



New South Wales

University of Western Sydney Amendment Bill 2000

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to replace the existing federated structure of the University of Western Sydney with a unitary structure.

The University's current structure is that of a federation consisting of the office of the Vice-Chancellor and 3 University Members (the University of Western Sydney, Hawkesbury, the University of Western Sydney, Macarthur, and the University of Western Sydney, Nepean). Each University Member has a Council and each Council has a Chair who is appointed by the Board of the University. The Chair of a Council is ex-officio a Deputy Chancellor of the University.

The proposed amendments will:

- (a) abolish the federated structure so that the University will have a unitary structure with a number of campuses (initially Bankstown, Blacktown, Campbelltown, Hawkesbury, Parramatta and Penrith), and

- (b) repeal provisions that establish the University Members and provide for their Chairs and principal executive officers, and
- (c) provide for the election of 2 Deputy Chancellors by the Board (instead of the 3 Deputy Chancellors who at present hold office as a result of being Chairs of the existing University Member Councils), and
- (d) increase from 1 to 2 the number of members of the Board of the University who can be appointed by the Board (with the result that the number of members of the Board will not be reduced by the reduction from 3 to 2 in the number of Deputy Chancellors), and
- (e) enact consequential savings and transitional provisions, and
- (f) make other consequential amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *University of Western Sydney Act 1997* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1]–[3] make consequential amendments.

Schedule 1 [4] repeals the provision that establishes the University as a federation and replaces it with a provision that provides for the University to have various campuses.

Schedule 1 [5] makes a consequential amendment.

Schedule 1 [6] increases from 1 to 2 the number of members of the Board of the University who can be appointed by the Board.

Schedule 1 [7] repeals the provision that provides for the Chair of each University Member Council to be a Deputy Chancellor and replaces it with provision for 2 Deputy Chancellors who are to be elected by the Board of the University.

Schedule 1 [8] and [9] make consequential amendments.

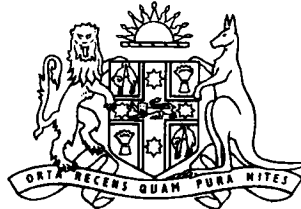
Schedule 1 [10]–[12] repeal the provisions that provide for the Councils of University Members, the Chairs of those Councils and the principal executive officers of the University Members.

Schedule 1 [13]–[22] make consequential amendments.

Schedule 1 [23] provides for the making of consequential savings and transitional regulations.

Schedule 1 [24] enacts consequential savings and transitional provisions.

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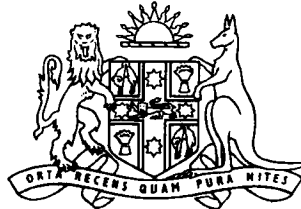


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New South Wales

University of Western Sydney Amendment Bill 2000

No. , 2000

A Bill for

An Act to amend the *University of Western Sydney Act 1997* to make further provision for the structural framework of the University of Western Sydney; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>University of Western Sydney Amendment Act 2000</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5 6
3 Amendment of University of Western Sydney Act 1997 No 116	7
The <i>University of Western Sydney Act 1997</i> is amended as set out in Schedule 1.	8 9

Schedule 1	Amendments	1
	(Section 3)	2
[1]	Section 3 Definitions	3
	Omit the definitions of <i>Council</i> and <i>University Member</i> from section 3 (1).	4
[2]	Section 3 (2)	5
	Omit “become a University Member, or a part of,”.	6
	Insert instead “become a part of”.	7
[3]	Section 5 Establishment of University	8
	Omit section 5 (b).	9
[4]	Section 7	10
	Omit the section. Insert instead:	11
	7 Campuses of the University	12
	The University has the following campuses and may have other campuses:	13
	Bankstown	14
	Blacktown	15
	Campbelltown	16
	Hawkesbury	17
	Parramatta	18
	Penrith	19
	Note. Before the substitution of this section by the <i>University of Western Sydney Amendment Act 2000</i> , the University’s structure was that of a federation consisting of the office of the Vice Chancellor and the University Members (comprising the University of Western Sydney, Hawkesbury, the University of Western Sydney, Macarthur, and the University of Western Sydney, Nepean).	20
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[5] Section 12 Membership of Board	1
Omit section 12 (3) (c). Insert instead:	2
(c) the Deputy Chancellors, and	3
[6] Section 12 (7)	4
Omit section 12 (7). Insert instead:	5
(7) No more than 2 persons may hold office at any one time as appointed members under subsection (6).	6 7
[7] Section 14 Deputy Chancellors	8
Omit section 14 (1). Insert instead:	9
(1) The Board is to elect 2 persons (whether or not members of the Board) to be Deputy Chancellors of the University. Whenever a vacancy in the office of a Deputy Chancellor occurs, the Board is to elect a person (whether or not a member of the Board) to fill the vacancy.	10 11 12 13 14
(2) A Deputy Chancellor, unless he or she sooner resigns as Deputy Chancellor, holds office for such period (not exceeding 4 years), and on such conditions, as may be prescribed by the by-laws.	15 16 17 18
[8] Section 14 (2), (3)	19
Renumber existing subsections (2) and (3) as subsections (3) and (4) respectively.	20 21
[9] Section 15 Vice-Chancellor	22
Omit section 15 (5). Insert instead:	23
(5) The Vice-Chancellor is a member of every committee that is established by the Board or the Vice-Chancellor.	24 25
[10] Section 16 Councils of University Members	26
Omit the section.	27

[11] Section 17 Chairs of Councils	1
Omit the section.	2
[12] Section 18 Principal executive officers of University Members	3
Omit the section.	4
[13] Section 22 Powers of Board	5
Omit section 22 (1) (d).	6
[14] Section 22 (1) (i)	7
Omit “branches and colleges”.	8
Insert instead “branches, campuses and colleges”.	9
[15] Section 23 Delegation	10
Omit section 23 (a).	11
[16] Section 38 Limited tenure in certain positions	12
Omit section 38 (1). Insert instead:	13
(1) This section applies in respect of the following positions:	14
(a) Chancellor,	15
(b) Deputy Chancellor,	16
(c) appointed member of the Board,	17
(d) elected member of the Board.	18
[17] Section 38 (6)	19
Omit the subsection. Insert instead:	20
(6) For the purposes of subsection (5), the maximum single term of office for a position is as follows:	21
(a) in the case of the Chancellor—4 years,	22
(b) in the case of a Deputy Chancellor—4 years,	23
(c) in the case of an appointed member of the Board—4 years,	24
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	(d) in the case of an elected member of the Board referred to in section 12 (5) (a), (b), (c) or (d)—2 years,	1 2
	(e) in the case of an elected member of the Board referred to in section 12 (5) (e)—4 years.	3 4
[18]	Section 40 By-laws	5
	Omit “, a Council” from section 40 (1) (c)–(i) wherever occurring.	6
[19]	Section 40 (1) (x)	7
	Insert “campus or” before “college”.	8
[20]	Section 40	9
	Omit the note. Insert instead:	10
	Note. This Act contains other by-law making powers, including:	11
	(a) section 15 (6), which allows the by-laws to provide for a different title for the position of Vice-Chancellor,	12 13
	(b) section 20 (3), which allows the by-laws to provide for the constitution of the Academic Senate.	14 15
[21]	Section 41 Rules	16
	Insert “14 (2),” after “13 (2),” in section 41 (1).	17
[22]	Schedule 1 Provisions relating to members and procedure of Board	18
	Omit “the member” from clause 3 (2).	19
	Insert instead “a member”.	20
[23]	Schedule 4 Savings, transitional and other provisions	21
	Omit clause 1 (1). Insert instead:	22
	(1) The Governor may make regulations containing provisions of a savings or transitional nature consequent on the enactment of the following Acts:	23 24 25
	this Act,	26
	<i>University of Western Sydney Amendment Act 2000.</i>	27

[24] Schedule 4, Part 3	1
Insert after clause 19:	2
Part 3 Provisions consequent on enactment of University of Western Sydney Amendment Act 2000	3
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20 Degrees and other awards conferred by University Members	6
For the purposes of the operation of section 3 (2) after the commencement of the amendment made to that subsection by the <i>University of Western Sydney Amendment Act 2000</i> , an institution or body that was a University Member (pursuant to this Act or otherwise) before that commencement is taken to have become a part of the University when it became a University Member.	7 8 9 10 11 12 13
21 Deputy Chancellors	14
(1) A person holding office as a Deputy Chancellor under section 14 immediately before the commencement of the amendments made to that section by the <i>University of Western Sydney Amendment Act 2000</i> ceases to hold that office on that commencement, but is eligible to be elected as a Deputy Chancellor under that section as so amended.	15 16 17 18 19 20
(2) An election may be conducted for the purposes of section 14 before the commencement of the amendments referred to in subclause (1) but a Deputy Chancellor so elected does not assume office before the commencement of those amendments.	21 22 23 24 25
22 University Members	26
On the repeal of sections 16–18 by the <i>University of Western Sydney Amendment Act 2000</i> :	27 28
(a) the Councils of University Members are abolished, and	29
(b) a person holding office as Chair of a Council or as principal executive officer of a University Member ceases to hold that office, and	30 31 32

Schedule 1 Amendments

(c) anything done by the Council of a University Member before that repeal that has effect immediately before that repeal is, on and from that repeal, taken to have been done by the Board. 1
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23 General 5

A person who ceases to hold an office under this Part is not entitled to be paid any remuneration or compensation because of ceasing to hold that office. 6
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