

Act No. 110 of 1990

## AUSTRALIAN CATHOLIC UNIVERSITY BILL 1990

NEW SOUTH WALES



### EXPLANATORY NOTE

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

The objects of this Bill are:

- (a) to provide statutory recognition of the Australian Catholic University as a university; and
- (b) to authorise the Australian Catholic University to be called a university; and
- (c) to confer on the Australian Catholic University the authority to award degrees; and
- (d) to make such other provision as is appropriate to enable the Australian Catholic University to operate as a university within New South Wales.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** specifies that the proposed Act is to commence on 1 January 1991.

**Clause 3** defines certain expressions for the purposes of the proposed Act.

**Clause 4** declares that the objects of the proposed Act are to provide statutory recognition of the Australian Catholic University as a university and to facilitate its operation within New South Wales.

**Clause 5** applies the proposed Act to and in respect of the Australian Catholic University to the full extent to which the law of New South Wales is so applicable, but preserves the application of any other law to or in respect of the University to the full extent to which that law is so applicable.

**Clause 6** declares that the Australian Catholic University is an official university for the purposes of section 4 of the Higher Education Act 1988 and authorises it to be called a university and to confer degrees.

**Clause 7** provides that a person is not to be denied admission as a student of the Australian Catholic University, or to be taken to be ineligible to graduate from or to enjoy the benefits of the University, merely because of his or her religious or political affiliations, views or beliefs.

*Australian Catholic University 1990*

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**Clause 8** is a formal provision that gives effect to Schedule 1 (Investment of University Funds).

**Clause 9** provides that the rule of law against remoteness of vesting is not to apply to any gift, bequest or devise accepted by the University.

**Clause 10** ensures that the Senate of the University is alone responsible for, and has authority over, the provision of education within the University.

**Clause 11** protects the State, and any authority of the State, from any action, liability, claim or demand arising from or in connection with the enactment or operation of the proposed Act.

**Schedule 1** specifies the investment powers of the University and contains provisions:

- (a) defining the expression “funds” for the purposes of the Schedule (clause 1); and
  - (b) providing for investment common funds into which all funds (including trust funds) can be brought for the purpose of investment (clause 2); and
  - (c) ensuring that the investment of trust funds remains subject to the provisions of the relevant trust (clause 3).
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