



New South Wales

Universities Legislation Amendment Bill 2024

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the following Acts (*university Acts*) in relation to the university's governing authority's power regarding land and property and, in some cases, the sub-delegation of functions delegated to vice-chancellors—

- (a) *Charles Sturt University Act 1989*,
- (b) *Macquarie University Act 1989*,
- (c) *Southern Cross University Act 1993*,
- (d) *University of New England Act 1993*,
- (e) *University of New South Wales Act 1989*,
- (f) *University of Newcastle Act 1989*,
- (g) *University of Sydney Act 1989*,
- (h) *University of Technology Sydney Act 1989*,
- (i) *University of Wollongong Act 1989*,
- (j) *Western Sydney University Act 1997*.

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 the date of assent to the proposed Act.

Schedules 1[1], 3[1], 4[1], 5[1] and 7[1] amend the *Charles Sturt University Act 1989*, the *Southern Cross University Act 1993*, the *University of New England Act 1993*, the *University of New South Wales Act 1989* and the *University of Sydney Act 1989* respectively to allow the vice-chancellors of the universities to sub-delegate functions to certain persons if the governing authority has delegated the functions to the Vice-Chancellor and authorised the further sub-delegation.

Schedules 1[2], 2, 3[2], 4[2], 5[2], 6, 7[2] and 8–10 replace the provisions relating to the relevant governing authority's powers regarding land and property to—

- (a) clarify the circumstances in which Ministerial approval is required for transactions relating to land the university acquired from the State at nominal or less than market value, and
- (b) ensure consistency across the university Acts.



New South Wales

Universities Legislation Amendment Bill 2024

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This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly

Clerk of the Legislative Assembly



New South Wales

Universities Legislation Amendment Bill 2024

No , 2024

A Bill for

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.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.

Legislative Council

Clerk of the Parliaments

The Legislature of New South Wales enacts—

1

1 Name of Act

2

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

3

2 Commencement

4

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

5

Schedule 1	Amendment of Charles Sturt University Act 1989	1
	No 76	2
[1] Section 20		3
	Omit the section. Insert instead—	4
20 Delegation by Council		5
(1)	The Council may delegate any of its functions, other than this power of delegation, to—	6
	(a) a member or committee of the Council, or	7
	(b) an authority or officer of the University, or	8
	(c) a person or body prescribed by the by-laws.	9
(2)	A person or body to whom or which a function is delegated under this section must not sub-delegate the function.	10
(3)	The Vice-Chancellor may sub-delegate a function if—	11
	(a) the Council’s delegation to the Vice-Chancellor authorises the sub-delegation of the function, and	12
	(b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).	13
[2] Section 21		14
	Omit the section. Insert instead—	15
21 Powers of Council relating to University property		16
(1)	The Council has the control and management of land and other property vested in the University.	17
(2)	The Council may, for the purposes of this Act—	18
	(a) acquire land and other property, and	19
	(b) agree to carry out conditions of the acquisition of the land or other property, and	20
	(c) grant easements and covenants over land vested in the University, and	21
	(d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—	22
	(i) land vested in the University,	23
	(ii) other property of the University.	24
(3)	The Council must not sell, mortgage, charge or lease relevant land without the Minister’s approval.	25
(4)	Despite subsection (3), the Council does not require the Minister’s approval to—	26
	(a) lease relevant land if—	27
	(i) the term of the lease is no more than 21 years, and	28
	(ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 7, or	29
	(b) lease relevant land if—	30
	(i) the term of the lease is no more than 99 years, and	31

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|------|--|-------------|
| (ii) | the leasing of the land is for the purposes of utility infrastructure or services, or | 1
2 |
| (c) | enter into a planning agreement under the <i>Environmental Planning and Assessment Act 1979</i> , section 7.4 if the agreement does not require the University to dedicate relevant land free of cost. | 3
4
5 |
| (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
7 |
| (6) | In this section— | 8 |
| | <i>acquire</i> includes acquire by purchase, gift, grant, bequest or devise. | 9 |
| | <i>other property</i> means property other than land. | 10 |
| | <i>relevant land</i> means land acquired by the University from the State at nominal or less than market value. | 11
12 |

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) 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 utility infrastructure or 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 3	Amendment of Southern Cross University Act 1993 No 69	1
		2
[1] Section 17		3
	Omit the section. Insert instead—	4
	17 Delegation by Council	5
	(1) The Council may delegate any of its functions, other than this power of delegation, to—	6
	(a) a member or committee of the Council, or	7
	(b) an authority or officer of the University, or	8
	(c) a person or body prescribed by the by-laws.	9
	(2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.	10
	(3) The Vice-Chancellor may sub-delegate a function if—	11
	(a) the Council’s delegation to the Vice-Chancellor authorises the sub-delegation of the function, and	12
	(b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).	13
[2] Section 18		14
	Omit the section. Insert instead—	15
	18 Powers of Council relating to University property	16
	(1) The Council has the control and management of land and other property vested in the University.	17
	(2) The Council may, for the purposes of this Act—	18
	(a) acquire land and other property, and	19
	(b) agree to carry out conditions of the acquisition of the land or other property, and	20
	(c) grant easements and covenants over land vested in the University, and	21
	(d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—	22
	(i) land vested in the University,	23
	(ii) other property of the University.	24
	(3) The Council must not sell, mortgage, charge or lease relevant land without the Minister’s approval.	25
	(4) Despite subsection (3), the Council does not require the Minister’s approval to—	26
	(a) lease relevant land if—	27
	(i) the term of the lease is no more than 21 years, and	28
	(ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or	29
	(b) lease relevant land if—	30
	(i) the term of the lease is no more than 99 years, and	31

- | | | |
|------|--|----|
| (ii) | the leasing of the land is for the purposes of utility infrastructure or services, or | 1 |
| | | 2 |
| (c) | enter into a planning agreement under the <i>Environmental Planning and Assessment Act 1979</i> , section 7.4 if the agreement does not require the University to dedicate relevant land free of cost. | 3 |
| | | 4 |
| | | 5 |
| (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 |
| | | 7 |
| (6) | In this section— | 8 |
| | acquire includes acquire by purchase, gift, grant, bequest or devise. | 9 |
| | other property means property other than land. | 10 |
| | relevant land means land acquired by the University from the State at nominal or less than market value. | 11 |
| | | 12 |

Schedule 4	Amendment of University of New England Act 1993 No 68	1
		2
[1] Section 17		3
	Omit the section. Insert instead—	4
	17 Delegation by Council	5
	(1) The Council may delegate any of its functions, other than this power of delegation, to—	6
	(a) a member or committee of the Council, or	7
	(b) an authority or officer of the University, or	8
	(c) a person or body prescribed by the by-laws.	9
	(2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.	10
	(3) The Vice-Chancellor may sub-delegate a function if—	11
	(a) the Council’s delegation to the Vice-Chancellor authorises the sub-delegation of the function, and	12
	(b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).	13
[2] Section 18		14
	Omit the section. Insert instead—	15
	18 Powers of Council relating to University property	16
	(1) The Council has the control and management of land and other property vested in the University.	17
	(2) The Council may, for the purposes of this Act—	18
	(a) acquire land and other property, and	19
	(b) agree to carry out conditions of the acquisition of the land or other property, and	20
	(c) grant easements and covenants over land vested in the University, and	21
	(d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—	22
	(i) land vested in the University,	23
	(ii) other property of the University.	24
	(3) The Council must not sell, mortgage, charge or lease relevant land without the Minister’s approval.	25
	(4) Despite subsection (3), the Council does not require the Minister’s approval to—	26
	(a) lease relevant land if—	27
	(i) the term of the lease is no more than 21 years, and	28
	(ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or	29
	(b) lease relevant land if—	30
	(i) the term of the lease is no more than 99 years, and	31

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|------|--|----|
| (ii) | the leasing of the land is for the purposes of utility infrastructure or services, or | 1 |
| | | 2 |
| (c) | enter into a planning agreement under the <i>Environmental Planning and Assessment Act 1979</i> , section 7.4 if the agreement does not require the University to dedicate relevant land free of cost. | 3 |
| | | 4 |
| | | 5 |
| (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 |
| | | 7 |
| (6) | In this section— | 8 |
| | acquire includes acquire by purchase, gift, grant, bequest or devise. | 9 |
| | other property means property other than land. | 10 |
| | relevant land means land acquired by the University from the State at nominal or less than market value. | 11 |
| | | 12 |

Schedule 5	Amendment of University of New South Wales Act 1989 No 125	1
		2
[1] Section 16		3
	Omit the section. Insert instead—	4
	16 Delegation by Council	5
	(1) The Council may delegate any of its functions, other than this power of delegation, to—	6
	(a) a member or committee of the Council, or	7
	(b) an authority or officer of the University, or	8
	(c) a person or body prescribed by the by-laws.	9
	(2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.	10
	(3) The Vice-Chancellor may sub-delegate a function if—	11
	(a) the Council’s delegation to the Vice-Chancellor authorises the sub-delegation of the function, and	12
	(b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).	13
[2] Section 17		14
	Omit the section. Insert instead—	15
	17 Powers of Council relating to University property	16
	(1) The Council has the control and management of land and other property vested in the University.	17
	(2) The Council may, for the purposes of this Act—	18
	(a) acquire land and other property, and	19
	(b) agree to carry out conditions of the acquisition of the land or other property, and	20
	(c) grant easements and covenants over land vested in the University, and	21
	(d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—	22
	(i) land vested in the University,	23
	(ii) other property of the University.	24
	(3) The Council must not sell, mortgage, charge or lease relevant land without the Minister’s approval.	25
	(4) Despite subsection (3), the Council does not require the Minister’s approval to—	26
	(a) lease relevant land if—	27
	(i) the term of the lease is no more than 21 years, and	28
	(ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or	29
	(b) lease relevant land if—	30
	(i) the term of the lease is no more than 99 years, and	31

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|------|--|----|
| (ii) | the leasing of the land is for the purposes of utility infrastructure or services, or | 1 |
| | | 2 |
| (c) | enter into a planning agreement under the <i>Environmental Planning and Assessment Act 1979</i> , section 7.4 if the agreement does not require the University to dedicate relevant land free of cost. | 3 |
| | | 4 |
| | | 5 |
| (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 |
| | | 7 |
| (6) | In this section— | 8 |
| | acquire includes acquire by purchase, gift, grant, bequest or devise. | 9 |
| | other property means property other than land. | 10 |
| | relevant land means land acquired by the University from the State at nominal or less than market value. | 11 |
| | | 12 |

Schedule 6	Amendment of University of Newcastle Act 1989	1
	No 68	2
Section 18		3
Omit the section. Insert instead—		4
18 Powers of Council relating to University property		5
(1) The Council has the control and management of land and other property vested in the University.		6 7
(2) The Council may, for the purposes of this Act—		8
(a) acquire land and other property, and		9
(b) agree to carry out conditions of the acquisition of the land or other property, and		10 11
(c) grant easements and covenants over land vested in the University, and		12
(d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—		13 14
(i) land vested in the University,		15
(ii) other property of the University.		16
(3) The Council must not sell, mortgage, charge or lease relevant land without the Minister’s approval.		17 18
(4) Despite subsection (3), the Council does not require the Minister’s approval to—		19 20
(a) lease relevant land if—		21
(i) the term of the lease is no more than 21 years, and		22
(ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or		23 24
(b) lease relevant land if—		25
(i) the term of the lease is no more than 99 years, and		26
(ii) the leasing of the land is for the purposes of utility infrastructure or services, or		27 28
(c) enter into a planning agreement under the <i>Environmental Planning and Assessment Act 1979</i> , section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.		29 30 31
(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.		32 33
(6) In this section—		34
<i>acquire</i> includes acquire by purchase, gift, grant, bequest or devise.		35
<i>other property</i> means property other than land.		36
<i>relevant land</i> means land acquired by the University from the State at nominal or less than market value.		37 38

Schedule 7	Amendment of University of Sydney Act 1989 No 124	1
		2
[1] Section 17		3
	Omit the section. Insert instead—	4
	17 Delegation by Senate	5
	(1) The Senate may delegate any of its functions, other than this power of delegation, to—	6
	(a) a member or committee of the Senate, or	7
	(b) an authority or officer of the University, or	8
	(c) a person or body prescribed by the by-laws.	9
	(2) A person or body to whom or which a function is delegated under this section must not sub-delegate the function.	10
	(3) The Vice-Chancellor may sub-delegate a function if—	11
	(a) the Senate’s delegation to the Vice-Chancellor authorises the sub-delegation of the function, and	12
	(b) the function is sub-delegated to a person or body referred to in subsection (1)(a)–(c).	13
[2] Section 18		14
	Omit the section. Insert instead—	15
	18 Powers of Senate relating to University property	16
	(1) The Senate has the control and management of land and other property vested in the University.	17
	(2) The Senate may, for the purposes of this Act—	18
	(a) acquire land and other property, and	19
	(b) agree to carry out conditions of the acquisition of the land or other property, and	20
	(c) grant easements and covenants over land vested in the University, and	21
	(d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—	22
	(i) land vested in the University,	23
	(ii) other property of the University.	24
	(3) The Senate must not sell, mortgage, charge or lease relevant land without the Minister’s approval.	25
	(4) Despite subsection (3), the Senate does not require the Minister’s approval to—	26
	(a) lease relevant land if—	27
	(i) the term of the lease is no more than 21 years, and	28
	(ii) the Senate is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or	29
	(b) lease relevant land if—	30
	(i) the term of the lease is no more than 99 years, and	31

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| (ii) | the leasing of the land is for the purposes of utility infrastructure or services, or | 1 |
| | | 2 |
| (c) | enter into a planning agreement under the <i>Environmental Planning and Assessment Act 1979</i> , section 7.4 if the agreement does not require the University to dedicate relevant land free of cost. | 3 |
| | | 4 |
| | | 5 |
| (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 |
| | | 7 |
| (6) | In this section— | 8 |
| | acquire includes acquire by purchase, gift, grant, bequest or devise. | 9 |
| | other property means property other than land. | 10 |
| | relevant land means land acquired by the University from the State at nominal or less than market value. | 11 |
| | | 12 |

Schedule 8 Amendment of University of Technology Sydney Act 1989 No 69 1 2

Section 18 3

Omit the section. Insert instead— 4

18 Powers of Council relating to University property 5

- (1) The Council has the control and management of land and other property vested in the University. 6
7
- (2) The Council may, for the purposes of this Act— 8
- (a) acquire land and other property, and 9
 - (b) agree to carry out conditions of the acquisition of the land or other property, and 10
11
 - (c) grant easements and covenants over land vested in the University, and 12
 - (d) subject to subsections (3) and (4), dispose of or otherwise deal with the following— 13
14
 - (i) land vested in the University, 15
 - (ii) other property of the University. 16
- (3) The Council must not sell, mortgage, charge or lease relevant land without the Minister's approval. 17
18
- (4) Despite subsection (3), the Council does not require the Minister's approval to— 19
20
- (a) lease relevant land if— 21
 - (i) the term of the lease is no more than 21 years, and 22
 - (ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or 23
24
 - (b) lease relevant land if— 25
 - (i) the term of the lease is no more than 99 years, and 26
 - (ii) the leasing of the land is for the purposes of utility infrastructure or services, or 27
28
 - (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. 29
30
31
- (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. 32
33
- (6) In this section— 34
- acquire** includes acquire by purchase, gift, grant, bequest or devise. 35
 - other property** means property other than land. 36
 - relevant land** means land acquired by the University from the State at nominal or less than market value. 37
38

Schedule 9	Amendment of University of Wollongong Act 1989 No 127	1
		2
Section 18		3
Omit the section. Insert instead—		4
18 Powers of Council relating to University property		5
(1) The Council has the control and management of land and other property vested in the University.		6 7
(2) The Council may, for the purposes of this Act—		8
(a) acquire land and other property, and		9
(b) agree to carry out conditions of the acquisition of the land or other property, and		10 11
(c) grant easements and covenants over land vested in the University, and		12
(d) subject to subsections (3) and (4), dispose of or otherwise deal with the following—		13 14
(i) land vested in the University,		15
(ii) other property of the University.		16
(3) The Council must not sell, mortgage, charge or lease relevant land without the Minister’s approval.		17 18
(4) Despite subsection (3), the Council does not require the Minister’s approval to—		19 20
(a) lease relevant land if—		21
(i) the term of the lease is no more than 21 years, and		22
(ii) the Council is satisfied the leasing of the land is consistent with the object and functions of the University under section 6, or		23 24
(b) lease relevant land if—		25
(i) the term of the lease is no more than 99 years, and		26
(ii) the leasing of the land is for the purposes of utility infrastructure or services, or		27 28
(c) enter into a planning agreement under the <i>Environmental Planning and Assessment Act 1979</i> , section 7.4 if the agreement does not require the University to dedicate relevant land free of cost.		29 30 31
(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.		32 33
(6) In this section—		34
<i>acquire</i> includes acquire by purchase, gift, grant, bequest or devise.		35
<i>other property</i> means property other than land.		36
<i>relevant land</i> means land acquired by the University from the State at nominal or less than market value.		37 38

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 utility infrastructure or 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.