

Act No. 115

**UNIVERSITY AND UNIVERSITY COLLEGES
(AMENDMENT) BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Chifley University Interim Council Bill 1987.

The object of this Bill is to amend the University and University Colleges Act 1900—

- (a) to enable the constitution of Chifley University College as a college of the University of Sydney; and
- (b) to authorise the variation of certain trusts of which the University of Sydney is trustee.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that, apart from the amendments relating to the establishment of Chifley University College, the proposed Act will commence on the date of assent. The amendments relating to the establishment of the College will commence on the date of assent to the proposed Chifley University Interim Council Act 1987.

University and University Colleges (Amendment) 1987

Schedule 1 (1) inserts a new Part IVA into the Principal Act, of which the main provisions are as follows:

Proposed section 29C allows a trust for the award of a prize, scholarship or exhibition to be varied so as to increase the value of the prize, scholarship or exhibition. A variation under this provision may be made by the Minister at the request of the trustee (the University of Sydney), if the Minister is satisfied that the variation is just and equitable. The University may request such a variation when it is of the opinion that the donor of the trust, at the time the trust was created, had in mind a prize, scholarship or exhibition which was of more value than its current value (affected by inflation).

Proposed section 29D allows a trust for a charitable or other purpose to be varied so as to overcome some difficulty in its administration. Examples of the kinds of difficulty now attending certain trusts are—

- (a) the trust is for a purpose which has by now been achieved;
- (b) the conditions of eligibility as a beneficiary of the trust are so strict that, even after many years, there has never been an eligible beneficiary.

Variations under this provision may be made by the Minister at the request of the University, if the Minister is satisfied that the variation is just and equitable and if the Attorney General concurs with the Minister's decision. In determining whether to make the variation, regard is to be had to the extent to which the trust must be varied to overcome the difficulty attending it, and to the general intentions of the donor.

Schedule 1 (2) amends section 44 of the Principal Act by way of statute law revision.

Schedule 1 (3) inserts a new Part VIIA into the Principal Act, of which the main provisions are as follows:

Proposed section 46B empowers the Senate of the University to establish Chifley University College.

Proposed section 46C makes the University responsible for the management and government of the College, except to the extent that the proposed Chifley University Interim Council Act 1987 otherwise provides.

Proposed section 46D provides for the University to accept gifts from persons, whether by testamentary disposition or otherwise, for the benefit of the College.

Proposed section 46E allows the Senate of the University to make by-laws in aid of the proposed new Part.

Proposed section 46F requires the University, in its annual report to Parliament, to report on the progress of the College towards independence as an autonomous university.
