

UNIVERSITY OF NEWCASTLE 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 objects of this Bill are—

- (a) to establish the University of Newcastle which it is intended shall consist of the existing University of Newcastle, the New South Wales Conservatorium of Music (Newcastle Branch) and the Hunter Institute of Higher Education; and
- (b) to constitute a Council of the University and define its functions, and to make other provisions relating to the University.

The Bill repeals the University of Newcastle Act 1964.

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 its students as it considers desirable.

University of Newcastle 1989

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

Clause 8 establishes a Council of the University which is to be the governing authority of the University.

Clause 9 provides that the Council of the University shall consist 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 designates His Excellency the Governor as the Visitor of the University.

Clause 14 describes the University Convocation.

Clause 15 establishes an Academic Senate of the University.

PART 4—FUNCTIONS OF COUNCIL

Division 1—General

Clause 16 invests the Council with miscellaneous powers relating to academic, staffing and other matters.

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 the 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.

University of Newcastle 1989

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 repeals the University of Newcastle Act 1964, dissolves the Council of the University of Newcastle constituted under that Act and declares certain offices vacant.

Clause 32 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 COUNCIL

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

SCHEDULE 2—POWERS OF INVESTMENT

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

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 Council 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 Council, then in accordance with the Trustee Act 1925 or with other arrangements approved by the Minister and the Treasurer).

Clause 4 allows the Council 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.

SCHEDULE 3—SAVINGS AND TRANSITIONAL PROVISIONS

Schedule 3, Part 1, establishes an interim Council.

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