

Act 1993 No. 68

UNIVERSITY OF NEW ENGLAND BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

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

The following Bills are cognate with this Bill:

- (a) Southern Cross University Bill 1993;
- (b) Higher Education (Amalgamation) Amendment Bill 1993.

The object of this Bill is to establish a new University of New England. The University is to consist of the staff and student bodies and educational facilities currently comprised in the existing University of New England campus at Armidale. The University is to be managed by a Council that includes parliamentary, official, appointed and elected members.

The Lismore and Coffs Harbour campuses of the existing University of New England are to become part of the proposed Southern Cross University (see the Southern Cross University Bill 1993).

The Orange Agricultural College which forms part of the existing University of New England is to become an academic college of the University of Sydney (see the Higher Education (Amalgamation) Amendment Bill 1993).

The Bill repeals the University of New England Act 1989.

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 specifies the functions of the University.

Clause 7 empowers the University, for the purpose of exercising its functions, to provide such facilities for students as it considers desirable.

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

Clause 8 establishes a Council of the University.

Clause 9 provides that the Council 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 contains provisions relating to the Vice-Chancellor of the University and provides that the Vice-Chancellor is the chief executive officer of the University.

Clause 13 designates His Excellency the Governor as the Visitor of the University.

Clause 14 describes the University Convocation.

Clause 15 establishes an Academic Board of the University.

PART 4—FUNCTIONS OF THE COUNCIL**Division 1—General**

Clause 16 specifies the principal powers of the Council.

Clause 17 permits the Council to delegate its functions.

Division 2—Property

Clause 18 specifies the powers of the Council relating to property and places certain restrictions on the Council dealing with land of the University.

Clause 19 gives the Council, subject to certain restrictions, the control and management of land of the Crown on which the University is conducted.

Clause 20 provides for the resumption or appropriation of land for the benefit of the University.

Clause 21 provides for the vesting in the University of land of the Crown on which its activities are conducted.

PART 5—GENERAL

Clause 22 enables the Treasurer, with the approval of the Governor-in-Council, to advance money to the University for its temporary accommodation.

Clause 23 provides for the financial year of the University.

Clause 24 forbids religious or political discrimination in the admission of students, the conferring of degrees and awards and the appointment of staff.

Clause 25 provides for the exemption of persons, on grounds of conscience, from membership of the body corporate of the University or from Convocation.

Clause 26 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 27 provides for the use and custody of the seal of the University.

Clause 28 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 29 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 30 provides for the recovery of charges, fees and other money due to the University.

Clause 31 is a formal provision that gives effect to the Schedule of savings and transitional provisions.

Clause 32 repeals the University of New England Act 1989.

**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—INVESTMENT

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

Clause 1 defines the term “funds” used in the Schedule.

Clause 2 allows the Council to invest its funds in accordance with the Public Authorities (Financial Arrangements) Act 1987 (or, if that Act at any time does not apply to the Council, then in any manner authorised for the investment of trust funds or with other arrangements approved by the Minister and the Treasurer).

Clause 3 allows the Council to maximise investment opportunities by pooling trust property in common funds for investment purposes.

Clause 4 provides that the terms of any trust deed or similar instrument granting money or property to the University are to prevail in so far as they restrict the power of the University to deal with the money or property concerned.

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

Schedule 3, Part 1, contains a savings and transitional regulation making power and definitions used in the proposed Schedule.

Schedule 3, Part 2, provides for the transfer of staff from the Armidale campus of the existing University of New England to the new University.

Schedule 3, Part 3, provides for the transfer of the assets, rights and liabilities of the Armidale campus of the existing University of New England to the new University.

Schedule 3, Part 4, provides for the appointment of an interim Council, the removal of certain existing office holders and the appointment of new office holders.

Schedule 3, Part 5, contains miscellaneous savings and transitional provisions regarding students, by-laws, the determination of questions by the Minister and other matters.
