

# Higher Education (Amalgamation) Act 1989 No 65

[1989-65]



New South Wales

## Status Information

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **See also**  
[Statute Law \(Miscellaneous Provisions\) Bill 2006](#)

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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## Contents

**Long title** ..... 5

**Part 1 Preliminary** ..... 5

1 Name of Act ..... 5

2 Commencement ..... 5

3 Definitions ..... 5

**Part 2 The Armidale College of Advanced Education** ..... 10

4 The Armidale College of Advanced Education ..... 10

**Part 3 The Conservatorium of Music** ..... 10

5 Definitions ..... 10

6 Dissolution ..... 11

7 Conservatorium of Music (Sydney branch) ..... 11

8 Conservatorium of Music (Newcastle branch) ..... 11

9 By-law ..... 11

**Part 4 The Cumberland College of Health Sciences** ..... 11

10 The Cumberland College of Health Sciences ..... 11

**Part 5 The Hunter Institute of Higher Education** ..... 12

11 The Hunter Institute of Higher Education ..... 12

**Part 6 The Institute of the Arts** ..... 12

12 Dissolution .....	12
13 The Sydney College of the Arts .....	12
14 The City Art Institute .....	13
15 Regulation .....	13
<b>Part 7 The Kuring-gai College of Advanced Education .....</b>	<b>13</b>
16 The Kuring-gai College of Advanced Education .....	13
<b>Part 8 The Northern Rivers College of Advanced Education .....</b>	<b>14</b>
17 The Northern Rivers College of Advanced Education .....	14
<b>Part 8A The Orange Agricultural College .....</b>	<b>14</b>
17A The Orange Agricultural College .....	14
17B Transfer of Orange Agricultural College to the University of Sydney .....	15
<b>Part 9 The Sydney College of Advanced Education .....</b>	<b>15</b>
18 Dissolution .....	15
19 The Sydney Institute of Education .....	15
20 The Institute of Nursing Studies .....	15
21 The Guild Centre .....	16
22 The St George Institute of Education .....	16
23 The Institute of Early Childhood Studies .....	16
24 The Institute of Technical and Adult Teacher Education .....	16
25 By-law etc .....	17
<b>Part 10 Transfer of staff .....</b>	<b>17</b>
26 Definitions .....	17
27 Transfer of staff generally .....	17
28 Remuneration and tenure .....	17
29 Superannuation .....	18
30 Annual leave, long service leave and sick leave .....	19
31 No entitlement to dual benefits .....	19
32 Public servants may re-apply for positions in the Public Service .....	19
33 Temporary staff .....	20
34 Fixed term contracts .....	20
35 Operation of Industrial Arbitration Act 1940 unaffected .....	20

**Part 11 General** ..... 20

36 Transfer of assets etc..... 20

37 Determination of certain questions ..... 21

38 Students ..... 21

39 Saving of delegations ..... 22

40 Instruments exempt from stamp duty etc ..... 22

41 Control and management of property ..... 22

42 Existing investments ..... 22

43 Construction of certain references ..... 23

44 Regulations..... 23

45 Repeals..... 23

46 (Repealed) ..... 24

**Schedule 1 (Repealed)** ..... 24

# Higher Education (Amalgamation) Act 1989 No 65



New South Wales

An Act to provide for the amalgamation with various universities of various colleges of advanced education and other educational institutions.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the *Higher Education (Amalgamation) Act 1989*.

### 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

### 3 Definitions

(1) In this Schedule:

**Armidale CAE** means the Armidale College of Advanced Education established under the *Colleges of Advanced Education Act 1975*.

**City Art Institute** means such part of the Institute of the Arts as comprises the City Art Institute.

**Conservatorium of Music** means the New South Wales State Conservatorium of Music.

**Conservatorium of Music (Newcastle branch)** means such part of the Conservatorium of Music as is situated in Newcastle.

**Conservatorium of Music (Sydney branch)** means such part of the Conservatorium of Music as is situated in Sydney.

**corresponding institution** means:

(a) the University of Sydney, in relation to:

(i) the Conservatorium of Music (Sydney branch),

- (ii) the Cumberland College of Health Sciences,
  - (iii) the Sydney College of the Arts,
  - (iv) the Sydney Institute of Education,
  - (v) the Institute of Nursing Studies,
  - (vi) the Guild Centre, or
  - (vii) the Orange Agricultural College, on and from the commencement of section 17B,
- (b) the University of New England, in relation to:
- (i) the Armidale CAE,
  - (ii) the Northern Rivers CAE,
  - (iii) the Orange Agricultural College, until the commencement of section 17B,
- (c) the University of Newcastle, in relation to:
- (i) the Conservatorium of Music (Newcastle branch), or
  - (ii) the Hunter Institute,
- (d) the University of New South Wales, in relation to:
- (i) the City Art Institute, or
  - (ii) the St George Institute of Education,
- (e) the University of Technology, Sydney, in relation to:
- (i) the Kuring-gai CAE, or
  - (ii) the Institute of Technical and Adult Teacher Education, and
- (f) the Macquarie University, in relation to the Institute of Early Childhood Studies.

**Cumberland College of Health Sciences** means the Cumberland College of Health Sciences established under the [Colleges of Advanced Education Act 1975](#).

**former institution** means:

- (a) the Armidale CAE,
- (b) the Conservatorium of Music (Sydney branch),
- (c) the Conservatorium of Music (Newcastle branch),

- (d) the Cumberland College of Health Sciences,
- (e) the Hunter Institute,
- (f) the Sydney College of the Arts,
- (g) the City Art Institute,
- (h) the Kuring-gai CAE,
- (i) the Northern Rivers CAE,
- (i1) the Orange Agricultural College,
- (j) the Sydney Institute of Education,
- (k) the Institute of Nursing Studies,
- (l) the Guild Centre,
- (m) the St George Institute of Education,
- (n) the Institute of Early Childhood Studies, or
- (o) the Institute of Technical and Adult Teacher Education.

***governing body***, in relation to a former institution, means the governing body of:

- (a) the Armidale CAE,
- (b) the Conservatorium of Music,
- (c) the Cumberland College of Health Sciences,
- (d) the Hunter Institute,
- (e) the Institute of the Arts,
- (f) the Kuring-gai CAE,
- (g) the Northern Rivers CAE,
- (g1) the Orange Agricultural College, or
- (h) the Sydney CAE,

as the case requires.

***Guild Centre*** means such part of the Sydney CAE as comprises the Guild Centre.

***Hunter Institute*** means the Hunter Institute of Higher Education, established under the [\*Colleges of Advanced Education Act 1975\*](#).

***Institute of Early Childhood Studies*** means such part of the Sydney CAE as comprises the Institute of Early Childhood Studies.

***Institute of Nursing Studies*** means such part of the Sydney CAE as comprises the Institute of Nursing Studies.

***Institute of Technical and Adult Teacher Education*** means such part of the Sydney CAE as comprises the Institute of Technical and Adult Teacher Education.

***Institute of the Arts*** means the New South Wales Institute of the Arts established by the [Institute of the Arts Act 1987](#).

***Kuring-gai CAE*** means the Kuring-gai College of Advanced Education established under the [Colleges of Advanced Education Act 1975](#).

***Northern Rivers CAE*** means the Northern Rivers College of Advanced Education established under the [Colleges of Advanced Education Act 1975](#).

***Orange Agricultural College*** means:

- (a) in relation to the operation of this Act before the commencement of section 17B—the Orange Agricultural College established under the [Colleges of Advanced Education Act 1975](#), or
- (b) in relation to the operation of this Act on and from the commencement of section 17B—the college of the University of New England known as the Orange Agricultural College.

***relevant commencement*** means:

- (a) in relation to the Armidale CAE—the commencement of section 4,
- (b) in relation to the Conservatorium of Music (Sydney branch)—the commencement of section 7,
- (c) in relation to the Conservatorium of Music (Newcastle branch)—the commencement of section 8,
- (d) in relation to the Cumberland College of Health Sciences—the commencement of section 10,
- (e) in relation to the Hunter Institute—the commencement of section 11,
- (f) in relation to the Sydney College of the Arts—the commencement of section 13,
- (g) in relation to the City Art Institute—the commencement of section 14,
- (h) in relation to the Kuring-gai CAE—the commencement of section 16,



- (i) in relation to the Northern Rivers CAE—the commencement of section 17,
- (i1) in relation to the Orange Agricultural College before the commencement of section 17B—the commencement of section 17A,
- (i2) in relation to the Orange Agricultural College on and from the commencement of section 17B—the commencement of section 17B,
- (j) in relation to the Sydney Institute of Education—the commencement of section 19,
- (k) in relation to the Institute of Nursing Studies—the commencement of section 20,
- (l) in relation to the Guild Centre—the commencement of section 21,
- (m) in relation to the St George Institute of Education—the commencement of section,
- (n) in relation to the Institute of Early Childhood Studies—the commencement of section 23, and
- (o) in relation to the Institute of Technical and Adult Teacher Education—the commencement of section 24.

**St George Institute of Education** means such part of the Sydney CAE as comprises the St George Institute of Education.

**Sydney CAE** means the Sydney College of Advanced Education established under the [Colleges of Advanced Education Act 1975](#).

**Sydney College of the Arts** means such part of the Institute of the Arts as comprises the Sydney College of the Arts.

**Sydney Institute of Education** means such part of the Sydney CAE as comprises the Sydney Institute of Education.

**University of New England, Armidale** means the network member of that name within the meaning of the [University of New England Act 1989](#).

**University of New England, Northern Rivers** means the network member of that name within the meaning of the [University of New England Act 1989](#).

- (2) In this Act, a reference to a former institution includes, where the former institution forms part of the Conservatorium of Music, the Institute of the Arts or the Sydney CAE, a reference to whichever of those establishments the former institution forms part of.

## Part 2 The Armidale College of Advanced Education

### 4 The Armidale College of Advanced Education

- (1) The Armidale CAE is abolished and its Council is dissolved.
- (2) The property of the Armidale CAE is vested in the University of New England (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes of the University of New England.
- (3) The University of New England has the control and management of land that was under the control and management of the Armidale CAE immediately before the commencement of this section.
- (4) The *Armidale College of Advanced Education By-law*:
  - (a) continues in force (in respect only of such part of the University of New England as comprises the institution that was, immediately before the commencement of this section, the Armidale CAE) as if it had been made by the Board of Governors of the University of New England, and
  - (b) may be amended and revoked accordingly.
- (5) The *University of New England By-laws* do not apply to that part of the University of New England referred to in subsection (4) while the By-law referred to in that subsection has effect.

## Part 3 The Conservatorium of Music

### 5 Definitions

In this Part:

- (a) a reference to the property of the Conservatorium of Music is a reference to:
  - (i) property that is vested in the Board of Governors of the Conservatorium of Music, or
  - (ii) property that is vested in the Crown and that is used exclusively for the purposes of the Conservatorium of Music, and
- (b) a reference to land that is under the control and management of the Conservatorium of Music is a reference to:
  - (i) land that is under the control and management of the Board of Governors of the Conservatorium of Music, or
  - (ii) land that is under the control and management of the Crown and that is used

exclusively for the purposes of the Conservatorium of Music.

## **6 Dissolution**

The Conservatorium of Music is abolished and its Board of Governors is dissolved.

## **7 Conservatorium of Music (Sydney branch)**

- (1) The property of the Conservatorium of Music that relates to the Conservatorium of Music (Sydney branch) is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes of the Sydney Conservatorium of Music established under section 42 of the [University and University Colleges Act 1900](#).
- (2) The University of Sydney has the control and management of land that was under the control and management of the Conservatorium of Music in relation to the Conservatorium of Music (Sydney branch) immediately before the commencement of this section.

## **8 Conservatorium of Music (Newcastle branch)**

- (1) The property of the Conservatorium of Music that relates to the Conservatorium of Music (Newcastle branch) is vested in the University of Newcastle (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.
- (2) The University of Newcastle has the control and management of land that was under the control and management of the Conservatorium of Music in relation to the Conservatorium of Music (Newcastle branch) immediately before the commencement of this section.

## **9 By-law**

The *New South Wales State Conservatorium of Music By-law* is repealed.

# **Part 4 The Cumberland College of Health Sciences**

## **10 The Cumberland College of Health Sciences**

- (1) The Cumberland College of Health Sciences is abolished and its Council is dissolved.
- (2) The property of the Cumberland College of Health Sciences is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes of the Cumberland College of Health Sciences established under section 42 of the [University and University Colleges Act 1900](#).

(3) The University of Sydney has the control and management of land that was under the control and management of the Cumberland College of Health Sciences immediately before the commencement of this section.

(4) The *Cumberland College of Health Sciences By-law* is repealed.

## **Part 5 The Hunter Institute of Higher Education**

### **11 The Hunter Institute of Higher Education**

(1) The Hunter Institute is abolished and its Council is dissolved.

(2) The property of the Hunter Institute is vested in the University of Newcastle (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.

(3) The University of Newcastle has the control and management of land that was under the control and management of the Hunter Institute immediately before the commencement of this section.

(4) The *Newcastle College of Advanced Education By-law*:

(a) continues in force (in respect only of such part of the University of Newcastle as comprises the institution that was, immediately before the commencement of this section, the Hunter Institute) as if it had been made by the Council of the University of Newcastle, and

(b) may be amended and revoked accordingly.

(5) The *University of Newcastle By-laws* do not apply to that part of the University of Newcastle referred to in subsection (4) while the By-law referred to in that subsection has effect.

## **Part 6 The Institute of the Arts**

### **12 Dissolution**

The Institute of the Arts is abolished and its Board of Governors is dissolved.

### **13 The Sydney College of the Arts**

(1) The property of the Institute of the Arts that relates to the Sydney College of the Arts is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes of the Sydney College of the Arts established under section 42 of the [University and University Colleges Act 1900](#).

(2) The University of Sydney has the control and management of land that was under the

control and management of the Institute of the Arts in relation to the Sydney College of the Arts immediately before the commencement of this section.

#### **14 The City Art Institute**

- (1) The property of the Institute of the Arts that relates to the City Art Institute is vested in the University of New South Wales (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.
- (2) The University of New South Wales has the control and management of land that was under the control and management of the Institute of the Arts in relation to the City Art Institute immediately before the commencement of this section.

#### **15 Regulation**

The *Institute of the Arts (Transferred Employees) Regulation 1987* is repealed.

### **Part 7 The Kuring-gai College of Advanced Education**

#### **16 The Kuring-gai College of Advanced Education**

- (1) The Kuring-gai CAE is abolished and its Council is dissolved.
- (2) The property of the Kuring-gai CAE is vested in the University of Technology, Sydney (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.
- (3) The University of Technology, Sydney, has the control and management of land that was under the control and management of the Kuring-gai CAE immediately before the commencement of this section.
- (4) The *Kuring-gai College of Advanced Education By-law*:
  - (a) continues in force (in respect only of such part of the University of Technology, Sydney, as comprises the institution that was, immediately before the commencement of this section, the Kuring-gai CAE) as if it had been made by the Council of the University of Technology, Sydney, and
  - (b) may be amended and revoked accordingly.
- (5) The *University of Technology, Sydney, By-laws* do not apply to that part of the University of Technology, Sydney, referred to in subsection (4) while the By-law referred to in that subsection has effect.

## **Part 8 The Northern Rivers College of Advanced Education**

### **17 The Northern Rivers College of Advanced Education**

- (1) The Northern Rivers CAE is abolished and its Council is dissolved.
- (2) The property of the Northern Rivers CAE is vested in the University of New England (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes of the University of New England.
- (3) The University of New England has the control and management of land that was under the control and management of the Northern Rivers CAE immediately before the commencement of this section.
- (4) The *Northern Rivers College of Advanced Education By-law*:
  - (a) continues in force (in respect only of the University of New England, Northern Rivers) as if it had been made by the Board of Governors of the University of New England, and
  - (b) may be amended and revoked accordingly.
- (5) The [University of New England By-laws](#) do not have effect in relation to the University of New England, Northern Rivers, while the By-law referred to in subsection (4) has effect.

## **Part 8A The Orange Agricultural College**

### **17A The Orange Agricultural College**

- (1) The Orange Agricultural College is abolished and its Council is dissolved.
- (2) The property of the Orange Agricultural College is vested in the University of New England (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes of the University of New England.
- (3) The University of New England has the control and management of land that was under the control and management of the Orange Agricultural College immediately before the commencement of this section.
- (4) The *Orange Agricultural College By-law 1984*:
  - (a) continues in force (in respect only of such part of the University of New England as comprises the institution that was, immediately before the commencement of this section, the Orange Agricultural College) as if it had been made by the Council of the University of New England, and

(b) may be amended and revoked accordingly.

### **17B Transfer of Orange Agricultural College to the University of Sydney**

- (1) The Orange Agricultural College is established as an academic college of the University of Sydney.
- (2) The property of the Orange Agricultural College is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held by the University of New England immediately before the commencement of this section) to be applied by the University of Sydney for the purposes of the University of Sydney.
- (3) The University of Sydney has the control and management of land that was under the control and management of the University of New England in relation to the Orange Agricultural College immediately before the commencement of this section.
- (4) The *Orange Agricultural College By-law 1984* is repealed.
- (5) A reference in this Act to the property, assets, rights, liabilities or obligations of the Orange Agricultural College is, for the purposes of the operation of this Act on and from the commencement of this section, a reference to such of the property, assets, rights, liabilities or obligations of the University of New England as relate to the Orange Agricultural College.

## **Part 9 The Sydney College of Advanced Education**

### **18 Dissolution**

The Sydney CAE is abolished and its Council is dissolved.

### **19 The Sydney Institute of Education**

- (1) The property of the Sydney CAE that relates to the Sydney Institute of Education is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.
- (2) The University of Sydney has the control and management of land that was under the control and management of the Sydney CAE in relation to the Sydney Institute of Education immediately before the commencement of this section.

### **20 The Institute of Nursing Studies**

- (1) The property of the Sydney CAE that relates to the Institute of Nursing Studies is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.

- (2) The University of Sydney has the control and management of land that was under the control and management of the Sydney CAE in relation to the Institute of Nursing Studies immediately before the commencement of this section.

## **21 The Guild Centre**

- (1) The property of the Sydney CAE that relates to the Guild Centre is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.
- (2) The University of Sydney has the control and management of land that was under the control and management of the Sydney CAE in relation to the Guild Centre immediately before the commencement of this section.

## **22 The St George Institute of Education**

- (1) The property of the Sydney CAE that relates to the St George Institute of Education is vested in the University of New South Wales (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.
- (2) The University of New South Wales has the control and management of land that was under the control and management of the Sydney CAE in relation to the St George Institute of Education immediately before the commencement of this section.

## **23 The Institute of Early Childhood Studies**

- (1) The property of the Sydney CAE that relates to the Institute of Early Childhood Studies is vested in the Macquarie University (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.
- (2) The Macquarie University has the control and management of land that was under the control and management of the Sydney CAE in relation to the Institute of Early Childhood Studies immediately before the commencement of this section.

## **24 The Institute of Technical and Adult Teacher Education**

- (1) The property of the Sydney CAE that relates to the Institute of Technical and Adult Teacher Education is vested in the University of Technology, Sydney (subject to any trusts or conditions subject to which it was held immediately before the commencement of this section) to be applied by the University for the purposes for which the University is established.
- (2) The University of Technology, Sydney, has the control and management of land that was under the control and management of the Sydney CAE in relation to the Institute of Technical and Adult Teacher Education immediately before the commencement of



this section.

## **25 By-law etc**

The *Sydney College of Advanced Education By-law 1982* and the *Sydney College of Advanced Education Regulation 1981* are repealed.

## **Part 10 Transfer of staff**

### **26 Definitions**

In this Part:

**officer**, in relation to a former institution, means a person who, immediately before the relevant commencement, held any salaried office or employment in the staff establishment of that institution (otherwise than as a temporary staff member or a staff member employed on a fixed term contract) and includes, in the case of the Conservatorium of Music, any member of staff of the Public Service who was, immediately before that commencement, engaged solely in connection with the Conservatorium of Music.

**superannuation scheme** means a scheme, fund or arrangement under which any superannuation or retirement benefits are provided and which is established by or under an Act.

**temporary staff member**, in relation to a former institution, means a person who, immediately before the relevant commencement, was employed in the staff establishment of that institution on terms and conditions that allowed for his or her services to be dispensed with at any time.

### **27 Transfer of staff generally**

- (1) Each officer of a former institution shall, on the relevant commencement, become an officer of the corresponding institution.
- (2) Except as otherwise provided by this Part or the regulations, the terms and conditions on which an officer of a former institution becomes an officer of a corresponding institution shall be in accordance with such arrangements, if any, as are agreed upon (before the relevant commencement) between the governing body of the former institution and the governing body of the corresponding institution.

### **28 Remuneration and tenure**

- (1) An officer of a former institution who, pursuant to this Part, becomes an officer of the corresponding institution shall become such an officer on terms and conditions as to remuneration, and duration of appointment, no less favourable than those on which he or she was employed at the former institution immediately before the relevant commencement.

- (2) Such part of the remuneration referred to in subsection (1) as is salary or wages is subject to any adjustment necessary to give effect to any fluctuation in the applicable basic wage in force under Part 5 of the *Industrial Arbitration Act 1940* until the salary is, or the wages are, lawfully varied.

## **29 Superannuation**

- (1) An officer of a former institution who, pursuant to this Part, becomes an officer of the corresponding institution:
- (a) may continue to contribute to any superannuation scheme to which the person was a contributor immediately before becoming an officer of the corresponding institution, and
  - (b) is entitled to receive any payment, pension or gratuity accrued or accruing to the person under any such scheme,
- as if he or she had continued to be such a contributor during his or her service as an officer of the corresponding institution.
- (2) Service by an officer of a former institution as an officer of the corresponding institution shall be taken to be service as an officer of the former institution for the purposes of any law under which the officer continues to contribute to any such scheme or by which an entitlement under any such scheme is conferred.
- (3) An officer of a former institution who, pursuant to this Part, becomes an officer of the corresponding institution shall be regarded as an officer or employee, and the corresponding institution shall be regarded as the employer, for the purposes of the superannuation scheme to which he or she is entitled to contribute under this section.
- (4) If a person would, but for this subsection, be entitled under subsection (1) to contribute to a superannuation scheme or to receive any payment, pension or gratuity under any such scheme:
- (a) the person is not so entitled on the person's becoming a contributor to any other superannuation scheme, and
  - (b) the provisions of subsection (3) cease to apply to or in respect of the person and the corresponding institution where the person becomes a contributor to any such other superannuation scheme.
- (5) Subsection (4) does not prevent the payment to an officer of a former institution, on the officer's ceasing to be a contributor to a superannuation scheme, of such amount as would have been payable to the officer if the officer had ceased, by reason of resignation, to be such a contributor.

### **30 Annual leave, long service leave and sick leave**

- (1) An officer of a former institution who, pursuant to this Part, becomes an officer of the corresponding institution retains any rights to:
  - (a) annual leave,
  - (b) leave in the nature of long service leave, and
  - (c) sick leave,accrued or accruing to the person as an officer of the former institution.
- (2) A person's entitlement to any such leave shall be calculated:
  - (a) for such part of any period during which that leave accrued or was accruing as occurred before the relevant commencement—at the rate for the time being applicable to the officer, as an officer of the former institution, before that commencement, and
  - (b) for such part of that period as occurred after the relevant commencement—at the rate for the time being applicable to the officer, as an officer of the corresponding institution, after that commencement.

### **31 No entitlement to dual benefits**

An officer of a former institution who, pursuant to this Part, becomes an officer of the corresponding institution is not entitled to claim, both under this Act and any other Act, dual benefits of the same kind in respect of the same period of service.

### **32 Public servants may re-apply for positions in the Public Service**

- (1) An officer of a former institution who, immediately before the relevant commencement, was a public servant may, within the period of 3 years immediately following that commencement, apply for a position in the Public Service as if the officer were still a public servant.
- (2) An officer of a former institution who applies for such a position, or who is appointed to or employed in such a position, shall, for the purposes of:
  - (a) the *Public Sector Management Act 1988*,
  - (b) the *Government and Related Employees Appeal Tribunal Act 1980*, and
  - (c) the *Industrial Arbitration Act 1940*,be taken to be a public servant in relation to the application, appointment or employment.
- (3) There is no right of appeal under the *Government and Related Employees Appeal*

*Tribunal Act 1980:*

- (a) for a person against the filling of a position in the Public Service by an officer of a former institution, or
  - (b) for an officer of a former institution against the filling of a position in the Public Service by another person.
- (4) For the purposes of this section, a reference to a public servant is a reference to an officer employed within the Public Service.

**33 Temporary staff**

- (1) Each temporary staff member of a former institution shall, on the relevant commencement, become a temporary staff member of the corresponding institution.
- (2) A temporary staff member of a former institution who, pursuant to this section, becomes a temporary staff member of the corresponding institution shall become such a staff member on the same terms and conditions (including conditions as to remuneration) as those on which he or she was employed at the former institution immediately before the relevant commencement.
- (3) Such part of the remuneration referred to in subsection (2) as is salary or wages is subject to any adjustment necessary to give effect to any fluctuation in the applicable basic wage in force under Part 5 of the *Industrial Arbitration Act 1940* until the salary is, or the wages are, lawfully varied.

**34 Fixed term contracts**

A fixed term contract in force, immediately before the relevant commencement, between a person and a former institution (being a contract under which the person performed services for that institution:

- (a) shall be taken, for the remainder of its term, to be a contract in the same terms between the person and the corresponding institution, under which the corresponding institution assumes the rights and obligations of the former institution, and
- (b) may be arbitrated, terminated or renewed in any manner provided by the contract.

**35 Operation of *Industrial Arbitration Act 1940* unaffected**

Nothing in this Part affects the operation of the *Industrial Arbitration Act 1940*.

**Part 11 General**

**36 Transfer of assets etc**

- (1) Subject to this Act, on and from the relevant commencement, any assets, rights, liabilities or obligations of a former institution become assets, rights, liabilities or

obligations of the corresponding institution.

- (2) In this section, a reference to a former institution includes, in relation to the Conservatorium of Music, a reference to:
- (a) the Board of Governors of the Conservatorium of Music, and
  - (b) in relation to the assets, rights, liabilities or obligations of the Crown that relate exclusively to the Conservatorium of Music—the Crown.

### **37 Determination of certain questions**

- (1) Any question arising in connection with the operation of this Act:
- (a) as to which institution any particular item of property belongs or relates to,
  - (b) as to which land is under the control and management of any particular institution,
  - (c) as to which institution any assets, rights, liabilities or obligations belong or relate to, or
  - (d) as to which institution the employment of any staff pertains to,
- shall be determined by the Minister.
- (2) A certificate of the Minister as to a determination under this section is, for any purpose, evidence of the matters contained in the certificate.

### **38 Students**

- (1) Each person who was, immediately before the relevant commencement, a student of a former institution enrolled in a course of study shall on that commencement (unless the student was a graduand in that course) become a student of the corresponding institution and be enrolled in a course of study that is substantially the same as the course of study in which the student was enrolled at the former institution.
- (2) The corresponding institution shall (for such period as is necessary for the purposes of this section and, in any case, until the end of the academic year next following the relevant commencement) provide such courses of study as are necessary for the purposes of this section.
- (3) If a student is enrolled in a course of study pursuant to this section, the corresponding institution shall, as far as it may practicably do so, give the student credit in that course for any subject or work completed by the student in the course of study from which the student was transferred.
- (4) Students so enrolled are entitled, on satisfactory completion of their courses, to appropriate awards conferred by the corresponding institution but may, if they so

desire, instead obtain awards conferred in the name of the former institution at which they were previously enrolled.

- (5) For the purposes of subsection (4), the seal of a former institution may be affixed to any document pursuant to a resolution of the governing body of the corresponding institution.
- (6) The seal of a former institution shall, on and from the relevant commencement, be kept in the custody of such person or body as the Minister may determine.

### **39 Saving of delegations**

Any delegation made by the governing body of a former institution and in force immediately before the relevant commencement continues to have effect as if it were a delegation made by the governing body of the corresponding institution, but may be revoked at any time by that governing body.

### **40 Instruments exempt from stamp duty etc**

Any instrument that is executed for the purposes of disposing of, or otherwise dealing with, property in accordance with this Act is exempt:

- (a) from payment of stamp duty under the [Stamp Duties Act 1920](#), and
- (b) from payment of any other fee or charge that would otherwise be payable under any other Act in respect of the registration of any such instrument.

### **41 Control and management of property**

The transfer, by this Act, of the control and management of any property from a former institution to the corresponding institution does not affect any power of the person or body by whom the control and management of that property has been conferred, or of any lawful successor of that person or body:

- (a) to remove the control and management of that property from the corresponding institution, or
- (b) to vary the conditions subject to which the control and management of that property may be exercised by the corresponding institution,

that could have been exercised by that person or body, or by that lawful successor, in respect of the former institution had this Act not been enacted.

### **42 Existing investments**

Nothing in this Act affects the validity of any investment made by or on behalf of a former institution before the relevant commencement.

### **43 Construction of certain references**

In any other Act or in any statutory instrument (including any industrial award or industrial agreement) or other document, a reference to a former institution shall, on and from the relevant commencement, be read as a reference to the corresponding institution.

### **44 Regulations**

- (1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of this Act and the following Acts:

*University and University Colleges (Amendment) Act 1989*

*University of New England Act 1989*

*University of Newcastle Act 1989*

*University of Technology, Sydney, Act 1989*

*University of Sydney Act 1989*

*University of New South Wales Act 1989*

*University of Wollongong Act 1989*

*Macquarie University Act 1989*

*Higher Education (Amalgamation) Amendment Act 1989*

*Miscellaneous Acts (Higher Education) Repeal and Amendment Act 1989*

*Higher Education (Amalgamation) Amendment Act 1993*

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to this Act or a later day.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

### **45 Repeals**

- (1) The *Institute of the Arts Act 1987* is repealed.

(2) The *New South Wales State Conservatorium of Music Act 1965* is repealed.

**46 (Repealed)**

**Schedule 1 (Repealed)**