



New South Wales

Universities Legislation Amendment (Regulatory Reforms) Act 2014 No 43

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New South Wales

Universities Legislation Amendment (Regulatory Reforms) Act 2014 No 43

Act No 43, 2014

An Act to amend various Acts establishing universities with respect to government regulation of the financial management, certain land dealings and governing body election procedures of the universities; and for other purposes. [Assented to 26 August 2014]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Acts and by-law

1.1 Charles Sturt University Act 1989 No 76

[1] Section 7 Object and functions of University

Insert after section 7 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 19 Functions of Council

Omit section 19 (1) (d). Insert instead:

- (d) borrow money,

[3] Section 21 Powers of Council relating to property

Omit section 21 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[4] Section 21 (2)–(3)

Omit section 21 (2) and (3). Insert instead:

- (2) The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University.
- (2A) The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[5] Section 21 (5)

Insert “grant,” after “gift,”.

[6] Section 22 Powers of Council over certain property vested in Crown

Omit section 22 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[7] Section 22 (4) (b)

Omit “shall” wherever occurring. Insert instead “must”.

[8] Section 24A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[9] Section 24B Guidelines for commercial activities

Omit section 24B (1) and (2). Insert instead:

- (1) The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Council may by resolution amend or replace the Guidelines from time to time.

[10] Section 24B (5) and (6)

Omit the subsections.

[11] Section 32 Rules

Omit “8E, 8F” from section 32 (1). Insert instead “8E (2) (c) (i) and (3) (a), 8F (4)”.

[12] Section 32 (1)

Omit “31 (1) (b) and (k)”. Insert instead “31 (1) (k)”.

[13] Section 32 (1)

Insert “(to the extent it relates to appointments)” after “Schedule 1”.

[14] Section 32 (1A)–(1C)

Insert after section 32 (1):

- (1A) Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 8E (3) (b), 8F (2) (a) and 31 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).
- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.

[15] Schedule 2 Investment

Omit clause 2.

[16] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[17] Schedule 4 Savings and transitional provisions

Omit clause 1 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[18] Schedule 4, Part 8

Insert after Part 7:

**Part 8 Provisions consequent on enactment of
Universities Legislation Amendment (Regulatory
Reforms) Act 2014**

48 Definition

In this Part:

amending Act means the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*.

49 Guidelines for commercial activities

The Guidelines approved for the time being under section 24B, as in force immediately before the amendments made to that section by the amending Act, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

50 Existing investments

An amendment made to this Act by the amending Act does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

51 Previously acquired land

Section 21 (2)–(3), as inserted by the amending Act, extend to land acquired from the State before the insertion of those subsections.

1.2 Macquarie University Act 1989 No 126

[1] Section 6 Object and functions of University

Insert after section 6 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 16 Functions of Council

Omit section 16 (1) (d). Insert instead:

- (d) borrow money,

[3] Section 18 Powers of Council relating to property

Omit section 18 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[4] Section 18 (2)–(3)

Omit section 18 (2) and (3). Insert instead:

- (2) The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University.

- (2A) The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[5] Section 18 (5)

Insert “grant,” after “gift.”

[6] Section 19 Powers of Council over certain property vested in Crown

Omit section 19 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[7] Section 21A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[8] Section 21B Guidelines for commercial activities

Omit section 21B (1) and (2). Insert instead:

- (1) The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Council may by resolution amend or replace the Guidelines from time to time.

[9] Section 21B (5) and (6)

Omit the subsections.

[10] Section 29 Rules

Omit “8D, 8E” from section 29 (1). Insert instead “8D (2) (c) (i) and (3) (a), 8E (4)”.

[11] Section 29 (1)

Omit “28 (1) (b) and (k)”. Insert instead “28 (1) (k)”.

[12] Section 29 (1)

Insert “(to the extent it relates to appointments)” after “Schedule 1”.

[13] Section 29 (1A)–(1C)

Insert after section 29 (1):

- (1A) Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 8D (3) (b), 8E (2) (a) and 28 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).

(1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.

(1C) The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.

[14] Schedule 1 Provisions relating to members and procedure of the Council

Omit “appointed under section 9 (1) (g)” from clause 2 (j).

Insert instead “appointed under section 8E”.

[15] Schedule 2 Investment

Omit clause 2.

[16] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[17] Schedule 3 Savings and transitional provisions

Omit clause 1A (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[18] Schedule 3, clauses 14–16

Insert after clause 13:

14 Guidelines for commercial activities

The Guidelines approved for the time being under section 21B, as in force immediately before the amendments made to that section by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

15 Existing investments

An amendment made to this Act by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014* does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

16 Previously acquired land

Section 18 (2)–(3), as inserted by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*, extend to land acquired from the State before the insertion of those subsections.

1.3 Southern Cross University Act 1993 No 69

[1] Section 6 Object and functions of University

Insert after section 6 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 16 Functions of Council

Omit section 16 (1) (d). Insert instead:

- (d) borrow money,

[3] Section 18 Powers of Council relating to property

Omit section 18 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[4] Section 18 (2)–(3)

Omit section 18 (2) and (3). Insert instead:

- (2) The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University.
- (2A) The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[5] Section 18 (5)

Insert “grant,” after “gift.”

[6] Section 19 Powers of Council over certain property vested in Crown

Omit section 19 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[7] Section 21A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[8] Section 21B Guidelines for commercial activities

Omit section 21B (1) and (2). Insert instead:

- (1) The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.

- (2) The Council may by resolution amend or replace the Guidelines from time to time.

[9] Section 21B (5) and (6)

Omit the subsections.

[10] Section 30 Rules

Omit “10 (1) (c)–(g) and (8)” from section 30 (1).

Insert instead “10 (1) (c), (d) (ii), (e) (ii), (f) (ii), (g) (ii) and (8)”.

[11] Section 30 (1)

Omit “29 (1) (b) and (k)”. Insert instead “29 (1) (k)”.

[12] Section 30 (1)

Omit “clauses 1 (1) (c) and (d) and 3 of Schedule 1”.

Insert instead “clause 1 (1) (c) and (d) of Schedule 1 and clause 3 of that Schedule (to the extent it relates to appointments)”.

[13] Section 30 (1A)–(1C)

Insert after section 30 (1):

- (1A) Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 10 (1) (d) (iii), (e) (iii), (f) (iii) and (g) (iii) and 29 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).
- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.

[14] Schedule 2 Investment

Omit clause 2.

[15] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[16] Schedule 3 Savings and transitional provisions

Omit clause 2 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[17] Schedule 3, Part 9

Insert after Part 8:

**Part 9 Provisions consequent on enactment of
Universities Legislation Amendment (Regulatory
Reforms) Act 2014**

39 Definition

In this Part:

amending Act means the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*.

40 Guidelines for commercial activities

The Guidelines approved for the time being under section 21B, as in force immediately before the amendments made to that section by the amending Act, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

41 Existing investments

An amendment made to this Act by the amending Act does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

42 Previously acquired land

Section 18 (2)–(3), as inserted by the amending Act, extend to land acquired from the State before the insertion of those subsections.

1.4 University of New England Act 1993 No 68

[1] Section 6 Object and functions of University

Insert after section 6 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 16 Functions of Council

Omit section 16 (1) (d). Insert instead:

- (d) borrow money,

[3] Section 18 Powers of Council relating to property

Omit section 18 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[4] Section 18 (2)–(3)

Omit section 18 (2) and (3). Insert instead:

- (2) The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University.

- (2A) The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[5] Section 18 (5)

Insert “grant,” after “gift.”

[6] Section 19 Powers of Council over certain property vested in Crown

Omit section 19 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[7] Section 21A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[8] Section 21B Guidelines for commercial activities

Omit section 21B (1) and (2). Insert instead:

- (1) The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Council may by resolution amend or replace the Guidelines from time to time.

[9] Section 21B (5) and (6)

Omit the subsections.

[10] Section 29 Rules

Omit “9 (1) (c)–(h) and (8)” from section 29 (1).

Insert instead “9 (1) (c), (d) (ii), (e) (ii), (f) (ii), (g) (ii) and (h) (ii) and (8)”.

[11] Section 29 (1)

Omit “28 (1) (b) and (k)”. Insert instead “28 (1) (k)”.

[12] Section 29 (1)

Omit “clauses 1 (1) (c) and (d) and 3 of Schedule 1”.

Insert instead “clause 1 (1) (c) and (d) of Schedule 1 and clause 3 of that Schedule (to the extent it relates to appointments)”.

[13] Section 29 (1A)–(1C)

Insert after section 29 (1):

- (1A) Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to

in sections 9 (1) (d) (iii), (e) (iii), (f) (iii), (g) (iii) and (h) (iii) and 28 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).

- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.

[14] Schedule 2 Investment

Omit clause 2.

[15] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[16] Schedule 3 Savings and transitional provisions

Omit clause 2 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[17] Schedule 3, Part 9

Insert after Part 8:

**Part 9 Provisions consequent on enactment of
Universities Legislation Amendment (Regulatory
Reforms) Act 2014**

43 Definition

In this Part:

amending Act means the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*.

44 Guidelines for commercial activities

The Guidelines approved for the time being under section 21B, as in force immediately before the amendments made to that section by the amending Act, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

45 Existing investments

An amendment made to this Act by the amending Act does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

46 Previously acquired land

Section 18 (2)–(3), as inserted by the amending Act, extend to land acquired from the State before the insertion of those subsections.

1.5 University of New South Wales Act 1989 No 125

[1] Section 6 Object and functions of University

Insert after section 6 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 15 Functions of Council

Omit section 15 (1) (d). Insert instead:

- (d) borrow money,

[3] Section 17 Powers of Council relating to property

Omit section 17 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[4] Section 17 (2)–(3)

Omit section 17 (2) and (3). Insert instead:

- (2) The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University.
- (2A) The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[5] Section 17 (5)

Insert “grant,” after “gift,”.

[6] Section 18 Powers of Council over certain property vested in Crown

Omit section 18 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[7] Section 20A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[8] Section 20B Guidelines for commercial activities

Omit section 20B (1) and (2). Insert instead:

- (1) The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Council may by resolution amend or replace the Guidelines from time to time.

[9] Section 20B (5) and (6)

Omit the subsections.

[10] Section 28 Rules

Omit “8D, 8E” from section 28 (1). Insert instead “8D (2) (c) (i) and (3) (a), 8E (4)”.

[11] Section 28 (1)

Omit “27 (1) (b) and (k)”. Insert instead “27 (1) (k)”.

[12] Section 28 (1)

Insert “(to the extent it relates to appointments)” after “Schedule 1”.

[13] Section 28 (1A)–(1C)

Insert after section 28 (1):

- (1A) Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 8D (3) (b), 8E (2) (a) and 27 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).
- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.

[14] Schedule 2 Investment

Omit clause 2.

[15] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[16] Schedule 3 Savings and transitional provisions

Omit clause 1A (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[17] Schedule 3, clauses 14–16

Insert after clause 13:

14 Guidelines for commercial activities

The Guidelines approved for the time being under section 20B, as in force immediately before the amendments made to that section by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

15 Existing investments

An amendment made to this Act by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014* does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

16 Previously acquired land

Section 17 (2)–(3), as inserted by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*, extend to land acquired from the State before the insertion of those subsections.

1.6 University of Newcastle Act 1989 No 68

[1] Section 6 Object and functions of University

Insert after section 6 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 15 Academic Senate

Insert after section 15 (1) (a):

- (a1) the person for the time being holding the office of President of the Academic Senate (if the person is not the Vice-Chancellor), and

[3] Section 16 Functions of Council

Omit section 16 (1) (d). Insert instead:

- (d) borrow money,

[4] Section 17 Delegation by Council

Insert at the end of the section:

- (2) If a function of the Council is delegated to the Vice-Chancellor in accordance with subsection (1) and the instrument of delegation authorises the sub-delegation of the function, the Vice-Chancellor may (subject to any condition to which the delegation is subject) sub-delegate the function to any person or body referred to in subsection (1).

[5] Section 18 Powers of Council relating to property

Omit section 18 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[6] Section 18 (2)–(3)

Omit section 18 (2) and (3). Insert instead:

- (2) The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University.
- (2A) The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[7] Section 18 (5)

Insert “grant,” after “gift,”.

[8] Section 19 Powers of Council over certain property vested in Crown

Omit section 19 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[9] Section 19 (4) (b)

Omit “shall” wherever occurring. Insert instead “must”.

[10] Section 21A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[11] Section 21B Guidelines for commercial activities

Omit section 21B (1) and (2). Insert instead:

- (1) The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Council may by resolution amend or replace the Guidelines from time to time.

[12] Section 21B (5) and (6)

Omit the subsections.

[13] Section 29 Rules

Omit “8D, 8E” from section 29 (1). Insert instead “8D (2) (c) (i) and (3) (a), 8E (4)”.

[14] Section 29 (1)

Omit “28 (1) (b) and (k)”. Insert instead “28 (1) (k)”.

[15] Section 29 (1)

Insert “(to the extent it relates to appointments)” after “Schedule 1”.

[16] Section 29 (1A)–(1C)

Insert after section 29 (1):

- (1A) Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 8D (3) (b), 8E (2) (a) and 28 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).
- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.

[17] Schedule 2 Investment

Omit clause 2.

[18] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[19] Schedule 3 Savings and transitional provisions

Omit clause 1A (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[20] Schedule 3, Part 6

Insert after Part 5:

**Part 6 Provisions consequent on enactment of
Universities Legislation Amendment (Regulatory
Reforms) Act 2014**

22 Definition

In this Part:

amending Act means the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*.

23 Academic Senate

The amendment made to section 15 by the amending Act does not affect the continuity or legal status of the Academic Senate.

24 Guidelines for commercial activities

The Guidelines approved for the time being under section 21B, as in force immediately before the amendments made to that section by the amending

Act, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

25 Existing investments

An amendment made to this Act by the amending Act does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

26 Previously acquired land

Section 18 (2)–(3), as inserted by the amending Act, extend to land acquired from the State before the insertion of those subsections.

1.7 University of Sydney Act 1989 No 124

[1] Section 6 Object and functions of University

Insert after section 6 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 16 Functions of Senate

Omit section 16 (1) (d). Insert instead:

- (d) borrow money,

[3] Section 18 Powers of Senate relating to property

Omit section 18 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[4] Section 18 (2)–(3)

Omit section 18 (2) and (3). Insert instead:

- (2) The Senate may, subject to this section, alienate, mortgage, charge or demise any lands of the University.
- (2A) The Senate must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Senate may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Senate is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[5] Section 18 (5)

Insert “grant,” after “gift.”

[6] Section 19 Powers of Senate over certain property vested in Crown

Omit section 19 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[7] Section 26A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[8] Section 26B Guidelines for commercial activities

Omit section 26B (1) and (2). Insert instead:

- (1) The Senate must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Senate may by resolution amend or replace the Guidelines from time to time.

[9] Section 26B (5) and (6)

Omit the subsections.

[10] Section 37 Rules

Omit “9 (1) (d)–(h), (6) and (8)” from section 37 (1).

Insert instead “9 (1) (d) (ii), (e) (ii), (f) (ii), (g) (ii) and (h) (ii), (6) and (8)”.

[11] Section 37 (1)

Omit “36 (1) (b) and (k)”. Insert instead “36 (1) (k)”.

[12] Section 37 (1)

Omit “clauses 1 (1) (c) and (d) and 3 of Schedule 1”.

Insert instead “clause 1 (1) (c) and (d) of Schedule 1 and clause 3 of that Schedule (to the extent it relates to appointments)”.

[13] Section 37 (1A)–(1C)

Insert after section 37 (1):

- (1A) Despite subsection (1), only the Senate may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 9 (1) (d) (iii), (e) (iii), (f) (iii), (g) (iii) and (h) (iii) and 36 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).
- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Senate must ensure that any election rule it makes is made readily available to the public by whatever means the Senate considers appropriate as soon as practicable after it is made.

[14] Schedule 2 Investment

Omit clause 2.

[15] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Senate may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Senate invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[16] Schedule 3 Savings and transitional provisions

Omit clause 1A (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[17] Schedule 3, clauses 15–17

Insert after clause 14:

15 Guidelines for commercial activities

The Guidelines approved for the time being under section 26B, as in force immediately before the amendments made to that section by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*, continue to have effect as if they were Guidelines determined by the Senate under that section as amended.

16 Existing investments

An amendment made to this Act by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014* does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

17 Previously acquired land

Section 18 (2)–(3), as inserted by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*, extend to land acquired from the State before the insertion of those subsections.

1.8 University of Technology, Sydney, Act 1989 No 69

[1] Section 6 Object and functions of University

Insert after section 6 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 16 Functions of Council

Omit section 16 (1) (d). Insert instead:

- (d) borrow money,

[3] Section 18 Powers of Council relating to property

Omit section 18 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[4] Section 18 (2)–(3)

Omit section 18 (2) and (3). Insert instead:

- (2) The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University.
- (2A) The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[5] Section 18 (5)

Insert “grant,” after “gift,”.

[6] Section 19 Powers of Council over certain property vested in Crown

Omit section 19 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[7] Section 19 (4) (b)

Omit “shall” wherever occurring. Insert instead “must”.

[8] Section 21A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[9] Section 21B Guidelines for commercial activities

Omit section 21B (1) and (2). Insert instead:

- (1) The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Council may by resolution amend or replace the Guidelines from time to time.

[10] Section 21B (5) and (6)

Omit the subsections.

[11] Section 29 Rules

Omit “8D, 8E” from section 29 (1). Insert instead “8D (2) (c) (i) and (3) (a), 8E (4)”.

[12] Section 29 (1)

Omit “28 (1) (b) and (k) and clauses 1 (1) (c) and (d) and”.

Insert instead “28 (1) (k) and clause”.

[13] Section 29 (1)

Insert “(to the extent it relates to appointments)” after “Schedule 1”.

[14] Section 29 (1A)–(1C)

Insert after section 29 (1):

- (1A) Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 8D (3) (b), 8E (2) (a) and 28 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).
- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.

[15] Schedule 2 Investment

Omit clause 2.

[16] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[17] Schedule 3 Savings and transitional provisions

Omit clause 1A (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[18] Schedule 3, Part 6

Insert after Part 5:

**Part 6 Provisions consequent on enactment of
Universities Legislation Amendment (Regulatory
Reforms) Act 2014**

22 Definition

In this Part:

amending Act means the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*.

23 Guidelines for commercial activities

The Guidelines approved for the time being under section 21B, as in force immediately before the amendments made to that section by the amending Act, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

24 Existing investments

An amendment made to this Act by the amending Act does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

25 Previously acquired land

Section 18 (2)–(3), as inserted by the amending Act, extend to land acquired from the State before the insertion of those subsections.

1.9 University of Western Sydney Act 1997 No 116

[1] Section 8 Object and functions of University

Insert after section 8 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[2] Section 22 Functions of Board

Omit section 22 (1) (e). Insert instead:

- (e) borrow money,

[3] Section 24 Powers of Board relating to property

Omit section 24 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[4] Section 24 (2)–(3)

Omit section 24 (2) and (3). Insert instead:

- (2) The Board may, subject to this section, alienate, mortgage, charge or demise any lands of the University.
- (2A) The Board must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Board may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Board is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[5] Section 24 (5)

Insert “grant,” after “gift.”

[6] Section 26 Powers of Board over certain property vested in Crown

Omit section 26 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[7] Section 32A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[8] Section 32B Guidelines for commercial activities

Omit section 32B (1) and (2). Insert instead:

- (1) The Board must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Board may by resolution amend or replace the Guidelines from time to time.

[9] Section 32B (5) and (6)

Omit the subsections.

[10] Section 41 Rules

Omit “12 (1) (c)–(h) and (8)” from section 41 (1).

Insert instead “12 (1) (c), (d) (ii), (e) (ii), (f) (ii), (g) (ii) and (h) (ii) and (8)”.

[11] Section 41 (1)

Omit “40 (1) (b)”. Insert instead “40 (1) (ja)”.

[12] Section 41 (1)

Omit “clauses 1 (1) (c) and (d) and 3 of Schedule 1”.

Insert instead “clause 1 (1) (c) and (d) of Schedule 1 and clause 3 of that Schedule (to the extent it relates to appointments)”.

[13] Section 41 (1A)–(1C)

Insert after section 41 (1):

- (1A) Despite subsection (1), only the Board may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 12 (1) (d) (iii), (e) (iii), (f) (iii), (g) (iii) and (h) (iii) and 40 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).
- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Board must ensure that any election rule it makes is made readily available to the public by whatever means the Board considers appropriate as soon as practicable after it is made.

[14] Schedule 2 Investment

Omit clause 2.

[15] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Board may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.
- (2) Such a funds manager may on behalf of the Board invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[16] Schedule 4 Savings, transitional and other provisions

Omit clause 1 (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[17] Schedule 4, Part 6

Insert after Part 5:

**Part 6 Provisions consequent on enactment of
Universities Legislation Amendment (Regulatory
Reforms) Act 2014**

32 Definition

In this Part:

amending Act means the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*.

33 Guidelines for commercial activities

The Guidelines approved for the time being under section 32B, as in force immediately before the amendments made to that section by the amending Act, continue to have effect as if they were Guidelines determined by the Board under that section as amended.

34 Existing investments

An amendment made to this Act by the amending Act does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

35 Previously acquired land

Section 24 (2)–(3), as inserted by the amending Act, extend to land acquired from the State before the insertion of those subsections.

1.10 University of Wollongong Act 1989 No 127

[1] Section 4 Establishment of University

Omit section 4 (b).

[2] Section 6 Object and functions of University

Insert after section 6 (3) (a):

- (a1) without limiting paragraph (a), the University may generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions,

[3] Section 14 Convocation

Omit the section.

[4] Section 16 Functions of Council

Omit section 16 (1) (d). Insert instead:

- (d) borrow money,

[5] Section 17 Delegation by Council

Insert at the end of the section:

- (2) If a function of the Council is delegated to the Vice-Chancellor in accordance with subsection (1) and the instrument of delegation authorises the sub-delegation of the function, the Vice-Chancellor may (subject to any condition to which the delegation is subject) sub-delegate the function to any person or body referred to in subsection (1).

[6] Section 18 Powers of Council relating to property

Omit section 18 (1) (a). Insert instead:

- (a) may acquire (whether by purchase, gift, grant, bequest, devise or otherwise) any property for the purposes of this Act and may agree to carry out the conditions of any such acquisition, and

[7] Section 18 (2)–(3)

Omit section 18 (2) and (3). Insert instead:

- (2) The Council may, subject to this section, alienate, mortgage, charge or demise any lands of the University.
- (2A) The Council must not alienate, mortgage, charge or demise any lands acquired by the University from the State at nominal or less than market value except with the approval of the Minister.
- (3) Despite subsection (2A), the Council may, without the approval of the Minister, lease any such lands if:
 - (a) the term of the lease does not exceed 21 years, and
 - (b) the Council is satisfied that it is to the benefit of the University, whether from a financial or educational standpoint or otherwise, that the lease be entered into.

[8] Section 18 (5)

Insert “grant,” after “gift.”.

[9] Section 19 Powers of Council over certain property vested in Crown

Omit section 19 (4) (a). Insert instead:

- (a) must not be granted for a term (including any option for the grant of a further term) exceeding 21 years except with the approval of the Minister, and

[10] Section 21A Definitions

Omit “approved” from the definition of *the Guidelines*. Insert instead “determined”.

[11] Section 21B Guidelines for commercial activities

Omit section 21B (1) and (2). Insert instead:

- (1) The Council must by resolution determine, and must maintain, Guidelines requiring specified processes and procedures to be followed in connection with University commercial activities.
- (2) The Council may by resolution amend or replace the Guidelines from time to time.

[12] Section 21B (5) and (6)

Omit the subsections.

[13] Section 25 Exemption from membership of body corporate

Omit “or of Convocation, or both”.

[14] Section 29 Rules

Omit “8D, 8E” from section 29 (1). Insert instead “8D (2) (c) (i) and (3) (a), 8E (4)”.

[15] Section 29 (1)

Omit “14 (1), 16 (1) (d) and (e), 23 and 28 (1) (b) and (k)”.

Insert instead “16 (1) (d) and (e), 23 and 28 (1) (k)”.

[16] Section 29 (1)

Insert “(to the extent it relates to appointments)” after “Schedule 1”.

[17] Section 29 (1A)–(1C)

Insert after section 29 (1):

- (1A) Despite subsection (1), only the Council may be empowered to make rules for or with respect to which by-laws may be made concerning matters referred to in sections 8D (3) (b), 8E (2) (a) and 28 (1) (b) and clause 3 of Schedule 1 (to the extent it relates to elections) (*election rules*).
- (1B) Election rules must be consistent with sound and democratic electoral practices, procedures and methods of voting.
- (1C) The Council must ensure that any election rule it makes is made readily available to the public by whatever means the Council considers appropriate as soon as practicable after it is made.

[18] Schedule 2 Investment

Omit clause 2.

[19] Schedule 2, clause 2A

Omit the clause. Insert instead:

2A Funds managers

- (1) The Council may engage a funds manager to act in relation to the management of the funds belonging to or vested in the University.

- (2) Such a funds manager may on behalf of the Council invest funds of the University in any investment in which the funds manager is authorised to invest its own funds or other funds.

[20] Schedule 3 Savings and transitional provisions

Omit clause 1A (1). Insert instead:

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.

[21] Schedule 3, clauses 15–18

Insert after clause 14:

15 Guidelines for commercial activities

The Guidelines approved for the time being under section 21B, as in force immediately before the amendments made to that section by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*, continue to have effect as if they were Guidelines determined by the Council under that section as amended.

16 Existing investments

An amendment made to this Act by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014* does not affect the appointment of a funds manager or the validity of any investment made by or on behalf of the University before the commencement of the amendment.

17 Convocation

The repeal of section 4 (b) by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014* does not affect the continuity or legal status of the University.

18 Previously acquired land

Section 18 (2)–(3), as inserted by the *Universities Legislation Amendment (Regulatory Reforms) Act 2014*, extend to land acquired from the State before the insertion of those subsections.

1.11 University of Wollongong By-law 2005

Part 11 Convocation

Omit the Part.

[Second reading speech made in—

Legislative Assembly on 19 March 2014

Legislative Council on 13 August 2014]