

*PROOF*

**UNIVERSITY AND UNIVERSITY COLLEGES (AMENDMENT)  
BILL, 1976**

---

**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to enfranchise and render eligible for election to the Senate of the University of Sydney certain persons on whom the University has conferred an academic title (Schedule 2 (2) (b));
- (b) to extend the powers of the Senate to deal with members of the University's staff (Schedule 2 (6));
- (c) to further enable the Senate to make by-laws relating to the matriculation, admission and enrolment of students (Schedule 2 (7) (b));
- (d) to specify the investments in which the University's funds may be invested (Schedule 3);
- (e) to enable the Senate to establish and manage investment pools and to provide for the distribution of the income of those pools (Schedule 3);
- (f) to enable the Senate to determine the examination standards to be attained by candidates for exhibitions (Schedule 4 (1));
- (g) to empower the Senate to allow certain school teachers to attend lectures without payment of matriculation, tuition and degree fees (Schedule 4 (2));
- (h) to repeal certain requirements relating to the standards for matriculation (Schedule 4 (3));
- (i) to enable the University to acquire land by resumption or appropriation (Schedule 6);
- (j) to provide that various functions performed by the Governor under the University and University Colleges Act, 1900, will be performed by the Minister;
- (k) to validate certain investments made by the University (clause 6);
- (l) to validate investment pools established by the University (clause 7);
- (m) to require investment pools referred to in paragraph (p) to be brought into conformity with the provisions of the proposed Act (clause 8);
- (n) to repeal a certain by-law relating to the making of investments by the University (clause 9); and
- (o) to make other provisions of a minor, consequential or ancillary nature.

10019

THE UNIVERSITY OF CHICAGO PRESS

CHICAGO, ILL.

1954

University and University Colleges (Amendment)

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the University and University Colleges (Amendment) Act, 1976.

2. (1) This section and sections 3, 4, 5, 6, 7 and 8 shall commence on the date of assent to this Act.

No. , 1976.

# A BILL

To amend the University and University Colleges Act, 1900, to make further provision with respect to the investment of money by the University of Sydney; to enable the establishment and management of investment pools by the University; to enable the University to acquire land by resumption or appropriation; to validate certain matters; and for certain other purposes.

[MR PICKARD—25 February, 1976.]

BE

*University and University Colleges (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "University and University Short title. Colleges (Amendment) Act, 1976".

2. (1) This section and sections 1, 3, 5, 6, 7 and 8 shall Commence-  
commence on the date of assent to this Act. ment.

10 (2) Section 4 shall, in its application to a provision of Schedules 1-6, commence on the day on which that provision commences.

(3) Section 9 shall commence on the day appointed and notified by the Governor under subsection (4) in respect 15 of Schedule 3.

(4) The several provisions of Schedules 1-6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

25 SCHEDULE 2.—AMENDMENTS TO PART II OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE

*University and University Colleges (Amendment).*

SCHEDULE 3.—AMENDMENTS TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

5 SCHEDULE 4.—AMENDMENTS TO PART V OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE 5.—AMENDMENTS TO PART VII OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

10 SCHEDULE 6.—INSERTION OF PART VIII INTO THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

4. The University and University Colleges Act, 1900, is amended in the manner set forth in Schedules 1–6. Amendment of Act No. 22, 1900.

15 5. A person who, immediately before the date of commencement of Schedule 2 (2) (a), held office as a Fellow of the Senate of the University of Sydney by virtue of his appointment to that office by the Governor shall, on and from that day, continue to hold that office for the residue of the period for which he would have held that office if this Act had not been enacted and shall, subject to the University and University Colleges Act, 1900, as amended by this Act, be eligible for re-appointment. Saving—  
Fellows of  
the Senate.

25 6. Any investment unlawfully made by the University of Sydney before the commencement of Schedule 3 is hereby validated. Validation—  
investments.

*University and University Colleges (Amendment).*

7. (1) The pooling or collective investment of any moneys, securities or real property by the University of Sydney before the commencement of Schedule 3, otherwise than in accordance with the terms of any instrument creating a trust with respect to those moneys, those securities or that real property, is hereby validated.

Validation—  
investment  
pools.

(2) A pool for the collective investment of any moneys, securities or real property established by the University of Sydney and in existence immediately before the commencement of Schedule 3 shall be deemed to be an investment pool lawfully constituted by the Senate of that University under section 27D (1) of the University and University Colleges Act, 1900, as amended by this Act.

8. (1) In this section, “grant” and “private gift” have the meanings attributed to them respectively in section 23A of the University and University Colleges Act, 1900, as amended by this Act.

Reconsti-  
tution of  
investment  
pools.

(2) Where a pool referred to in section 7 (2) contains the whole or any part of a private gift or a grant and the whole or any part of the capital of that pool is invested in investments which are not made in accordance with and subject to the Trustee Act, 1925, then, except to the extent to which the investments in which the capital of that pool is invested are authorised or permitted under the terms of—

(a) in the case of that private gift—any instrument creating a trust with respect to that private gift; or

(b) in the case of that grant—the instrument of grant, the Senate of the University of Sydney shall, as soon as practicable after the commencement of Schedule 3, withdraw the whole or such part of that private gift or that grant as forms part of the capital of that pool from that pool.

(3)

*University and University Colleges (Amendment).*

(3) Where a pool referred to in section 7 (2) contains any student tuition fees and the whole or any part of the capital of that pool is invested in investments which are not made in accordance with and subject to the Trustee Act, 1925, the Senate of the University of Sydney shall, as soon as practicable after the commencement of Schedule 3, withdraw those student tuition fees from that pool.

9. By-law 12 of Chapter IV of the by-laws of the University of Sydney is repealed. Repeal of  
by-law.

10

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

(1) Section 1—

15 From the matter relating to Part IV, omit "24", insert instead "23A".

(2) Section 1—

After the matter relating to Part VII, insert :—

PART VIII.—*Acquisition of land.*—ss. 47, 48.

SCHEDULE

*University and University Colleges (Amendment).*

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

(1) Section 6, proviso—

5 Omit "Governor", insert instead "Minister".

(2) (a) Section 7 (1) (a)—

Omit "Governor", insert instead "Minister".

(b) Section 7 (1) (d)—

Omit the paragraph, insert instead :—

10 (d) eight Fellows elected by and from the  
body consisting of the persons referred to  
in such one or more of the following  
subparagraphs as may be prescribed by  
the by-laws :—

15 (i) all members of the full-time staff  
of the University;

(ii) the prescribed class of members of  
the full-time staff of the Univer-  
sity;

20 (iii) all persons, not being members of  
the full-time staff of the Univer-  
sity, upon whom the Senate has  
conferred the title of Professor,  
25 Reader, Associate Professor,  
Senior Lecturer or Lecturer; and

SCHEDULE



*University and University Colleges (Amendment).*

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900—*continued.*

5 (iv) the prescribed class of persons,  
not being members of the full-time  
staff of the University, upon  
whom the Senate has conferred  
the title of Professor, Reader,  
Associate Professor, Senior  
10 Lecturer or Lecturer;

(3) Section 8 (1) (a)—

Omit "Governor", insert instead "Minister".

(4) (a) Section 9 (b)—

Omit the paragraph.

15 (b) Section 9 (d) (i)—

Omit "Governor", insert instead "Minister".

(c) Section 9 (j)—

20 Omit "such class or classes of members of the  
full-time staff of the University as may be  
prescribed by the by-laws", insert instead "the  
body referred to in that paragraph".

(5) Section 9A (a)—

Omit "Governor", insert instead "Minister".

SCHEDULE

---

*University and University Colleges (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

- (6) Section 14 (1)—
- 5** Omit “and dismiss”, insert instead “, dismiss or otherwise deal with”.
- (7) (a) Section 15 (1) (a)—
- Omit “and”.
- (b) Section 15 (1) (a1)—
- 10** After section 15 (1) (a), insert :—
- (a1) the matriculation, admission and enrolment of students;
- (c) Section 15 (1) (b)—
- Omit “and” where secondly occurring.
- 15** (d) Section 15 (1) (e)—
- Omit “University :”, insert instead “University.”.
- (e) Section 15 (1), proviso—
- Omit the proviso.

*University and University Colleges (Amendment).*

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART IV OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

(1) Section 23A—

5 After the heading to Part IV, insert :—

23A. In this Part—

Interpreta-  
tion:  
Pt. IV.

“class A funds” means—

- (a) private gifts;
- (b) grants; and
- 10 (c) student tuition fees;

“class B funds” means moneys held by the  
University which are not class A funds;

“grant” means money granted to the University  
by the Treasurer of—

- 15 (a) the State of New South Wales; or
  - (b) the Commonwealth,
- or any part of that money;

“investment pool” means investment pool  
established by the Senate under section 27D  
20 (1);

“pooled item” means—

- (a) a private gift;
  - (b) a grant;
  - (c) student tuition fees;
  - 25 (d) class B funds;
  - (e) securities; or
  - (f) real property,
- forming part of an investment pool;

SCHEDULE

*University and University Colleges (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900—*continued.*

“private gift” means—

- 5 (a) money given to the University not being a grant;
- (b) money obtained from the conversion of property given to the University; and
- 10 (c) money obtained from the investment or use of property given to the University;

“securities” means debentures, stocks, shares, bonds and notes.

15 (2) Sections 27A–27F—

Before section 28, insert :—

27A. The terms of—

- 20 (a) in the case of a private gift—any instrument creating a trust with respect to that private gift;
- (b) in the case of a grant—the instrument of grant; and
- 25 (c) in the case of property, other than money, given to the University—any instrument creating a trust with respect to that property,

Trust instruments apply notwithstanding ss. 27B–27E.

shall have effect notwithstanding sections 27B, 27C, 27D and 27E.

*University and University Colleges (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900—*continued.*

5 27B. Where property, other than money, is given to the University, the Senate may retain that property in the form in which it is given to the University. Retention of property in specie.

27C. (1) The Senate may invest any class A funds or class B funds held by the University in accordance with and subject to the Trustee Act, 1925. Investment of money.

10 (2) Without affecting the generality of subsection (1), the Senate may invest class B funds—

15 (a) in the same manner as the State Superannuation Board constituted by the Superannuation Act, 1916, may invest the State Superannuation Fund established under that Act or any part of that Fund under section 5A of that Act except that that part of section 5A (1D) of that Act which provides that that Board shall not at any time make any investment pursuant to section 5A (1) of that Act where the total amount of the moneys proposed to be invested and of other moneys at that time invested by that Board pursuant to section 5A (1) of that Act would exceed one-quarter of the total amount of that Fund at that time shall not apply to any investment made by the Senate; or

(b) in any prescribed manner.

30 27D. (1) Subject to subsection (2), the Senate may establish and maintain one or more investment pools for the collective investment of property held by the University. Investment pools.

---

*University and University Colleges (Amendment).*

---

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900—*continued.*

- (2) The Senate may from time to time—
- 5 (a) bring into or withdraw from an investment  
pool the whole or any part of any private  
gifts, grants, student tuition fees or class B  
funds held by the University; or
- (b) bring into an investment pool—
- 10 (i) securities, other than securities in  
respect of which the donor has, in  
an instrument creating a trust in  
15 respect of those securities, specified  
that the income from those securities  
shall be applied for a purpose other  
than the general purposes of the  
University; or
- (ii) real property, other than real  
20 property in respect of which the  
donor has, in an instrument creating  
a trust in respect of that real  
property, specified that the income  
from that real property shall be  
25 applied for a purpose other than the  
general purposes of the University,  
or withdraw money to the value attributed  
equitably to those securities or that real  
property by the Senate at the date of  
withdrawal.
- 30 (3) Notwithstanding subsections (1) and  
(2), the Senate shall not bring into or retain in any  
investment pool the whole or any part of any private  
35 gifts, grants or student tuition fees if the investments  
in which the capital of the investment pool is invested  
are not investments made in accordance with and  
subject to the Trustee Act, 1925.

SCHEDULE

*University and University Colleges (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900—*continued.*

5 27E. (1) The Senate shall, at the time a pooled item being a private gift referred to in subsection (2) is withdrawn from an investment pool, and, in any event, at least once a year, distribute the income of an investment pool. Distribu-  
tion of  
income of  
investment  
pools.

10 (2) Where the Senate distributes the income of an investment pool under subsection (1), it shall, in respect of a pooled item being a private gift where the donor of that private gift has, in an instrument creating a trust in respect of that private gift—

15 (a) specified that the income from the investment of that private gift shall be applied for a purpose other than the general purposes of the University; or

20 (b) specified that that private gift shall be applied for a purpose other than the general purposes of the University and that private gift is insufficient, without the addition of the income from the investment of that private gift, to achieve that purpose,

25 credit the income of that investment pool to the account kept by it in respect of that private gift proportionately according to the value attributed equitably to that private gift by the Senate at the date of distribution and the period for which that private gift has formed part of that investment pool.

30 (3) Where the Senate distributes the income of an investment pool under subsection (1), it may, in respect of a pooled item, other than a pooled item referred to in subsection (2), credit the income of that investment pool to any account kept by it.

*University and University Colleges (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

- 27F. (1) The inclusion in an investment pool of—
- 5 (a) a pooled item being a private gift, a grant, student tuition fees or class B funds does not affect the identity of that pooled item as a private gift, a grant, student tuition fees or class B funds, as the case may be; and
- 10 (b) a pooled item does not affect any trust to which that pooled item was subject immediately before its inclusion in that investment pool.
- 15 (2) On the withdrawal from an investment pool of—
- (a) a pooled item being a private gift, a grant, student tuition fees or class B funds, that
- 20 pooled item shall continue to be subject to any trust to which it was subject immediately before its inclusion in that investment pool; and
- 25 (b) money to the value attributed to any securities or real property by the Senate under section 27D (2) (b), that money shall be subject to any trust to which those securities were subject immediately before their inclusion in that investment pool or that real property was subject immediately
- 30 before its inclusion in that investment pool, as the case may be.

Nature of private gift, etc., not affected by pooling.



*University and University Colleges (Amendment).*

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART V OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

(1) Section 31A (3) (b)—

5 Omit the paragraph, insert instead :—

(b) satisfy such requirements as are determined with respect to that examination by the Senate.

(2) (a) Section 31B—

Omit "students of the Teachers' College and".

10 (b) Section 31B—

Before "fees", insert "matriculation, tuition and degree".

(3) Section 31C—

Omit the section.

15

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART VII OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

(1) Section 42 (1)—

Omit "Governor", insert instead "Minister".

20 (2) Section 43 (3)—

Omit "Governor", insert instead "Minister".

---

*University and University Colleges (Amendment).*

---

A. 002

## SCHEDULE 6.

Sec. 4.

INSERTION OF PART VIII INTO THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

## Part VIII—

5 After Part VII, insert :—

## PART VIII.

*Acquisition of land.*

10 47. (1) For the purposes of this Act, the Governor may, on the recommendation of the Minister, resume or appropriate any land under Division 1 of Part V of the Public Works Act, 1912. Acquisition of land.

15 (2) The Minister shall not make a recommendation for the purposes of subsection (1) unless he is satisfied that adequate provision has been or will be made for the payment by the University of compensation for the resumption or appropriation and of all necessary charges and expenses incidental to the resumption or appropriation.

20 (3) A resumption or appropriation effected pursuant to subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

25 (4) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not, but section 38 of that Act does, apply in relation to a resumption or appropriation under this section.

SCHEDULE

---

*University and University Colleges (Amendment).*

---

SCHEDULE 6—*continued.*

INSERTION OF PART VIII INTO THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900—*continued.*

5 48. (1) Where land is vested in the Minister as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or appropriation effected pursuant to section 47 (1), the Minister may convey or transfer that land to the University for such estate, and subject to such trusts and rights of way or other easements, as he thinks fit.

Transfer  
of land to  
University.

10 (2) A conveyance, transfer or other instrument executed for the purposes of subsection (1)—

15 (a) is not liable to be stamped with stamp duty under the Stamp Duties Act, 1920; and

(b) may be registered under any Act without fee.

---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1976

April 1950

Office of the Secretary of Defense

Washington, D. C.

Dear Mr. [Name]:

[Faint, illegible text block]

[Faint, illegible text block]

[Faint, illegible text block]

No. , 1976.

---

## A BILL

To amend the University and University Colleges Act, 1900, to make further provision with respect to the investment of money by the University of Sydney; to enable the establishment and management of investment pools by the University; to enable the University to acquire land by resumption or appropriation; to validate certain matters; and for certain other purposes.

[MR PICKARD—25 February, 1976.]

---

BE

*University and University Colleges (Amendment).*

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "University and University Colleges (Amendment) Act, 1976".

2. (1) This section and sections 1, 3, 5, 6, 7 and 8 shall commence on the date of assent to this Act. Commence-  
ment.

10 (2) Section 4 shall, in its application to a provision of Schedules 1-6, commence on the day on which that provision commences.

(3) Section 9 shall commence on the day appointed and notified by the Governor under subsection (4) in respect of Schedule 3.

(4) The several provisions of Schedules 1-6 shall commence on such day or days as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

20 3. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO PART I OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

25 SCHEDULE 2.—AMENDMENTS TO PART II OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE

*University and University Colleges (Amendment).*

SCHEDULE 3.—AMENDMENTS TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

5 SCHEDULE 4.—AMENDMENTS TO PART V OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

SCHEDULE 5.—AMENDMENTS TO PART VII OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

10 SCHEDULE 6.—INSERTION OF PART VIII INTO THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

4. The University and University Colleges Act, 1900, is amended in the manner set forth in Schedules 1–6. Amendment of Act No. 22, 1900.

15 5. A person who, immediately before the date of commencement of Schedule 2 (2) (a), held office as a Fellow of the Senate of the University of Sydney by virtue of his appointment to that office by the Governor shall, on and from that day, continue to hold that office for the residue of the Saving—  
Fellows of  
the Senate.  
20 period for which he would have held that office if this Act had not been enacted and shall, subject to the University and University Colleges Act, 1900, as amended by this Act, be eligible for re-appointment.

25 6. Any investment unlawfully made by the University of Sydney before the commencement of Schedule 3 is hereby validated. Validation—  
investments.

7.

---

*University and University Colleges (Amendment).*

---

7. (1) The pooling or collective investment of any moneys, securities or real property by the University of Sydney before the commencement of Schedule 3, otherwise than in accordance with the terms of any instrument creating a trust with respect to those moneys, those securities or that real property, is hereby validated.

Validation—  
investment  
pools.

(2) A pool for the collective investment of any moneys, securities or real property established by the University of Sydney and in existence immediately before the commencement of Schedule 3 shall be deemed to be an investment pool lawfully constituted by the Senate of that University under section 27D (1) of the University and University Colleges Act, 1900, as amended by this Act.

8. (1) In this section, "grant" and "private gift" have the meanings attributed to them respectively in section 23A of the University and University Colleges Act, 1900, as amended by this Act.

Reconsti-  
tution of  
investment  
pools.

(2) Where a pool referred to in section 7 (2) contains the whole or any part of a private gift or a grant and the whole or any part of the capital of that pool is invested in investments which are not made in accordance with and subject to the Trustee Act, 1925, then, except to the extent to which the investments in which the capital of that pool is invested are authorised or permitted under the terms of—

(a) in the case of that private gift—any instrument creating a trust with respect to that private gift; or

(b) in the case of that grant—the instrument of grant, the Senate of the University of Sydney shall, as soon as practicable after the commencement of Schedule 3, withdraw the whole or such part of that private gift or that grant as forms part of the capital of that pool from that pool.

(3)



---

*University and University Colleges (Amendment).*

---

(3) Where a pool referred to in section 7 (2) contains any student tuition fees and the whole or any part of the capital of that pool is invested in investments which are not made in accordance with and subject to the Trustee Act, 1925, the Senate of the University of Sydney shall, as soon as practicable after the commencement of Schedule 3, withdraw those student tuition fees from that pool.

9. By-law 12 of Chapter IV of the by-laws of the University of Sydney is repealed. Repeal of by-law.

---

10

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

(1) Section 1—

15 From the matter relating to Part IV, omit "24", insert instead "23A".

(2) Section 1—

After the matter relating to Part VII, insert :—

PART VIII.—*Acquisition of land.*—ss. 47, 48.

---

SCHEDULE

---

*University and University Colleges (Amendment).*

---

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO PART II OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

(1) Section 6, proviso—

5 Omit “Governor”, insert instead “Minister”.

(2) (a) Section 7 (1) (a)—

Omit “Governor”, insert instead “Minister”.

(b) Section 7 (1) (d)—

Omit the paragraph, insert instead :—

10 (d) eight Fellows elected by and from the  
body consisting of the persons referred to  
in such one or more of the following  
subparagraphs as may be prescribed by  
the by-laws :—

15 (i) all members of the full-time staff  
of the University;

(ii) the prescribed class of members of  
the full-time staff of the Univer-  
sity;

20 (iii) all persons, not being members of  
the full-time staff of the Univer-  
sity, upon whom the Senate has  
conferred the title of Professor,  
Reader, Associate Professor,  
25 Senior Lecturer or Lecturer; and

SCHEDULE

---

*University and University Colleges (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900—*continued.*

- 5 (iv) the prescribed class of persons,  
not being members of the full-time  
staff of the University, upon  
whom the Senate has conferred  
the title of Professor, Reader,  
Associate Professor, Senior  
10 Lecturer or Lecturer;

(3) Section 8 (1) (a)—

Omit “Governor”, insert instead “Minister”.

(4) (a) Section 9 (b)—

Omit the paragraph.

15 (b) Section 9 (d) (i)—

Omit “Governor”, insert instead “Minister”.

(c) Section 9 (j)—

- 20 Omit “such class or classes of members of the  
full-time staff of the University as may be  
prescribed by the by-laws”, insert instead “the  
body referred to in that paragraph”.

(5) Section 9A (a)—

Omit “Governor”, insert instead “Minister”.

SCHEDULE

---

*University and University Colleges (Amendment).*

---

SCHEDULE 2—*continued.*

AMENDMENTS TO PART II OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

- (6) Section 14 (1)—
- 5 Omit “and dismiss”, insert instead “, dismiss or otherwise deal with”.
- (7) (a) Section 15 (1) (a)—
- Omit “and”.
- (b) Section 15 (1) (a1)—
- 10 After section 15 (1) (a), insert :—  
(a1) the matriculation, admission and enrolment of students;
- (c) Section 15 (1) (b)—
- Omit “and” where secondly occurring.
- 15 (d) Section 15 (1) (e)—
- Omit “University :”, insert instead “University.”.
- (e) Section 15 (1), proviso—
- Omit the proviso.

*University and University Colleges (Amendment).*

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART IV OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

(1) Section 23A—

5 After the heading to Part IV, insert :—

23A. In this Part—

Interpreta-  
tion:  
Pt. IV.

“class A funds” means—

- (a) private gifts;
- (b) grants; and
- 10 (c) student tuition fees;

“class B funds” means moneys held by the  
University which are not class A funds;

“grant” means money granted to the University  
by the Treasurer of—

- 15 (a) the State of New South Wales; or
  - (b) the Commonwealth,
- or any part of that money;

20 “investment pool” means investment pool  
established by the Senate under section 27D  
(1);

“pooled item” means—

- (a) a private gift;
  - (b) a grant;
  - (c) student tuition fees;
  - 25 (d) class B funds;
  - (e) securities; or
  - (f) real property,
- forming part of an investment pool;

SCHEDULE

*University and University Colleges (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900—*continued.*

“private gift” means—

- 5 (a) money given to the University not being a grant;
- (b) money obtained from the conversion of property given to the University; and
- 10 (c) money obtained from the investment or use of property given to the University;

“securities” means debentures, stocks, shares, bonds and notes.

15 (2) Sections 27A–27F—

Before section 28, insert :—

27A. The terms of—

- 20 (a) in the case of a private gift—any instrument creating a trust with respect to that private gift;
- (b) in the case of a grant—the instrument of grant; and
- 25 (c) in the case of property, other than money, given to the University—any instrument creating a trust with respect to that property,

Trust instruments apply notwithstanding ss. 27B–27E.

shall have effect notwithstanding sections 27B, 27C, 27D and 27E.

SCHEDULE

---

*University and University Colleges (Amendment).*


---

SCHEDULE 3—*continued.*AMENDMENTS TO PART IV OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900—*continued.*

5           27B. Where property, other than money, is given <sup>Retention</sup> to the University, the Senate may retain that property <sup>of property</sup> in the form in which it is given to the University. <sup>in specie.</sup>

          27C. (1) The Senate may invest any class A funds <sup>Investment</sup> or class B funds held by the University in accordance <sup>of money.</sup> with and subject to the Trustee Act, 1925.

10                   (2) Without affecting the generality of subsection (1), the Senate may invest class B funds—

15                   (a) in the same manner as the State Superannuation Board constituted by the Superannuation Act, 1916, may invest the State Superannuation Fund established under that Act or any part of that Fund under section 5A of that Act except that that part of section 5A (1D) of that Act which provides that that Board shall not at any time make any investment pursuant to section 5A (1) of that Act where the total amount of the moneys proposed to be invested and of other moneys at that time invested by that Board pursuant to section 5A (1) of that Act would exceed one-quarter of the total amount of that Fund at that time shall not apply to any investment made by the Senate; or

20

25

(b) in any prescribed manner.

30           27D. (1) Subject to subsection (2), the Senate <sup>Investment</sup> may establish and maintain one or more investment <sup>pools.</sup> pools for the collective investment of property held by the University.

SCHEDULE

---

*University and University Colleges (Amendment).*

---

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900—*continued.*

(2) The Senate may from time to time—

- 5 (a) bring into or withdraw from an investment pool the whole or any part of any private gifts, grants, student tuition fees or class B funds held by the University; or
- 10 (b) bring into an investment pool—
- 15 (i) securities, other than securities in respect of which the donor has, in an instrument creating a trust in respect of those securities, specified that the income from those securities shall be applied for a purpose other than the general purposes of the University; or
- 20 (ii) real property, other than real property in respect of which the donor has, in an instrument creating a trust in respect of that real property, specified that the income from that real property shall be applied for a purpose other than the
- 25 general purposes of the University, or withdraw money to the value attributed equitably to those securities or that real property by the Senate at the date of withdrawal.
- 30 (3) Notwithstanding subsections (1) and (2), the Senate shall not bring into or retain in any investment pool the whole or any part of any private gifts, grants or student tuition fees if the investments in which the capital of the investment pool is invested
- 35 are not investments made in accordance with and subject to the Trustee Act, 1925.

SCHEDULE



*University and University Colleges (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900—*continued.*

5 27E. (1) The Senate shall, at the time a pooled item being a private gift referred to in subsection (2) is withdrawn from an investment pool, and, in any event, at least once a year, distribute the income of an investment pool. Distribu-  
tion of  
income of  
investment  
pools.

10 (2) Where the Senate distributes the income of an investment pool under subsection (1), it shall, in respect of a pooled item being a private gift where the donor of that private gift has, in an instrument creating a trust in respect of that private gift—

15 (a) specified that the income from the investment of that private gift shall be applied for a purpose other than the general purposes of the University; or

20 (b) specified that that private gift shall be applied for a purpose other than the general purposes of the University and that private gift is insufficient, without the addition of the income from the investment of that private gift, to achieve that purpose,

25 credit the income of that investment pool to the account kept by it in respect of that private gift proportionately according to the value attributed equitably to that private gift by the Senate at the date of distribution and the period for which that private gift has formed part of that investment pool.

30 (3) Where the Senate distributes the income of an investment pool under subsection (1), it may, in respect of a pooled item, other than a pooled item referred to in subsection (2), credit the income of that investment pool to any account kept by it.

SCHEDULE

*University and University Colleges (Amendment).*

SCHEDULE 3—*continued.*

AMENDMENTS TO PART IV OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

- 27F. (1) The inclusion in an investment pool of—
- 5 (a) a pooled item being a private gift, a grant, student tuition fees or class B funds does not affect the identity of that pooled item as a private gift, a grant, student tuition fees or class B funds, as the case may be; and
- 10 (b) a pooled item does not affect any trust to which that pooled item was subject immediately before its inclusion in that investment pool.
- 15 (2) On the withdrawal from an investment pool of—
- 20 (a) a pooled item being a private gift, a grant, student tuition fees or class B funds, that pooled item shall continue to be subject to any trust to which it was subject immediately before its inclusion in that investment pool; and
- 25 (b) money to the value attributed to any securities or real property by the Senate under section 27D (2) (b), that money shall be subject to any trust to which those securities were subject immediately before their inclusion in that investment pool or that real property was subject immediately
- 30 before its inclusion in that investment pool, as the case may be.

Nature of private gift, etc., not affected by pooling.

---

*University and University Colleges (Amendment).*

---

SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART V OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

- (1) Section 31A (3) (b)—
- 5 Omit the paragraph, insert instead :—
- (b) satisfy such requirements as are determined  
with respect to that examination by the Senate.
- (2) (a) Section 31B—
- Omit “students of the Teachers’ College and”.
- 10 (b) Section 31B—
- Before “fees”, insert “matriculation, tuition and  
degree”.
- (3) Section 31C—
- Omit the section.
- 

15

SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART VII OF THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900.

- (1) Section 42 (1)—
- Omit “Governor”, insert instead “Minister”.
- 20 (2) Section 43 (3)—
- Omit “Governor”, insert instead “Minister”.
- 

SCHEDULE

*University and University Colleges (Amendment).*

SCHEDULE 6.

Sec. 4.

INSERTION OF PART VIII INTO THE UNIVERSITY AND UNIVERSITY COLLEGES ACT, 1900.

Part VIII—

5 After Part VII, insert :—

PART VIII.

*Acquisition of land.*

10 47. (1) For the purposes of this Act, the Governor may, on the recommendation of the Minister, resume or appropriate any land under Division 1 of Part V of the Public Works Act, 1912. Acquisition of land.

15 (2) The Minister shall not make a recommendation for the purposes of subsection (1) unless he is satisfied that adequate provision has been or will be made for the payment by the University of compensation for the resumption or appropriation and of all necessary charges and expenses incidental to the resumption or appropriation.

20 (3) A resumption or appropriation effected pursuant to subsection (1) shall be deemed to be for an authorised work within the meaning of the Public Works Act, 1912, and the Minister shall, in relation to that authorised work, be deemed to be the Constructing Authority within the meaning of that Act.

25 (4) Sections 34, 35, 36 and 37 of the Public Works Act, 1912, do not, but section 38 of that Act does, apply in relation to a resumption or appropriation under this section.

---

*University and University Colleges (Amendment).*

---

SCHEDULE 6—*continued.*

INSERTION OF PART VIII INTO THE UNIVERSITY AND  
UNIVERSITY COLLEGES ACT, 1900—*continued.*

5 48. (1) Where land is vested in the Minister as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or appropriation effected pursuant to section 47 (1), the Minister may convey or transfer that land to the University for such estate, and subject to such trusts and rights of way  
10 or other easements, as he thinks fit.

(2) A conveyance, transfer or other instrument executed for the purposes of subsection (1)—

- (a) is not liable to be stamped with stamp duty under the Stamp Duties Act, 1920; and  
15 (b) may be registered under any Act without fee.

