

HIGHER EDUCATION (AMALGAMATION) BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The following Bills are cognate with this Bill:

University and University Colleges (Amendment) Bill 1989;
University of New England Bill 1989;
University of Newcastle Bill 1989; and
University of Technology, Sydney, Bill 1989.

The objects of this Bill are—

- (a) to provide for the amalgamation with the University of Sydney of—
 - (i) the Sydney branch of the Conservatorium of Music;
 - (ii) the Cumberland College of Health Sciences;
 - (iii) the Sydney College of the Arts;
 - (iv) the Sydney Institute of Education;
 - (v) the Institute of Nursing Studies; and
 - (vi) the Guild Centre;
- (b) to provide for the amalgamation with the University of New England of—
 - (i) the Armidale College of Advanced Education; and
 - (ii) the Northern Rivers College of Advanced Education;
- (c) to provide for the amalgamation with the University of Newcastle of—
 - (i) the Newcastle branch of the Conservatorium of Music; and
 - (ii) the Hunter Institute of Higher Education;
- (d) to provide for the amalgamation with the University of New South Wales of—
 - (i) the City Art Institute; and
 - (ii) the St George Institute of Education;
- (e) to provide for the amalgamation with the University of Technology, Sydney, of—
 - (i) the Kuring-gai College of Advanced Education; and

Higher Education (Amalgamation) 1989

- (ii) the Institute of Technical and Adult Teacher Education;
- (f) to provide for the amalgamation with Macquarie University of the Institute of Early Childhood Studies; and
- (g) to enact savings, transitional and other provisions as a consequence of the proposed amalgamations.

PART 1—PRELIMINARY

This Part contains provisions—

- (a) specifying the short title of the proposed Act (clause 1);
- (b) providing for the commencement of the proposed Act on a day or days to be appointed by proclamation (clause 2); and
- (c) defining certain expressions for the purposes of the proposed Act (clause 3).

PART 2—THE ARMIDALE COLLEGE OF ADVANCED EDUCATION

This Part contains a provision that abolishes the Armidale College of Advanced Education, dissolves its Council, provides for the transfer of its property, and of its rights to control certain land, to the University of New England and provides for the continuance of its by-laws (clause 4).

PART 3—THE CONSERVATORIUM OF MUSIC

This Part contains provisions—

- (a) defining certain expressions for the purposes of the proposed Part (clause 5);
- (b) abolishing the Conservatorium of Music and dissolving its Board of Governors (clause 6);
- (c) providing for the transfer of the property of the Sydney branch of the Conservatorium of Music, and of its rights to control certain land, to the University of Sydney (clause 7);
- (d) providing for the transfer of the property of the Newcastle branch of the Conservatorium of Music, and of its rights to control certain land, to the University of Newcastle (clause 8); and
- (e) repealing the New South Wales State Conservatorium of Music By-law (clause 9).

PART 4—THE CUMBERLAND COLLEGE OF HEALTH SCIENCES

This Part contains a provision that abolishes the Cumberland College of Health Sciences, dissolves its Council, provides for the transfer of its property, and of its rights to control certain land, to the University of Sydney and repeals the Cumberland College of Health Sciences By-law (clause 10).

PART 5—THE HUNTER INSTITUTE OF HIGHER EDUCATION

This Part contains a provision that abolishes the Hunter Institute of Higher Education, dissolves its Council, provides for the transfer of its property, and of its rights to control certain land, to the University of Newcastle and provides for the continuance of its by-laws (clause 11).

Higher Education (Amalgamation) 1989

PART 6—THE INSTITUTE OF THE ARTS

This Part contains provisions—

- (a) abolishing the Institute of the Arts and dissolving its Board of Governors (clause 12);
- (b) providing for the transfer of the property of the Institute of the Arts that relates to the Sydney College of the Arts, and of the rights of the Institute of the Arts to control certain land in relation to the College of the Arts, to the University of Sydney (clause 13);
- (c) providing for the transfer of the property of the Institute of the Arts that relates to the City Art Institute, and of the rights of the Institute of the Arts to control certain land in relation to the City Art Institute, to the University of New South Wales (clause 14); and
- (d) repealing the Institute of the Arts (Transferred Employees) Regulation 1987 (clause 15).

PART 7—THE KURING-GAI COLLEGE OF ADVANCED EDUCATION

This Part contains a provision that abolishes the Kuring-gai College of Advanced Education, dissolves its Council, provides for the transfer of its property, and of its rights to control certain land, to the University of Technology, Sydney, and provides for the continuance of its by-laws (clause 16).

PART 8—THE NORTHERN RIVERS COLLEGE OF ADVANCED EDUCATION

This Part contains a provision that abolishes the Northern Rivers College of Advanced Education, dissolves its Council, provides for the transfer of its property, and of its rights to control certain land, to the University of New England and provides for the continuance of its by-laws (clause 17).

PART 9—THE SYDNEY COLLEGE OF ADVANCED EDUCATION

This Part contains provisions—

- (a) abolishing the Sydney College of Advanced Education and dissolving its Council (clause 18);
- (b) providing for the transfer of the property of the College that relates to the Sydney Institute of Education, and of the College's rights to control certain land in relation to the Institute, to the University of Sydney (clause 19);
- (c) providing for the transfer of the property of the College that relates to the Institute of Nursing Studies, and of the College's rights to control certain land in relation to the Institute, to the University of Sydney (clause 20);
- (d) providing for the transfer of the property of the College that relates to the Guild Centre, and of the College's rights to control certain land in relation to the Guild Centre, to the University of Sydney (clause 21);
- (e) providing for the transfer of the property of the College that relates to the St George Institute of Education, and of the College's rights to control certain land in relation to the Institute, to the University of New South Wales (clause 22);
- (f) providing for the transfer of the property of the College that relates to the Institute of Early Childhood Studies, and of the College's rights to control certain land in relation to the Institute, to Macquarie University (clause 23);

Higher Education (Amalgamation) 1989

- (g) providing for the transfer of the property of the College that relates to the Institute of Technical and Adult Teacher Education, and of the College's rights to control certain land in relation to the Institute, to the University of Technology, Sydney (clause 24); and
- (h) repealing the Sydney College of Advanced Education By-law 1982 and the Sydney College of Advanced Education Regulation 1981 (clause 25).

PART 10—TRANSFER OF STAFF

This Part contains provisions—

- (a) defining certain expressions for the purposes of the proposed Part (clause 26);
- (b) transferring the officers of each institution to be abolished by the proposed Act to the relevant university on terms and conditions to be agreed upon between the institution and the university (clause 27);
- (c) providing that the terms and conditions to be agreed upon relating to the remuneration and duration of appointment of an officer are to be no less favourable than those currently applying to the officer (clause 28);
- (d) enabling such an officer to continue to contribute to the superannuation scheme currently applying to the officer (clause 29);
- (e) saving the accrued rights of such an officer to annual leave, long service leave and sick leave, but providing that, from the time of transfer, accruing leave is to be calculated at rates currently applying to university officers (clause 30);
- (f) preventing a transferred officer from claiming benefits of the same kind under the proposed Act and any other Act (clause 31);
- (g) allowing (for a period of 3 years) a transferred officer who was, before being transferred, a member of the Public Service with at least 5 years' service to apply for positions in the Public Service as if he or she were still such a member (clause 32);
- (h) transferring the temporary staff members of the institutions to be abolished by the proposed Act to the relevant university on the same terms and conditions as those currently applying to those members (clause 33);
- (i) providing that a fixed term contract between a person and such an institution shall be taken to be a contract with the relevant university (clause 34); and
- (j) stating that nothing in the proposed Part affects the operation of the Industrial Arbitration Act 1940 (clause 35).

PART 11—GENERAL

This Part contains provisions—

- (a) transferring to the relevant university the assets, rights, liabilities and obligations of each institution to be abolished by the proposed Act (clause 36);
- (b) allowing disputes relating to the transfer to the relevant university of property, assets, rights, liabilities and obligations of such an institution to be determined by the Minister (clause 37);
- (c) transferring the students of such an institution to the relevant university and providing for the continuation of their courses and the conferring of appropriate awards by that university (clause 38);
- (d) saving delegations made by the governing body of such an institution until revoked by the governing body of the relevant university (clause 39);

Higher Education (Amalgamation) 1989

- (e) exempting instruments executed for the purposes of dealing with property in accordance with the proposed Act from payment of stamp duty and other registration fees or charges (clause 40);
- (f) preserving the power of persons in whom certain property is vested to remove the control and management of the property from a university to which that control and management is to be transferred by the proposed Act or to vary the terms and conditions on which that control and management may be exercised by that university (clause 41);
- (g) saving existing investments of such an institution (clause 42);
- (h) providing for references to such an institution in any other Act or in any statutory instrument or other document to be read as references to the relevant university (clause 43);
- (i) enabling the Governor-in-Council to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act and its cognate Acts (clause 44);
- (j) repealing the Institute of the Arts Act 1987 and the New South Wales State Conservatorium of Music Act 1965 (clause 45); and
- (k) giving effect to Schedule 1 (clause 46).

SCHEDULE 1—AMENDMENTS

The Schedule contains consequential amendments to the following Acts:

Public Authorities (Financial Arrangements) Act 1987;

Public Finance and Audit Act 1983.
