vice-chancellor and the professors.

(2) The professorial board—

(a) may discuss and forward to the council an opinion on any matter whatsoever relating to the University; and in particular may make to the council any recommendations as to studies and discipline in the University;

(b) shall report to the council on all matters submitted to it by the council for report;

(c) shall have such other powers and duties as are conferred or imposed upon it by or under this Act or any other Act or any statutes or regulations of the University; and

(a) See section 26 (3).
(d) subject to any statutes or regulations of the University may regulate its own proceedings.

Division 5.—The Faculties

The faculties.
No. 3795 s. 29.

As to appointment or election of deans of faculties.

Powers and duties of deans of faculties.

(2) The deans of the several faculties shall as such have such powers and duties as are conferred or imposed upon them by statutes or regulations of the University.

Division 6.—Statutes and Regulations

Making alteration &c. of statutes and regulations.
No. 3795 s. 30; No. 4116 s. 3 (1) (f).

Provision where standing committee fails to approve statutes or regulations.

Submission of certain new statutes &c. to faculty and professorial board.

Delayed report.

Provided that—

(a) in any case where—

(i) the standing committee fails to approve any such new statute or regulation or alteration or repeal or returns the same to the council with amendments to which the council does not agree; and

(ii) the council again submits the same to the standing committee with or without any amendments made by the standing committee and the standing committee fails to approve the same or returns the same to the council with amendments to which the council does not agree—

such statute regulation alteration or repeal may be made (with or without amendment) by resolution of a majority of the whole of the members of the council at a meeting of the council specially called for the purpose by the chancellor; and if so made shall have the same force validity and effect as if it had been approved by the standing committee; and

(b) the standing committee shall be deemed to have failed to approve any such statute regulation alteration or repeal if it does not return the same to the council within three months after it has been submitted to the standing committee by the council.

(2) Before any new statute or regulation or any alteration or repeal of any existing statute or regulation is made the council (where the proposal concerns any degree diploma certificate or licence or any course of study) shall submit the proposed statute regulation alteration or repeal to the appropriate faculty or faculties and to the professorial board for consideration and report:

Provided that—

(a) if any such report is not made to the council within one month (or such further period as the council in any case determines) after the submission of the proposal to the appropriate faculty or faculties or to the professorial board (as the case may be) the new statute or regulation or the alteration or repeal may be made without such report having been received;

* These sub-sections as printed incorporate the effect of Act No. 6802 (1961), S.3.
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(b) with respect to any matter declared by the council to be urgent, any new statute or regulation or any alteration or repeal may (without the submission thereof to the said board or to any faculty) be made to come into force immediately and to have effect for any period specified therein but not exceeding three months; and

(c) where a proposed statute regulation alteration or repeal adopts (without amendment or with an amendment which is merely verbal or in the opinion of the council not substantial) a proposal recommended to the council by the appropriate faculty or faculties and by the professorial board it shall not be necessary to submit as aforesaid such proposed statute regulation alteration or repeal to any such body from which the recommendation was received.

(3) Any member of the council on behalf of the council and the dean of any faculty at the request of the council or any officer or member of the teaching staff of the University at the like request may with the consent of the standing committee of convocation attend any meeting of the standing committee for the purpose only of explaining any proposed statute regulation alteration or repeal referred to the standing committee for its approval and may take part in any debate or discussion thereon but shall not vote.

(4) For the purposes of this section the date of the submission of any proposal to any faculty or to the professorial board shall be the date on which the same is received by the dean of the faculty or the chairman of the professorial board (as the case may be).

31. All statutes and regulations made pursuant to this Act shall be reduced to writing, and the common seal of the University having been affixed thereto shall be submitted to the Governor to be allowed and countersigned by him; and if so allowed and countersigned shall be binding upon all persons members of the University and upon all candidates for degrees to be conferred by the same; and the production of a verified copy of any such statutes and regulations under the said seal shall be sufficient evidence of the authenticity of the same in all courts of justice and before persons acting judicially.

PART II.—ENDOWMENT, FINANCE ETC. AND PROVISION FOR TEACHING ETC. AND FREE PLACES IN CERTAIN COURSES AND SUBJECTS.

Division 1.—State Grants and Provision for Teaching etc. and Free Places in Certain Courses and Subjects.

32. In every financial year there shall be issued and applied out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly) and be paid to the University the sum of Forty-five thousand pounds as a fund for maintaining the University, and for defraying the several stipends which may be appointed to be paid to the vice-chancellor the several professors officers and servants to be appointed by such University, and for defraying the expenses of such fellowships scholarships prizes and exhibitions as are awarded for the encouragement of students in the University, and for providing a library for the same, and for discharging all necessary charges connected with the management thereof.

33. (1) The University—
(a) shall (upon such terms and conditions, financial or otherwise, as are agreed upon between the Minister and the council) act in conjunction with the Education Department in providing teaching and conducting research in science as applied to household management and shall provide for the granting of appropriate degrees or diplomas or both in this subject;
Short courses in certain subjects.

Admission to certain courses of certain teachers in Education Department.

Students in training at teachers' college of Education Department.

Persons in employment of Government.

Free places.

Recognition of practical work in Government departments in certain cases.

Examinations in country centres.

Investigations to be made by agreement between the Minister and the council.

Council may recognize approved courses of study &c. by certain classes of students.

Provisions as to "free places" &c.

(b) shall, at the request of the Minister and at such times and upon such terms and conditions, financial or otherwise, as are agreed upon between the Minister and the council, provide for teachers and for other persons short courses (including laboratory work) in such subjects of University teaching as are so agreed upon;

(c) shall admit to the course for any degree agreed upon between the Minister and the council and to the course for the diploma of education without payment of fee not more than fifteen persons in each year being certificated teachers in the Education Department recommended for the purpose by the Director of Education but so that there shall not at any time be more than sixty such persons receiving free instruction at the University;

(d) shall also admit to any course for any diploma or degree on payment of one-half of the amount of the fee for such course students in training at the teachers' college of the Education Department, or any certificated teacher of that department recommended by the Minister;

(e) shall in each year admit to full courses for degrees diplomas or licences without payment of fees for lectures or examinations not more than ten persons in the employment of the Government of Victoria (other than teachers in the Education Department) who have passed the entrance examinations required by statutes or regulations of the University and are nominated in each year by the Minister;

(f) shall in each year provide "free places" admitting to full courses for degrees diplomas or licences without payment of fees for lectures or examinations fifty other persons (in addition to the senior and other scholarships provided under this Act) who have passed the entrance examinations required by statutes or regulations of the University and are nominated in each year by the Minister;

(g) shall act in conjunction with the several Government departments for the recognition (for the purposes of degrees diplomas and licences) of practical work approved pursuant to statutes or regulations of the University done by students in those departments; and

(h) shall where practicable make the necessary provision for the holding of examinations in country centres.

(2) Where any responsible Minister of the Crown desires that any investigation be made by members of the teaching staff of the University such investigations shall be made and upon such terms and conditions as (after consultation between the council and the professor or other senior member of the teaching staff of the department or school concerned) are agreed upon between the Minister and the council; and a report of the result of such investigation shall be furnished to the Minister.

(3) The council in accordance with the statutes and regulations of the University may recognize—

(a) in lieu of or for the purposes of any examination or part thereof; or

(b) for the purposes of any course or part thereof for any degree diploma or licence—

approved courses of study completed by and examinations thereon passed by students—

(i) of any correspondence courses or tutorial class; or

(ii) of any approved agricultural college workingmen's college technical school high school or secondary school.

(4) The Governor in Council may make regulations for or with respect to—

(a) the conditions under which persons may be recommended or nominated for courses as provided in paragraphs (c) and (e) of sub-section (1) of this section;
(b) authorizing the Minister to enter into agreements with such persons and with sureties for such persons;
(c) prescribing forms for use in respect of such agreements (and any such forms and forms to the like effect shall be effective in law);
(d) the conditions under which "free places" provided for in paragraph (f) of sub-section (1) of this section may be granted; and
(e) generally any matters or things necessary or expedient for carrying this section into effect.

(5) The Minister may upon such terms and conditions as he thinks fit provide maintenance grants (not exceeding in any one case Fifty pounds per annum) for any persons who are holders of "free places" under this section.

34. In addition to any sums which by this Act or any other Act may be paid out of the Consolidated Revenue to the University there shall in every financial year be issued and applied out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly) and be paid to the University a sum of Three thousand one hundred pounds which shall (subject to the previous approval of the Governor in Council) be applied by the University towards—

(a) teaching and conducting research in science within the University; and

(b) the establishment and maintenance within the University of a University Extension Department so as to provide facilities for University education throughout Victoria whether by tutorial classes, correspondence classes, University extension classes, vacation classes or otherwise.

35. The council shall in every year include in its annual report to the Governor a full and separate account of the income and expenditure under the last preceding section and a detailed statement of the manner in which the provisions of the said section have been carried into effect.

Division 2.—University Students Loan Fund

36. (1) There shall be established and kept by the council a fund to be called the University Students Loan Fund (hereinafter referred to as "the said fund").

(2) In addition to any money already credited to or paid into the said fund there shall be credited to or paid into (as the case may be) the said fund—

(a) all moneys received in repayment of loans to students from the said fund, with the interest on such loans; and

(b) any other moneys received by the council for the purpose of being paid into or credited to the said fund.

(3) Out of the said fund loans may be made to University students who are nominated by a committee of three members of the council appointed for the purpose by the council.

(4) The said fund shall be administered in manner approved by the Governor in Council and in accordance with statutes or regulations of the University which statutes or regulations the University is hereby authorized to make; and, without affecting the generality of this provision, such statutes or regulations may provide for the number of loans to be made in every year, the terms and conditions on which loans may be made, the interest chargeable on loans, and the repayment of loans.

(5) Any moneys standing to the credit of the said fund and not immediately required for loans to students may be invested in Victorian
Government securities (a); and the interest arising from any such investment shall be paid into and form part of the said fund.

(6) The council shall in every year include in its annual report to the Governor a full and separate account of transactions under this section and a detailed statement of the manner in which this section has been carried into effect; and shall on the request of the Treasurer of Victoria supply to him all such information and particulars as he may require as to the administration of the said fund.

(7) If at any time any sums lawfully payable in respect of claims against the Assurance Fund under the Transfer of Land Act 1954 exceed the amount standing to the credit thereof there shall be paid into the said Assurance Fund out of the Consolidated Revenue (which is hereby to the necessary extent appropriated accordingly) such sum or sums as may be required to meet such excess but not exceeding in all (in the case of any amounts theretofore transferred out of the said Assurance Fund under the authority of section twenty-nine of the University Act 1923 to the University Students Loan Fund) the amounts so transferred and not repaid.

Division 3.—Trust Property

37. (1) Where trust property constituting the endowment of any scholarship, exhibition or prize awarded by the University or constituting any other endowment of the University is held by trustees other than the body politic and corporate of the University itself (hereinafter referred to as "the corporation") the person having power to appoint new trustees may by deed appoint the corporation to be the custodian trustee of the trust property.

(2) The power to appoint the corporation to be custodian trustee may be exercised whether or not the number of trustees has been reduced below the original number.

(3) Upon every such appointment being made the following provisions shall have effect:

(a) The trust property shall where necessary be transferred to the corporation as if the corporation were the sole trustee and for that purpose vesting orders may where necessary be made under the Trustee Act 1958 or the Transfer of Land Act 1958;

(b) The management of the trust property and the exercise of any power or discretion exercisable by the trustees under the trust shall remain vested in the trustees other than the corporation (which trustees are hereinafter referred to as the "managing trustees");

(c) As between the corporation and the managing trustees, and subject and without prejudice to the rights of any other persons, the corporation shall have the custody of all securities and documents of title relating to the trust property, but the managing trustees shall have free access thereto and be entitled to take copies thereof or extracts therefrom;

(d) The corporation shall concur in and perform all acts necessary to enable the managing trustees to exercise their powers of management or any other power or discretion vested in them (including the power to pay money or securities into court) unless the matter in which the corporation is requested to concur is a breach of trust, or involves a personal liability on the corporation in respect of calls or otherwise, but unless the corporation so concurs the corporation shall not be liable for any act or default on the part of the managing trustees or any of them;

(e) All sums payable to or out of the income or capital of the trust property shall be paid to or by the corporation:


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Provided that the corporation may allow the dividends and other income derived from the trust property to be paid to the managing trustees or to such person as they direct or into such bank to the credit of such person as they direct, and in such case shall be exonerated from seeing to the application thereof and shall not be answerable for any loss or misapplication thereof;

(f) The power of appointing new trustees, when exercisable by the trustees, shall be exercisable by the managing trustees alone, but the corporation when so appointed as aforesaid shall have the same power of applying to the court for the appointment of a new trustee as any other trustee; and

(g) In determining the number of trustees for the purposes of the Trustee Act 1958 the corporation shall not be reckoned as a trustee.

(4) The corporation shall not be appointed as custodian trustee where the will settlement or other instrument creating the trust contains a direction to the contrary.

(5) This section applies whether the trust was created before or after the passing of this Act.

38. (1) The council may establish one or more investment pools for the collective investment of any trust funds and other funds held by or in the custody of the University.

(2) The council may from time to time bring into or withdraw from any such investment pool the whole or any part of any trust fund or other fund held by or in the custody of the University.

(3) The Council shall not bring into any investment pool the whole or any part of any trust fund if the instrument creating the trust expressly directs to the contrary.

(4) The council shall not bring into or retain in any investment pool the whole or any part of any trust fund unless all the securities in which the capital of the investment pool is invested are securities in which the trust fund may properly be invested.

39. The council shall periodically distribute the income of each investment pool among the funds participating in the pool having regard to the extent of the participation by each fund during the relevant accounting period, but may, if it considers it expedient so to do, from time to time add some portion of such income to the capital of the pool or establish a fund or funds as a provision against capital depreciation or reduction in income.

40. The provisions of the last two preceding sections shall extend and apply with such adaptations as are necessary to the residential colleges affiliated with the University.

Division 4.—Audit

41. (1) The council shall arrange for a continuous audit of the income and expenditure of the University and such audit shall be made at such intervals not exceeding one month as the Governor directs.

(2) There shall be an annual audit of the accounts of the University made by the Auditor-General.

(3) The following provisions shall apply to the annual audit:

(a) The Auditor-General shall have with respect to the accounts of the University all the powers conferred on him by any law relating to the audit of the public accounts;
UNIVERSITY CALENDAR

(b) The University shall pay into the Consolidated Revenue at the Treasury in Melbourne an amount to be determined by the Auditor-General to defray the costs and expenses of the audit and the remuneration of the officers of the Auditor-General engaged in the audit;

(c) The council shall within three months after the first day of January in every year cause its accounts to be balanced to that day and a statement of accounts to be prepared and submitted to the Auditor-General;

(d) The statement of accounts shall be in a form approved by the Auditor-General and shall be audited by the Auditor-General who shall certify whether or not the same is correct; and

(e) The Auditor-General shall forward to the Minister a copy of every such statement of accounts and certificate; and a copy thereof shall also be included in the report provided for in section forty-six of this Act.

(4) The Auditor-General by himself or his officers—

(a) shall have a right of access at all times to the books, securities, accounts and vouchers of the University; and

(b) shall be entitled to require from the officers, servants and employés of the University such information, assistance, and explanations as are necessary for the performance of his duties.

PART III.—GENERAL

42. 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 hold any advantage or privilege thereof.

43. The provisions of this Act shall extend to both sexes, and every person who has fulfilled the conditions prescribed by the statutes and regulations of the University for the time being for matriculation or for admission to any degree, diploma, certificate or licence may be admitted to matriculate or to such degree, or may receive such diploma, certificate or licence as the case may be. But the council may, if it thinks fit, exclude females from attendance at any lectures, but not from any examination in the University.

44. Every student being an undergraduate shall during such terms of residence as the University may by statute appoint dwell with his parent or guardian, or with some near relative or friend selected by his parent or guardian and approved by the chancellor or vice-chancellor, or in some collegiate or educational establishment affiliated to or in connexion with the University, or in a boarding-house licensed as aforesaid. (\*)

45. No election or appointment under this Act shall be deemed to be invalid by reason only of such election or appointment being made subsequently to the time provided for in this Act; and any person so elected or appointed shall be entitled to continue in the office to which he is so elected or appointed as if he had been elected or appointed thereto at such time.

46. The council shall in every year report the proceedings of the University during the previous year to the Governor; and such report shall contain a full account of the income and expenditure of the University audited as provided in this Act; and a copy of every such report and of all the statutes and regulations of the University allowed as aforesaid by the Governor shall be laid in each year before the Legislative Council and the Legislative Assembly. (\*)

47. The Governor shall be the visitor of the said University, and shall have authority to do all things which appertain to visitors as often as he seems meet.
### UNIVERSITY ACTS

SCHEDULE

<table>
<thead>
<tr>
<th>Number of Act</th>
<th>Title of Act</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>3795</td>
<td>University Act 1928</td>
<td>So much as is not already repealed.</td>
</tr>
<tr>
<td>4116</td>
<td>University Act 1933</td>
<td>The whole.</td>
</tr>
<tr>
<td>4166</td>
<td>University (Grant) Act 1933</td>
<td>The whole.</td>
</tr>
<tr>
<td>4191</td>
<td>Statute Law Revision Act 1933</td>
<td>The item in Schedule referring to the University Act 1928.</td>
</tr>
<tr>
<td>4800</td>
<td>University (Funds) Act 1941</td>
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</tr>
<tr>
<td>4866</td>
<td>University (Funds) Amendment Act 1941</td>
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<tr>
<td>5044</td>
<td>Agricultural Colleges Act 1944</td>
<td>Section 14 (3).</td>
</tr>
<tr>
<td>5092</td>
<td>University (Veterinary Research) Act 1945</td>
<td>The whole.</td>
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<td>5162</td>
<td>University (Mildura Branch) Act 1946</td>
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<tr>
<td>5237</td>
<td>University (Mildura Branch) Act 1947</td>
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<td>5457</td>
<td>University (Veterinary Research) Act 1950</td>
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<tr>
<td>5579</td>
<td>University Act 1951</td>
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</tr>
<tr>
<td>6185</td>
<td>University (Council) Act 1958</td>
<td>The whole.</td>
</tr>
</tbody>
</table>

(a) See section 18. No terms of residence have been appointed under this section.
(b) See section 35.