

Act 1994 No. 16

UNIVERSITY LEGISLATION (AMENDMENT) BILL 1994

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Acts relating to the universities listed below:

- (a) to limit the role of the office of Visitor of those universities to ceremonial functions only by abolishing the functions of the office of Visitor relating to the resolution of disputes and other matters concerning the affairs of those universities; and
- (b) to clarify the powers of the governing bodies of those universities to make rules; and
- (c) to remove certain restrictions relating to the leasing of property of those universities.

The universities concerned are:

Charles Sturt University
Macquarie University
Southern Cross University
University of New England
University of New South Wales
University of Newcastle
University of Sydney
University of Technology, Sydney
University of Western Sydney
University of Wollongong

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 gives effect to Schedule 1 which contains the amendments to the University Acts listed above.

University Legislation (Amendment) 1994 [Act 1994 No. 16]

SCHEDULE 1—AMENDMENT OF UNIVERSITY LEGISLATION

Visitors

The Visitor is a traditional office in a university with ceremonial and dispute resolution functions.

The Visitor of a university has power to resolve disputes which are internal to the university (such as disputes relating to the disciplining of students or the promotion or dismissal of staff).

The provisions in each university Act stating that the Governor is to be the Visitor for the university are to be amended to abolish the functions and jurisdiction of the Visitor, except ceremonial functions. However, the Visitor will be able to complete matters that are being dealt with when the amendments commence.

Leasing powers of universities

Currently each university must obtain the approval of the Minister to lease its property unless the term of the lease does not exceed 21 years and the highest rent that can reasonably be obtained is reserved for the whole of that term. The amendments will change the existing provisions so that the Minister's approval must be obtained to a lease of university property unless the term of the lease does not exceed 21 years and the governing body of the University 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.

By-laws, rules and orders

The amendments substitute the provisions of the university Acts relating to the making of rules so as to make it clear that the by-laws may authorise the making of rules with respect to matters for which by-laws may be made (except with respect to matters such as the constitution of, and the election of members to, the governing bodies of the universities, the office of Chancellor and Deputy Chancellor and to the making, publication and inspection of rules).

The Bill makes other minor and consequential amendments concerning the by-law and rule making powers.

The University of Western Sydney Act 1988 provides for the making of orders as well as rules. The amendments remove the provisions for the making of orders and provide for existing orders to continue in force as rules.
