



New South Wales

University of New South Wales (St George Campus) Act 1999 No 45

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University of New South Wales (St George Campus) Act 1999 No 45

Act No 45, 1999

An Act with respect to the St George campus of the University of New South Wales; and for other purposes. [Assented to 1 October 1999]

The Legislature of New South Wales enacts:**1 Name of Act**

This Act is the *University of New South Wales (St George Campus) Act 1999*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Definitions

In this Act:

Crown has the same meaning as it has in the *Crown Proceedings Act 1988*.

St George campus means land in the vicinity of Hurstville Road and Oatley Parade, Oatley, comprising lot 3 in Deposited Plan 559487.

University means the University of New South Wales established by the *University of New South Wales Act 1989*.

University Council means the Council of the University.

voided lease means a lease or sublease that is declared to be void ab initio by section 4 (2).

voided licence means a licence or sublicence that is declared to be void ab initio by section 5 (2).

4 Avoidance of leases of St George campus granted on or after 1.4.99

- (1) This section applies if any lease of the St George campus, or any part of the St George campus, has been granted by or on behalf of the University Council on or after 1 April 1999 but before the commencement of this section.
- (2) Any lease of the kind referred to in subsection (1), together with any sublease of any such lease, is, by this section, declared to be void ab initio.
- (3) Without limiting the consequences that otherwise follow as a result of a lease or sublease becoming void ab initio:

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- (a) any payment under a voided lease made by or on behalf of the lessee to the lessor under the lease is to be repaid by the lessor to the lessee, and
 - (b) no action, liability, claim or demand lies against the lessee under a voided lease, or against any other person, for or with respect to anything done or omitted to be done by or on behalf of the lessee under the authority of the lease.

5 Avoidance of licences of St George campus granted on or after 1.4.99

- (1) This section applies if any licence to occupy the St George campus, or any part of the St George campus, has been granted by or on behalf of the University Council on or after 1 April 1999 but before the commencement of this section.
- (2) Any licence of the kind referred to in subsection (1), together with any sublicense of any such licence, is, by this section, declared to be void ab initio.
- (3) Without limiting the consequences that otherwise follow as a result of a licence or sublicense becoming void ab initio:
 - (a) any payment under a voided licence made by or on behalf of the licensee to the licensor under the licence is to be repaid by the licensor to the licensee, and
 - (b) no action, liability, claim or demand lies against the licensee under a voided licence, or against any other person, for or with respect to anything done or omitted to be done by or on behalf of the licensee under the authority of the licence.

6 Ministerial approval required for leases and licences of St George campus

- (1) Despite section 17 of the *University of New South Wales Act 1989*, the University Council:
 - (a) may not lease the St George campus, or any part of the St George campus, and
 - (b) may not grant a licence to occupy the St George campus, or any part of the St George campus,without the prior written approval of the Minister.
- (2) This section ceases to have effect on a day to be appointed by proclamation.

7 Minister empowered to acquire St George campus

- (1) The Minister may, with the approval of the Governor, declare, by notice published in the Gazette, that the St George campus, or any specified part of the St George campus, is acquired by compulsory process.
- (2) A notice under this section may except any specified interest in the land from the operation of the notice.
- (3) On the date of publication in the Gazette of a notice under this section, the land described in the notice is, by force of this section:
 - (a) vested in the Minister, and
 - (b) freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land.
- (4) If:
 - (a) the notice excepts an easement from acquisition, and
 - (b) immediately before the vesting, the benefit of a restriction as to user is annexed to the easement,then (unless otherwise specified in the notice) the restriction continues to have effect as if the acquisition had not taken place.
- (5) The *Land Acquisition (Just Terms Compensation) Act 1991* does not apply to or in respect of the acquisition of land under this section.
- (6) Section 125 of the *Education Act 1990* (subsections (5) (b) and (7) excepted) applies to the Minister administering this Act and to land acquired under this section in the same way as it applies to the Minister administering that Act and to land acquired under that section.
- (7) This section expires on a day to be appointed by proclamation.
- (8) The Minister must not dispose of any interest in the St George campus, or allow it to be used for any purpose, otherwise than as provided by this section.
- (9) The Minister is to take all reasonable steps to ensure that, within 12 months after the commencement of this section, and at all times thereafter, the St George campus is used by a public university for the provision of education, including teacher training.

8 Crown not liable to pay compensation

- (1) The Crown is not liable to pay compensation to the lessor or lessee under a voided lease, or to any person claiming through the lessor or lessee, as a consequence of the lease having been declared to be void.
- (2) The Crown is not liable to pay compensation to the licensor or licensee under a voided licence, or to any person claiming through the licensor or licensee, as a consequence of the licence having been declared to be void.
- (3) The Crown is not liable to pay compensation:
 - (a) to any owner of an interest in land that is divested, extinguished or diminished as a consequence of the operation of section 7 or of any action taken under that section, or
 - (b) to any person claiming through any such owner.
- (4) The Crown is not liable to pay compensation to any person as a consequence of the enactment or operation of this Act.
- (5) In this section, **compensation** includes damages and any other form of monetary compensation.

[Minister's second reading speech made in—
Legislative Assembly on 9 September 1999
Legislative Council on 21 September 1999]