

UNIVERSITY OF NEW SOUTH WALES BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the University of Sydney Bill 1989.

The objects of this Bill are:

- (a) to reconstitute the University of New South Wales and its Council;
- (b) to vary the powers of the Council of the University in relation to various matters including, in particular, the making of by-laws; and
- (c) to repeal the University of New South Wales Act 1968 and to re-enact its provisions (with modifications) in a new Act.

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.

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.

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PART 3 - THE COUNCIL, AUTHORITIES AND OFFICERS OF THE UNIVERSITY

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

Clause 9 provides that the Council of the University shall 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 establishes an Academic Board of the University.

PART 4 - FUNCTIONS OF COUNCIL

Division 1 - General

Clause 15 invests the Council with miscellaneous powers relating to academic, staffing and other matters.

Clause 16 permits the Council to delegate its functions.

Division 2 - Property

Clause 17 specifies the powers of the Council relating to property and places certain restrictions on the Council dealing with land of the University.

Clause 18 gives the Council, subject to certain restrictions, the control and management of land of the Crown on which the University is conducted.

Clause 19 provides for the resumption or appropriation of land for the benefit of the University.

Clause 20 provides for the vesting in the University of land of the Crown on which its activities are conducted.

PART 5 - GENERAL

Clause 21 enables the Treasurer, with the approval of the Governor-in-Council, to advance money to the University for its temporary accommodation.

Clause 22 provides for the financial year of the University.

Clause 23 forbids religious or political discrimination in the admission of students, the conferring of degrees and awards and the appointment of staff.

Clause 24 provides for the exemption of persons, on the grounds of conscience, from membership of the body corporate of the University.

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Clause 25 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 26 provides for the use and custody of the seal of the University.

Clause 27 enables the Council, 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 28 enables the Council, 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 29 provides for the recovery of charges, fees and other money due to the University.

Clause 30 repeals the University of New South Wales Act 1968, dissolves the Council of the University of New South Wales constituted under that Act and declares certain offices vacant.

Clause 31 is a formal provision that gives effect to the Schedule of savings and transitional provisions. The clause also facilitates the conduct of certain elections.

SCHEDULE 1 - PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF THE COUNCIL

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

SCHEDULE 2 - POWERS OF INVESTMENT

Schedule 2 sets out the powers of investment of the Council.

SCHEDULE 3 - SAVINGS AND TRANSITIONAL PROVISIONS

Schedule 3 contains miscellaneous savings and transitional provisions.
