



New South Wales

University of New South Wales (St George Campus) Bill 1999

Explanatory note

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

Overview of Bill

The St George campus of the University of New South Wales comprises land on which the former St George Institute of Education was situated immediately before it became part of the University pursuant to the *Higher Education (Amalgamation) Act 1989*. The title to that land has subsequently been transferred to the University.

The objects of this Bill are:

- (a) to declare void any leases and licences granted by the Council of the University of New South Wales in respect of the St George campus of the University, and
- (b) to provide that future leases and licences of the St George campus may not be granted by that Council except with the approval of the Minister administering the proposed Act, and
- (c) to enable the Minister administering the proposed Act to compulsorily acquire the St George campus.

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 defines the expressions *Crown*, *St George campus*, *University*, *University Council*, *voided lease* and *voided licence* for the purposes of the proposed Act.

Clause 4 avoids any lease of the St George campus that has been granted by the University Council since 1 April 1999, but before the commencement of the proposed section, together with any sublease of such a lease. The proposed section provides for the repayment to the lessee under any such lease of any payment made by or on behalf of the lessee under the lease. It also renders the lessee, and any other person, immune from civil action for anything done or omitted to be done by or on behalf of the lessee under the authority of any such lease.

Clause 5 avoids any licence to occupy the St George campus that has been granted by the University Council since 1 April 1999, but before the commencement of the proposed section, together with any sublicense of such a licence. The proposed section provides for the repayment to the licensee under any such licence of any payment made by or on behalf of the licensee under the licence. It also renders the licensee, and any other person, immune from civil action for anything done or omitted to be done by or on behalf of the licensee under the authority of any such licence.

Clause 6 provides that future leases of, and licences to occupy, the St George campus may not be granted by the University Council except with the approval of the Minister. The proposed section will cease to have effect on a day to be appointed by proclamation.

Clause 7 empowers the Minister to compulsorily acquire, by notice published in the Gazette, the land comprising the St George campus, or any specified part of the St George campus. The proposed section provides that the *Land Acquisition (Just Terms Compensation) Act 1991* does not apply to or in respect of any such acquisition. The proposed section is expressed to expire on a day to be appointed by proclamation.

Clause 8 provides that the Crown is not liable to pay compensation as a consequence of the avoidance of a lease by proposed section 4 (1), as a consequence of the avoidance of a licence by proposed section 5 (1), as a

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consequence of the compulsory acquisition of the St George campus under proposed section 7 or as a consequence of the enactment or operation of the proposed Act. Compensation is defined to include damages and any other form of monetary compensation.



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No. , 1999

A Bill for

An Act with respect to the St George campus of the University of New South Wales; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>University of New South Wales (St George Campus) Act 1999</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6 7
3 Definitions	8
In this Act:	9
Crown has the same meaning as it has in the <i>Crown Proceedings Act 1988</i> .	10 11
St George campus means land in the vicinity of Hurstville Road and Oatley Parade, Oatley, comprising lot 3 in Deposited Plan 559487.	12 13
University means the University of New South Wales established by the <i>University of New South Wales Act 1989</i> .	14 15
University Council means the Council of the University.	16
voided lease means a lease or sublease that is declared to be void ab initio by section 4 (2).	17 18
voided licence means a licence or sublicense that is declared to be void ab initio by section 5 (2).	19 20
4 Avoidance of leases of St George campus granted on or after 1.4.99	21
(1) This section applies if any lease of the St George campus, or any part of the St George campus, has been granted by or on behalf of the University Council on or after 1 April 1999 but before the commencement of this section.	22 23 24 25
(2) Any lease of the kind referred to in subsection (1), together with any sublease of any such lease, is, by this section, declared to be void ab initio.	26 27 28
(3) Without limiting the consequences that otherwise follow as a result of a lease or sublease becoming void ab initio:	29
(a) any payment under a voided lease made by or on behalf of the lessee to the lessor under the lease is to be repaid by the lessor to the lessee, and	30 31 32 33

(b)	no action, liability, claim or demand lies against the lessee under a voided lease, or against any other person, for or with respect to anything done or omitted to be done by or on behalf of the lessee under the authority of the lease.	1 2 3 4
5	Avoidance of licences of St George campus granted on or after 1.4.99	5
(1)	This section applies if any licence to occupy the St George campus, or any part of the St George campus, has been granted by or on behalf of the University Council on or after 1 April 1999 but before the commencement of this section.	6 7 8 9
(2)	Any licence of the kind referred to in subsection (1), together with any sublicense of any such licence, is, by this section, declared to be void ab initio.	10 11 12
(3)	Without limiting the consequences that otherwise follow as a result of a licence or sublicense becoming void ab initio:	13 14
(a)	any payment under a voided licence made by or on behalf of the licensee to the licensor under the licence is to be repaid by the licensor to the licensee, and	15 16 17
(b)	no action, liability, claim or demand lies against the licensee under a voided licence, or against any other person, for or with respect to anything done or omitted to be done by or on behalf of the licensee under the authority of the licence.	18 19 20 21
6	Ministerial approval required for leases and licences of St George campus	22 23
(1)	Despite section 17 of the <i>University of New South Wales Act 1989</i> , the University Council:	24 25
(a)	may not lease the St George campus, or any part of the St George campus, and	26 27
(b)	may not grant a licence to occupy the St George campus, or any part of the St George campus,	28 29
	without the prior written approval of the Minister.	30
(2)	This section ceases to have effect on a day to be appointed by proclamation.	31 32

7	Minister empowered to acquire St George campus	1
(1)	The Minister may, with the approval of the Governor, declare, by notice published in the Gazette, that the St George campus, or any specified part of the St George campus, is acquired by compulsory process.	2 3 4 5
(2)	A notice under this section may except any specified interest in the land from the operation of the notice.	6 7
(3)	On the date of publication in the Gazette of a notice under this section, the land described in the notice is, by force of this section:	8 9
(a)	vested in the Minister, and	10
(b)	freed and discharged from all estates, interests, trusts, restrictions, dedications, reservations, easements, rights, charges, rates and contracts in, over or in connection with the land.	11 12 13 14
(4)	If:	15
(a)	the notice excepts an easement from acquisition, and	16
(b)	immediately before the vesting, the benefit of a restriction as to user is annexed to the easement,	17 18
	then (unless otherwise specified in the notice) the restriction continues to have effect as if the acquisition had not taken place.	19 20
(5)	The <i>Land Acquisition (Just Terms Compensation) Act 1991</i> does not apply to or in respect of the acquisition of land under this section.	21 22
(6)	Section 125 of the <i>Education Act 1990</i> (subsection (7) excepted) applies to the Minister administering this Act and to land acquired under this section in the same way as it applies to the Minister administering that Act and to land acquired under that section.	23 24 25 26
(7)	This section expires on a day to be appointed by proclamation.	27
8	Crown not liable to pay compensation	28
(1)	The Crown is not liable to pay compensation to the lessor or lessee under a voided lease, or to any person claiming through the lessor or lessee, as a consequence of the lease having been declared to be void.	29 30 31
(2)	The Crown is not liable to pay compensation to the licensor or licensee under a voided licence, or to any person claiming through the licensor or licensee, as a consequence of the licence having been declared to be void.	32 33 34 35

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- (3) The Crown is not liable to pay compensation: 1
 - (a) to any owner of an interest in land that is divested, extinguished 2
or diminished as a consequence of the operation of section 7 or 3
of any action taken under that section, or 4
 - (b) to any person claiming through any such owner. 5
 - (4) The Crown is not liable to pay compensation to any person as a 6
consequence of the enactment or operation of this Act. 7
 - (5) In this section, *compensation* includes damages and any other form of 8
monetary compensation. 9