



New South Wales

Universities Legislation Amendment Bill 2024

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2024



New South Wales

Universities Legislation Amendment Bill 2024

Act No _____, 2024

An Act to amend various public university Acts in relation to the university's governing authority's power regarding land and property and the sub-delegation of functions delegated to vice-chancellors.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Universities Legislation Amendment Act 2024*.

2 Commencement

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

Schedule 1 Amendment of Charles Sturt University Act 1989 No 76

[1] Section 20

Omit the section. Insert instead—

20 Delegation by Council

- (1) The Council may delegate any of its functions, other than this power of delegation, to—
 - (a) a member or committee of the Council, or
 - (b) an authority or officer of the University, or
 - (c) a person or body prescribed by the by-laws.
- (2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.
- (3) The Vice-Chancellor may sub-delegate a function if—
 - (a) the Council's delegation to the Vice-Chancellor authorises the sub-delegation of the function, and
 - (b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).

[2] Section 21

Omit the section. Insert instead—

21 Powers of Council relating to University property

- (1) The Council has the control and management of land and other property vested in the University.
- (2) The Council may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Council does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 7, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and

- (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (6) In this section—
 - acquire*** includes acquire by purchase, gift, grant, bequest or devise.
 - other property*** means property other than land.
 - relevant land*** means land acquired by the University from the State at nominal or less than market value.

Schedule 2 **Amendment of Macquarie University Act 1989 No 126**

Section 18

Omit the section. Insert instead—

18 Powers of Council relating to University property

- (1) The Council has the control and management of land and other property vested in the University.
- (2) The Council may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3)–(5), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister’s approval.
- (4) Despite subsection (3), the Council does not require the Minister’s approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and
 - (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) A lease of land vested in the University, or a renewal of the lease, to a residential college affiliated with the University—
 - (a) must be for a term that is no more than 99 years, and
 - (b) must be at a nominal rent, and
 - (c) must contain a condition that the lease must not be assigned, and
 - (d) may contain other conditions the Council considers necessary or appropriate.
- (6) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (7) In this section—

acquire includes acquire by purchase, gift, grant, bequest or devise.

other property means property other than land.

relevant land means land acquired by the University from the State at nominal or less than market value.

Schedule 3 Amendment of Southern Cross University Act 1993 No 69

[1] Section 17

Omit the section. Insert instead—

17 Delegation by Council

- (1) The Council may delegate any of its functions, other than this power of delegation, to—
 - (a) a member or committee of the Council, or
 - (b) an authority or officer of the University, or
 - (c) a person or body prescribed by the by-laws.
- (2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.
- (3) The Vice-Chancellor may sub-delegate a function if—
 - (a) the Council's delegation to the Vice-Chancellor authorises the sub-delegation of the function, and
 - (b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).

[2] Section 18

Omit the section. Insert instead—

18 Powers of Council relating to University property

- (1) The Council has the control and management of land and other property vested in the University.
- (2) The Council may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Council does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and

- (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (6) In this section—
 - acquire*** includes acquire by purchase, gift, grant, bequest or devise.
 - other property*** means property other than land.
 - relevant land*** means land acquired by the University from the State at nominal or less than market value.

Schedule 4 Amendment of University of New England Act 1993 No 68

[1] Section 17

Omit the section. Insert instead—

17 Delegation by Council

- (1) The Council may delegate any of its functions, other than this power of delegation, to—
 - (a) a member or committee of the Council, or
 - (b) an authority or officer of the University, or
 - (c) a person or body prescribed by the by-laws.
- (2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.
- (3) The Vice-Chancellor may sub-delegate a function if—
 - (a) the Council's delegation to the Vice-Chancellor authorises the sub-delegation of the function, and
 - (b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).

[2] Section 18

Omit the section. Insert instead—

18 Powers of Council relating to University property

- (1) The Council has the control and management of land and other property vested in the University.
- (2) The Council may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Council does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and

- (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (6) In this section—
 - acquire*** includes acquire by purchase, gift, grant, bequest or devise.
 - other property*** means property other than land.
 - relevant land*** means land acquired by the University from the State at nominal or less than market value.

Schedule 5 Amendment of University of New South Wales Act 1989 No 125

[1] Section 16

Omit the section. Insert instead—

16 Delegation by Council

- (1) The Council may delegate any of its functions, other than this power of delegation, to—
 - (a) a member or committee of the Council, or
 - (b) an authority or officer of the University, or
 - (c) a person or body prescribed by the by-laws.
- (2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.
- (3) The Vice-Chancellor may sub-delegate a function if—
 - (a) the Council's delegation to the Vice-Chancellor authorises the sub-delegation of the function, and
 - (b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).

[2] Section 17

Omit the section. Insert instead—

17 Powers of Council relating to University property

- (1) The Council has the control and management of land and other property vested in the University.
- (2) The Council may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Council does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and

- (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (6) In this section—
 - acquire** includes acquire by purchase, gift, grant, bequest or devise.
 - other property** means property other than land.
 - relevant land** means land acquired by the University from the State at nominal or less than market value.

Schedule 6 **Amendment of University of Newcastle Act 1989 No 68**

Section 18

Omit the section. Insert instead—

18 Powers of Council relating to University property

- (1) The Council has the control and management of land and other property vested in the University.
- (2) The Council may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Council does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and
 - (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (6) In this section—

acquire includes acquire by purchase, gift, grant, bequest or devise.

other property means property other than land.

relevant land means land acquired by the University from the State at nominal or less than market value.

Schedule 7 Amendment of University of Sydney Act 1989 No 124

[1] Section 17

Omit the section. Insert instead—

17 Delegation by Senate

- (1) The Senate may delegate any of its functions, other than this power of delegation, to—
 - (a) a member or committee of the Senate, or
 - (b) an authority or officer of the University, or
 - (c) a person or body prescribed by the by-laws.
- (2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.
- (3) The Vice-Chancellor may sub-delegate a function if—
 - (a) the Senate's delegation to the Vice-Chancellor authorises the sub-delegation of the function, and
 - (b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).

[2] Section 18

Omit the section. Insert instead—

18 Powers of Senate relating to University property

- (1) The Senate has the control and management of land and other property vested in the University.
- (2) The Senate may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3)–(5), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Senate must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Senate does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Senate is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and

- (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) A lease of land vested in the University, or a renewal of the lease, to a residential college affiliated with the University—
 - (a) must be for a term that is no more than 99 years, and
 - (b) must be at a nominal rent, and
 - (c) must contain a condition that the lease must not be assigned, and
 - (d) may contain other conditions the Senate considers necessary or appropriate.
- (6) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (7) In this section—
 - acquire*** includes acquire by purchase, gift, grant, bequest or devise.
 - other property*** means property other than land.
 - relevant land*** means land acquired by the University from the State at nominal or less than market value.

Schedule 8 Amendment of University of Technology Sydney Act 1989 No 69

Section 18

Omit the section. Insert instead—

18 Powers of Council relating to University property

- (1) The Council has the control and management of land and other property vested in the University.
- (2) The Council may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Council does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and
 - (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (6) In this section—

acquire includes acquire by purchase, gift, grant, bequest or devise.

other property means property other than land.

relevant land means land acquired by the University from the State at nominal or less than market value.

Schedule 9 **Amendment of University of Wollongong Act 1989 No 127**

Section 18

Omit the section. Insert instead—

18 Powers of Council relating to University property

- (1) The Council has the control and management of land and other property vested in the University.
- (2) The Council may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Council does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and
 - (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (6) In this section—

acquire includes acquire by purchase, gift, grant, bequest or devise.

other property means property other than land.

relevant land means land acquired by the University from the State at nominal or less than market value.

Schedule 10 Amendment of Western Sydney University Act 1997 No 116

Section 24

Omit the section. Insert instead—

24 Powers of Board relating to University property

- (1) The Board has the control and management of land and other property vested in the University.
- (2) The Board may, for the purposes of this Act—
 - (a) acquire land and other property, and
 - (b) agree to carry out conditions of the acquisition of the land or other property, and
 - (c) grant easements and covenants over land vested in the University, and
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—
 - (i) land vested in the University,
 - (ii) other property of the University.
- (3) The Board must not sell, mortgage, charge or lease relevant land without the Minister's approval.
- (4) Despite subsection (3), the Board does not require the Minister's approval to—
 - (a) lease relevant land if—
 - (i) the term of the lease is no more than 21 years, and
 - (ii) the Board is satisfied the leasing of the land is consistent with the object and functions of the University under section 8, or
 - (b) lease relevant land if—
 - (i) the term of the lease is no more than 99 years, and
 - (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or
 - (c) enter into a planning agreement under the *Environmental Planning and Assessment Act 1979*, section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.
- (5) The rule of law against remoteness of vesting does not apply to a condition of the acquisition of property to which the University has agreed.
- (6) In this section—

acquire includes acquire by purchase, gift, grant, bequest or devise.

other property means property other than land.

relevant land means land acquired by the University from the State at nominal or less than market value.