

## UNIVERSITY OF SYDNEY 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 of New South Wales Bill 1989;  
Macquarie University Bill 1989;  
University of Wollongong Bill 1989;  
University of Western Sydney (Amendment) Bill 1989;  
Higher Education (Amalgamation) Amendment Bill 1989; and  
Miscellaneous Acts (Higher Education) Repeal and Amendment Bill 1989.

The objects of this Bill are:

- (a) to reconstitute the University of Sydney and its Senate;
- (b) to vary the powers of the Senate of the University in relation to various matters including, in particular, the making of by-laws; and
- (c) to repeal the University and University Colleges Act 1900 and to re-enact its provisions (with modifications) in a new Act.

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### PART 1 - PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences (with minor exceptions) on a day or days to be proclaimed. Certain transitional provisions are to commence on the date of assent to the proposed Act.

Clause 3 defines terms used in the proposed Act.

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**PART 2 - CONSTITUTION AND FUNCTIONS OF THE  
UNIVERSITY**

Clause 4 establishes the University.

Clause 5 provides for the incorporation of the University.

Clause 6 specifies the functions of the University.

Clause 7 empowers the University, for the purpose of exercising its functions, to provide such facilities for its students as it considers desirable.

**PART 3 - THE SENATE, AUTHORITIES AND OFFICERS  
OF THE UNIVERSITY**

Clause 8 establishes a Senate of the University which is to be the governing authority of the University.

Clause 9 provides that the Senate of the University is to consist of parliamentary, official, appointed and elected members.

Clause 10 contains provisions relating to the Chancellor of the University.

Clause 11 contains provisions relating to the Deputy Chancellor of the University.

Clause 12 provides that the Vice-Chancellor is the principal executive officer of the University.

Clause 13 designates the Governor as the Visitor of the University.

Clause 14 describes the University Convocation.

Clause 15 establishes an Academic Board of the University.

**PART 4 - FUNCTIONS OF SENATE**

**Division 1 - General**

Clause 16 invests the Senate with miscellaneous powers relating to academic, staffing and other matters.

Clause 17 permits the Senate to delegate its functions.

**Division 2 - Property**

Clause 18 specifies the powers of the Senate relating to property and places certain restrictions on the Senate dealing with land of the University.

Clause 19 gives the Senate, subject to certain restrictions, the control and management of land of the Crown on which the University is conducted.

Clause 20 provides for the resumption or appropriation of land for the benefit of the University.

Clause 21 provides for the vesting in the University of land of the Crown on which its activities are conducted.

**Division 3 - Variation of trusts**

Clause 22 defines certain expressions used in the proposed Division.

Clause 23 specifies the trusts to which the proposed Division is to apply, namely, trusts by which property is held by or on behalf of the University, being trusts which, but for the provisions of the proposed Division, are not able to be varied except by order of a court.

Clause 24 enables the Minister, at the request of the Senate, to vary the amount of prize money fixed by the terms of a trust where the value of the prize has been so affected by inflation that it no longer reflects the intentions of the donor of the prize.

Clause 25 enables the Minister, with the concurrence of the Attorney General, to vary the terms of any trust to which the proposed Division applies.

Clause 26 enables a trust that has been varied in accordance with the proposed Division to be further varied in accordance with that Division.

**PART 5 - ESTABLISHMENT OF ACADEMIC COLLEGES**

Clause 27 provides for the establishment of the Sydney Conservatorium of Music, the Cumberland College of Health Sciences and the Sydney College of the Arts as academic colleges of the University. The clause enables the Governor-in-Council to establish further academic colleges by order published in the Gazette and provides for the vesting in the University of the property of any colleges so established.

Clause 28 enables an advisory council (having between 10 and 20 members) to be appointed for an academic college established under the proposed Part.

**PART 6 - GENERAL**

Clause 29 enables the Treasurer, with the approval of the Governor-in-Council, to advance money to the University for its temporary accommodation.

Clause 30 provides for the financial year of the University.

Clause 31 forbids religious or political discrimination in the admission of students, the conferring of degrees and awards and the appointment of staff.

Clause 32 provides for the exemption of persons, on the grounds of conscience, from membership of the body corporate of the University or of Convocation.

Clause 33 enables the re-appointment or re-election of a person to any office under the proposed Act which the person has held and for which he or she is still suitably qualified and eligible.

Clause 34 confers the academic status of Doctor or Master on certain officers of the University (such as the principals of the incorporated colleges) who may not already possess that status and the academic status of Bachelor on certain persons whose qualifications are recognised by the by-laws as having the same rank as that of Bachelor.

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**Clause 35** provides for the use and custody of the seal of the University.

**Clause 36** enables the Senate, with the approval of the Governor-in-Council, to make by-laws generally for the management, good government and discipline of the University and in relation to certain specified matters.

**Clause 37** enables the Senate, or another authority specified in the by-laws, to make rules for the regulation of matters concerning a subject-matter specified in the by-laws.

**Clause 38** provides for the recovery of charges, fees and other money due to the University.

**Clause 39** repeals the University and University Colleges Act 1900, dissolves the Senate of the University of Sydney constituted under that Act and declares certain offices vacant.

**Clause 40** is a formal provision that gives effect to the Schedule of savings and transitional provisions. The clause also facilitates the conduct of certain elections and the making of certain nominations.

**SCHEDULE 1 - PROVISIONS RELATING TO FELLOWS  
AND TO THE PROCEDURE OF THE SENATE**

**Schedule 1** regulates Senate membership (vacation of office etc.), procedure and other matters relating to the Senate and its members.

**SCHEDULE 2 - POWERS OF INVESTMENT**

**Schedule 2** sets out the powers of investment of the Senate.

**SCHEDULE 3 - SAVINGS AND TRANSITIONAL PROVISIONS**

**Schedule 3** contains miscellaneous savings and transitional provisions.

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