

Australian William E. Simon University Act 1988 No 89

[1988-89]



New South Wales

Status Information

Currency of version

Repealed version for 5 September 1989 to 16 July 2009 (accessed 12 July 2024 at 2:19)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

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

Notes—

- **Previously named**
Simon University College Act 1988
- **Repeal**
The Act was repealed by Sch 5 to the *Statute Law (Miscellaneous Provisions) Act 2009 No 56* with effect from 17.7.2009.

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](#).

File last modified 17 July 2009

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Australian William E. Simon University Act 1988 No 89



New South Wales

An Act to provide for the operation of the Australian William E. Simon University in New South Wales.

1 Name of Act

This Act may be cited as the *Australian William E. Simon University Act 1988*.

2 Commencement

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

2A Change of name

On and from the commencement of this section, the name of the Australian William E. Simon University College is changed to the “Australian William E. Simon University”.

3 Definitions

In this Act:

Association means the association incorporated under the *Associations Incorporation Act 1984* by the name “The Australian William E. Simon Graduate School of Business Administration Incorporated” or that name as changed from time to time.

Council means the Council established under the Rules.

Rules means the Rules of Incorporation of the Association.

Trust Deed means the deed dated 1 July 1988 (as in force from time to time) in relation to the promotion, maintenance, establishment and operation of the University.

Trustees means the trustees of the trust established by the Trust Deed.

University means the centre for education and learning known as the Australian William E. Simon University established or to be established by the Association to promote the theory and practice of business administration in pursuance of the objects provided by the Rules.

University of Rochester School of Business Administration means The William E. Simon Graduate School of Business Administration, University of Rochester, Rochester, New York.

4 Objects

The objects of this Act are:

- (a) to provide statutory recognition of the Australian William E. Simon University as a university promoting the theory and practice of business administration in New South Wales, and
- (b) to promote and facilitate the operations of the University, and thereby to encourage the study of business administration in New South Wales.

5 Authorisation

The Australian William E. Simon University is a university and is authorised to be called a university.

6 Affiliation

It is the duty of the University, and of the Council and the Trustees, to take all such steps as are appropriate to promote and maintain a relationship of affiliation, or a similar relationship, with the University of Rochester School of Business Administration.

7 Degrees

- (1) The University is authorised to confer degrees on its own behalf, but the nomenclature of any such degrees is to be as approved by the Secretary of the Ministry of Education and Youth Affairs.
- (2) The University is authorised to confer degrees of or on behalf of the University of Rochester School of Business Administration, but only with the approval of the School.
- (3) The University is authorised to confer degrees of or on behalf of any other corporation, body or institution, but only with the approval of the corporation, body or institution and the approval of the Secretary of the Ministry of Education and Youth Affairs.

8 Non-discrimination

- (1) No test of religion, politics, race or sex shall be administered to any person in order to entitle the person to be admitted as a student of the University or to hold any office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges.
- (2) No person shall be denied admission as a student of the University or be ineligible to hold office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges, because of the person's religious or political views or beliefs, race or sex.

9 Investment

- (1) The Trustees may establish one or more investment common funds for the investment of money held by them on behalf of the University in any form of investment authorised by the Trust Deed, whether or not the investment is an authorised trustee investment.
- (2) Subject to express direction in or express condition of any trust binding on them in respect of particular money, the Trustees may from time to time, without liability for breach of trust, bring into or withdraw from any such investment common fund the whole or any part of trust money or other money of the Trustees.
- (3) Subject to subsection (4), the Trustees shall periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation of each fund in the common fund during the relevant accounting period.
- (4) The Trustees may, if they consider it expedient to do so, from time to time add some portion of the income of an investment common fund to the capital of the common fund or use some portion of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.
- (5) The inclusion in an investment common fund of trust money does not affect any trust to which the money is subject and, on its withdrawal from the fund, the money continues to be subject to the trust.

10 Gifts

- (1) The Trustees may acquire by gift, devise or bequest property on trust to apply it or the proceeds of it or the income from it for the benefit of a college, chair, centre, institution or other body established within or associated with the University even though the beneficiary may not be a legal entity.
- (2) A gift, devise or bequest of property purporting to be or for the benefit of:
 - (a) a college, chair, centre, institution or other body established within or associated with the University, or
 - (b) the University,shall be taken to be a gift, devise or bequest to the Trustees on trust to apply it for the purposes of the beneficiary in accordance with the terms of the gift, devise or bequest, and any act that could have been performed by the beneficiary, had it been a corporate entity, may be performed by the Trustees as validly and effectually as if the gift, devise or bequest had been to or for the benefit of the Association.
- (3) The rule of law against remoteness of vesting does not apply in relation to any gift, devise or bequest of property accepted by the Trustees.

11 Independence of the University

It is declared that, subject to this Act, the Association and the Trustees alone are responsible for and have authority over the provision of education within the University and shall not be subject, in that respect, to the direction of any person.

12 Liability of the State

Neither the State nor any authority of the State is liable to any action, liability, claim or demand arising from or in connection with the enactment or operation of this Act or anything done or omitted by or in connection with the University, the Association, the council or the Trustees.