

UNIVERSITY OF NEW ENGLAND BILL 1989

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Higher Education (Amalgamation) Bill 1989.

The object of this Bill is to establish a new University of New England. The University is to consist of (initially) the staff and student bodies and educational facilities currently comprised in the existing University of New England, the Northern Rivers College of Advanced Education and the Armidale College of Advanced Education. The Bill contemplates further expansion of the University in the future.

The University is to be managed by a Board of Governors that includes parliamentary, official, appointed and elected members.

The Bill repeals the University of New England Act 1953.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on a proclaimed day or days.

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 describes the foundation members of the University network and provides for the establishment of new network members.

Clause 7 specifies the functions of the University.

Clause 8 empowers the University, for the purpose of exercising its functions, to provide such facilities for students as it considers desirable.

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PART 3—THE BOARD OF GOVERNORS, AUTHORITIES AND OFFICERS OF THE UNIVERSITY

Clause 9 establishes a Board of Governors of the University. The Board consists 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 creates the office of chief executive officer in respect of each member of the University network.

Clause 14 designates His Excellency the Governor as the Visitor of the University.

Clause 15 describes the University Convocation.

Clause 16 establishes an Academic Senate of the University.

Clause 17 requires the Board to set up advisory councils for network members of the University.

PART 4—FUNCTIONS OF BOARD**Division 1—General**

Clause 18 provides that the Board is the governing authority of the University and specifies its principal functions.

Clause 19 invests the Board with miscellaneous powers relating to academic, staffing and other matters.

Clause 20 permits the Board to delegate its functions.

Division 2—Property

Clause 21 specifies the powers of the Board relating to property and places certain restrictions on the Board dealing with land of the University.

Clause 22 gives the Board, subject to certain restrictions, the control and management of land of the Crown on which the University is conducted.

Clause 23 provides for the resumption or appropriation of land for the benefit of the University.

Clause 24 provides for the vesting in the University of land of the Crown on which its activities are conducted.

PART 5—GENERAL

Clause 25 enables the Treasurer, with the approval of the Governor-in-Council, to advance money to the University for its temporary accommodation.

Clause 26 provides for the financial year of the University.

Clause 27 forbids religious or political discrimination in the admission of students, the conferring of degrees and awards and the appointment of staff.

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Clause 28 provides for the exemption of persons, on grounds of conscience, from membership of the body corporate of the University or from Convocation.

Clause 29 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 30 provides for the use and custody of the seal of the University.

Clause 31 enables the Board, 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 32 enables the Board, 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 33 provides for the recovery of charges, fees and other money due to the University.

Clause 34 repeals the University of New England Act 1953, dissolves the Council of the University of New England constituted under that Act and declares certain offices vacant.

Clause 35 is a formal provision that gives effect to the Schedule of savings and transitional provisions.

SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF THE BOARD

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

SCHEDULE 2—POWERS OF INVESTMENT

Schedule 2 contains the following clauses relating to the powers of investment of the Board:

Clause 1 defines terms used in the Schedule.

Clause 2 provides that the terms of any trust deed or similar instrument granting money or property to the University are to be respected in so far as they restrict the power of the University to deal with the money or property concerned.

Clause 3 allows the Board to invest money and private gifts in accordance with the Public Authorities (Financial Arrangements) Act 1987 (or, if that Act at any time does not apply to the Board, then in accordance with the Trustee Act 1925 or with other arrangements approved by the Minister and the Treasurer).

Clause 4 allows the Board to maximise investment opportunities by pooling trust property for investment purposes.

Clause 5 requires an annual distribution of income from an investment of pooled property. The income is to be appropriately distributed to accounts representing individual components of the pool.

Clause 6 preserves the identity of private gifts whose proceeds have been pooled for investment.

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SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

Schedule 3, Part 1, establishes an interim Board of Governors.

Schedule 3, Part 2, contains miscellaneous savings and transitional provisions.
