



New South Wales

Universities Legislation Amendment (Regulatory Reforms) Bill 2014

Explanatory note

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

Overview of Bill

The object of this Bill is to amend various Acts establishing universities (the *University Acts*) to remove certain regulatory requirements relating to financial management, land dealings and governing body election procedures of the universities and to put beyond doubt the capacity of the universities to generate revenue to fund the objects and principal functions of the university. In relation to each university:

- (a) the requirement for the Governor on the recommendation of the Treasurer to approve borrowings by the university is removed, and
- (b) the requirement for the Minister for Education with the concurrence of the Treasurer to approve university investment powers is removed, and
- (c) the university is specifically authorised to generate revenue for the purpose of funding the promotion of its object and the carrying out of its principal functions, and
- (d) the requirement for the Treasurer on the recommendation of the Minister for Education to approve fund managers is removed, and
- (e) the requirement for the Minister for Education on the advice of the Treasurer to approve guidelines for commercial activities carried on by the university is removed, and
- (f) the requirement for the Minister for Education to approve the sale, encumbrance or lease for more than 21 years of university land is removed and is replaced with a requirement for such approval where the land concerned was granted, transferred or sold at nominal or less than market value to the university by the State or is the lease of any land acquired from the State for a term of more than 21 years, and

- (g) the limitation preventing the university from leasing certain land vested in the Crown which is under the university's control and management for more than 21 years is removed and replaced with a requirement permitting leases for more than 21 years with the approval of the Minister for Education, and
- (h) the university is empowered to delegate to the governing body of the university the power to make rules concerning procedures for elections to that body instead of them being prescribed by the by-laws.

The Bill also:

- (i) amends the *University of Wollongong Act 1989*:
 - (i) to remove references to the "Convocation" of the University (**Schedule 1.10 [1], [3] and [13]**), and
 - (ii) to enable the Vice-Chancellor of the University to sub-delegate functions delegated to the Vice-Chancellor by the Council of the University (**Schedule 1.10 [5]**), and
- (j) makes a consequential amendment to omit Part 11 (Convocation) of the *University of Wollongong By-law 2005* (**Schedule 1.11**), and
- (k) amends the *University of Newcastle Act 1989*:
 - (i) to formally include the President of the Academic Senate as a member and chair of the Academic Senate of the University (**Schedule 1.6 [2]**), and
 - (ii) to enable the Vice-Chancellor of the University to sub-delegate functions delegated to the Vice-Chancellor by the Council of the University (**Schedule 1.6 [4]**), and
- (l) amends the *Macquarie University Act 1989* to correct a cross-reference (**Schedule 1.2 [14]**), and
- (m) amends each University Act to make amendments of a consequential or savings nature.

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 the date of assent to the proposed Act.

Schedule 1 Amendment of Acts and by-law

Schedule 1 amends the University Acts and a by-law as described in the Overview of the Bill.

Schedule 1.1 [2], 1.2 [2], 1.3 [2], 1.4 [2], 1.5 [2], 1.6 [3], 1.7 [2], 1.8 [2], 1.9 [2] and 1.10 [4] amend the University Acts to achieve the object described in paragraph (a) of the Overview of the Bill.

Schedule 1.1 [15], 1.2 [15], 1.3 [14], 1.4 [14], 1.5 [14], 1.6 [17], 1.7 [14], 1.8 [15], 1.9 [14] and 1.10 [18] amend the University Acts to achieve the object described in paragraph (b) of the Overview of the Bill.

Schedule 1.1 [1], 1.2 [1], 1.3 [1], 1.4 [1], 1.5 [1], 1.6 [1], 1.7 [1], 1.8 [1], 1.9 [1] and 1.10 [2] amend the University Acts to achieve the object described in paragraph (c) of the Overview of the Bill.

Schedule 1.1 [16], 1.2 [16], 1.3 [15], 1.4 [15], 1.5 [15], 1.6 [18], 1.7 [15], 1.8 [16], 1.9 [15] and 1.10 [19] amend the University Acts to achieve the object described in paragraph (d) of the Overview of the Bill.

Schedule 1.1 [8]–[10], 1.2 [7]–[9], 1.3 [7]–[9], 1.4 [7]–[9], 1.5 [7]–[9], 1.6 [10]–[12], 1.7 [7]–[9], 1.8 [8]–[10], 1.9 [7]–[9] and 1.10 [10]–[12] amend the University Acts to achieve the object described in paragraph (e) of the Overview of the Bill and make consequential amendments.

Schedule 1.1 [3]–[5], 1.2 [3]–[5], 1.3 [3]–[5], 1.4 [3]–[5], 1.5 [3]–[5], 1.6 [5]–[7], 1.7 [3]–[5], 1.8 [3]–[5], 1.9 [3]–[5] and 1.10 [6]–[8] amend the University Acts to achieve the object described in paragraph (f) of the Overview of the Bill and make consequential amendments.

Schedule 1.1 [6] and [7], 1.2 [6], 1.3 [6], 1.4 [6], 1.5 [6], 1.6 [8] and [9], 1.7 [6], 1.8 [6] and [7], 1.9 [6] and 1.10 [9] amend the University Acts to achieve the object described in paragraph (g) of the Overview of the Bill and make consequential amendments.

Schedule 1.1 [11]–[14], 1.2 [10]–[13], 1.3 [10]–[13], 1.4 [10]–[13], 1.5 [10]–[13], 1.6 [13]–[16], 1.7 [10]–[13], 1.8 [11]–[14], 1.9 [10]–[13] and 1.10 [14]–[17] amend the University Acts to achieve the object described in paragraph (h) of the Overview of the Bill and make consequential amendments.

Schedule 1.1 [17] and [18], 1.2 [17] and [18], 1.3 [16] and [17], 1.4 [16] and [17], 1.5 [16] and [17], 1.6 [19] and [20], 1.7 [16] and [17], 1.8 [17] and [18], 1.9 [16] and [17] and 1.10 [20] and [21] amend the University Acts to insert savings and transitional provisions.