



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

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## **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.

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**EXAMINED**

*Speaker*

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

*Legislative Council*

*Clerk of the Parliaments*

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**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

|   |   |    |
|---|---|----|
| <b>Schedule 1</b>   | <b>Amendment of Charles Sturt University Act 1989</b>   | 1  |
|   | <b>No 76</b>  | 2  |
| <b>[1] Section 20</b>                                       |   | 3  |
|   | Omit the section. Insert instead—   | 4  |
| <b>20 Delegation by Council</b>                             |   | 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 |
| <b>[2] Section 21</b>                                       |   | 14 |
|   | Omit the section. Insert instead—   | 15 |
| <b>21 Powers of Council relating to University property</b> |   | 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 |

- |      |  |             |
|------|--|-------------|
| (ii) | the leasing of the land is for the purposes of utilities infrastructure or utilities services, or  | 1<br>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<br>4<br>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<br>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<br>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)–(5), 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 utilities infrastructure or utilities 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) A lease of land vested in the University, or a renewal of the lease, to a residential college affiliated with the University—
  - (a) must be for a term that is no more than 99 years, and
  - (b) must be at a nominal rent, and
  - (c) must contain a condition that the lease must not be assigned, and
  - (d) may contain other conditions the Council considers necessary or appropriate.
- (6) 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.
- (7) 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.

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|                       |   |    |
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| <b>Schedule 3</b>     | <b>Amendment of Southern Cross University Act 1993 No 69</b>  | 1  |
|                       |   | 2  |
| <b>[1] Section 17</b> |   | 3  |
|                       | Omit the section. Insert instead—   | 4  |
|                       | <b>17 Delegation by Council</b>   | 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 |
| <b>[2] Section 18</b> |   | 14 |
|                       | Omit the section. Insert instead—   | 15 |
|                       | <b>18 Powers of Council relating to University property</b>   | 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 utilities infrastructure or utilities 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  |
|      | <b>acquire</b> includes acquire by purchase, gift, grant, bequest or devise.   | 9  |
|      | <b>other property</b> means property other than land.  | 10 |
|      | <b>relevant land</b> means land acquired by the University from the State at nominal or less than market value.  | 11 |
|      |  | 12 |

|                       |   |    |
|-----------------------|---|----|
| <b>Schedule 4</b>     | <b>Amendment of University of New England Act 1993 No 68</b>  | 1  |
|                       |   | 2  |
| <b>[1] Section 17</b> |   | 3  |
|                       | Omit the section. Insert instead—   | 4  |
|                       | <b>17 Delegation by Council</b>   | 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 |
| <b>[2] Section 18</b> |   | 14 |
|                       | Omit the section. Insert instead—   | 15 |
|                       | <b>18 Powers of Council relating to University property</b>   | 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 utilities infrastructure or utilities 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  |
|      | <b>acquire</b> includes acquire by purchase, gift, grant, bequest or devise.   | 9  |
|      | <b>other property</b> means property other than land.  | 10 |
|      | <b>relevant land</b> means land acquired by the University from the State at nominal or less than market value.  | 11 |
|      |  | 12 |

|                       |   |    |
|-----------------------|---|----|
| <b>Schedule 5</b>     | <b>Amendment of University of New South Wales Act 1989 No 125</b>   | 1  |
|                       |   | 2  |
| <b>[1] Section 16</b> |   | 3  |
|                       | Omit the section. Insert instead—   | 4  |
|                       | <b>16 Delegation by Council</b>   | 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 |
| <b>[2] Section 17</b> |   | 14 |
|                       | Omit the section. Insert instead—   | 15 |
|                       | <b>17 Powers of Council relating to University property</b>   | 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 utilities infrastructure or utilities 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  |
|      | <b>acquire</b> includes acquire by purchase, gift, grant, bequest or devise.   | 9  |
|      | <b>other property</b> means property other than land.  | 10 |
|      | <b>relevant land</b> means land acquired by the University from the State at nominal or less than market value.  | 11 |
|      |  | 12 |

|  |  |                |
|--|--|----------------|
| <b>Schedule 6</b>  | <b>Amendment of University of Newcastle Act 1989</b> | 1              |
|  | <b>No 68</b>   | 2              |
| <b>Section 18</b>  |  | 3              |
| Omit the section. Insert instead—  |  | 4              |
| <b>18 Powers of Council relating to University property</b>  |  | 5              |
| (1) The Council has the control and management of land and other property vested in the University.  |  | 6<br>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<br>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<br>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<br>18       |
| (4) Despite subsection (3), the Council does not require the Minister’s approval to—   |  | 19<br>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<br>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 utilities infrastructure or utilities services, or   |  | 27<br>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<br>30<br>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<br>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<br>38       |

|                       |  |    |
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| <b>Schedule 7</b>     | <b>Amendment of University of Sydney Act 1989 No 124</b>   | 1  |
|                       |  | 2  |
| <b>[1] Section 17</b> |  | 3  |
|                       | Omit the section. Insert instead—  | 4  |
|                       | <b>17 Delegation by Senate</b>   | 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 |
| <b>[2] Section 18</b> |  | 14 |
|                       | Omit the section. Insert instead—  | 15 |
|                       | <b>18 Powers of Senate relating to University property</b>   | 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)–(5), 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 |

- (ii) the leasing of the land is for the purposes of utilities infrastructure or utilities services, or 1  
2
  - (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. 3  
4  
5
- (5) A lease of land vested in the University, or a renewal of the lease, to a residential college affiliated with the University— 6  
7
  - (a) must be for a term that is no more than 99 years, and 8
  - (b) must be at a nominal rent, and 9
  - (c) must contain a condition that the lease must not be assigned, and 10
  - (d) may contain other conditions the Senate considers necessary or appropriate. 11  
12
- (6) 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. 13  
14
- (7) In this section— 15
  - acquire** includes acquire by purchase, gift, grant, bequest or devise. 16
  - other property** means property other than land. 17
  - relevant land** means land acquired by the University from the State at nominal or less than market value. 18  
19



|  |  |                |
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| <b>Schedule 8</b>  | <b>Amendment of University of Technology Sydney Act 1989 No 69</b> | 1              |
|  |  | 2              |
| <b>Section 18</b>  |  | 3              |
| Omit the section. Insert instead—  |  | 4              |
| <b>18 Powers of Council relating to University property</b>  |  | 5              |
| (1) The Council has the control and management of land and other property vested in the University.  |  | 6<br>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<br>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<br>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<br>18       |
| (4) Despite subsection (3), the Council does not require the Minister’s approval to—   |  | 19<br>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<br>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 utilities infrastructure or utilities services, or   |  | 27<br>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<br>30<br>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<br>33       |
| (6) In this section—   |  | 34             |
| <b>acquire</b> includes acquire by purchase, gift, grant, bequest or devise.   |  | 35             |
| <b>other property</b> means property other than land.  |  | 36             |
| <b>relevant land</b> means land acquired by the University from the State at nominal or less than market value.  |  | 37<br>38       |

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| <b>Schedule 9</b>  | <b>Amendment of University of Wollongong Act 1989 No 127</b> | 1              |
|  |  | 2              |
| <b>Section 18</b>  |  | 3              |
| Omit the section. Insert instead—  |  | 4              |
| <b>18 Powers of Council relating to University property</b>  |  | 5              |
| (1) The Council has the control and management of land and other property vested in the University.  |  | 6<br>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<br>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<br>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<br>18       |
| (4) Despite subsection (3), the Council does not require the Minister’s approval to—   |  | 19<br>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<br>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 utilities infrastructure or utilities services, or   |  | 27<br>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<br>30<br>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<br>33       |
| (6) In this section—   |  | 34             |
| <b>acquire</b> includes acquire by purchase, gift, grant, bequest or devise.   |  | 35             |
| <b>other property</b> means property other than land.  |  | 36             |
| <b>relevant land</b> means land acquired by the University from the State at nominal or less than market value.  |  | 37<br>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 utilities infrastructure or utilities 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.