

[Act 1999 No 45]



New South Wales

University of New South Wales (St George Campus) Bill 1999

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

Overview of Bill

The St George campus of the University of New South Wales comprises land on which the former St George Institute of Education was situated immediately before it became part of the University pursuant to the *Higher Education (Amalgamation) Act 1989*. The title to that land has subsequently been transferred to the University.

The objects of this Bill are:

- (a) to declare void any leases and licences granted by the Council of the University of New South Wales in respect of the St George campus of the University, and
- (b) to provide that future leases and licences of the St George campus may not be granted by that Council except with the approval of the Minister administering the proposed Act, and
- (c) to enable the Minister administering the proposed Act to compulsorily acquire the St George campus.

* Amended in committee—see table at end of volume.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines the expressions *Crown*, *St George campus*, *University*, *University Council*, *voided lease* and *voided licence* for the purposes of the proposed Act.

Clause 4 avoids any lease of the St George campus that has been granted by the University Council since 1 April 1999, but before the commencement of the proposed section, together with any sublease of such a lease. The proposed section provides for the repayment to the lessee under any such lease of any payment made by or on behalf of the lessee under the lease. It also renders the lessee, and any other person, immune from civil action for anything done or omitted to be done by or on behalf of the lessee under the authority of any such lease.

Clause 5 avoids any licence to occupy the St George campus that has been granted by the University Council since 1 April 1999, but before the commencement of the proposed section, together with any sublicense of such a licence. The proposed section provides for the repayment to the licensee under any such licence of any payment made by or on behalf of the licensee under the licence. It also renders the licensee, and any other person, immune from civil action for anything done or omitted to be done by or on behalf of the licensee under the authority of any such licence.

Clause 6 provides that future leases of, and licences to occupy, the St George campus may not be granted by the University Council except with the approval of the Minister. The proposed section will cease to have effect on a day to be appointed by proclamation.

Clause 7 empowers the Minister to compulsorily acquire, by notice published in the Gazette, the land comprising the St George campus, or any specified part of the St George campus. The proposed section provides that the *Land Acquisition (Just Terms Compensation) Act 1991* does not apply to or in respect of any such acquisition. The proposed section is expressed to expire on a day to be appointed by proclamation.

Clause 8 provides that the Crown is not liable to pay compensation as a consequence of the avoidance of a lease by proposed section 4 (1), as a consequence of the avoidance of a licence by proposed section 5 (1), as a

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consequence of the compulsory acquisition of the St George campus under proposed section 7 or as a consequence of the enactment or operation of the proposed Act. Compensation is defined to include damages and any other form of monetary compensation.