

PROOF

**UNIVERSITY OF NEW SOUTH WALES (AMENDMENT) BILL,
1976**

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to enable a graduate or an undergraduate of The University of New South Wales to be exempted by the Council of the University from membership of the body corporate on grounds of conscience (Schedule 1 (2) (a));
 - (b) to extend the powers of the Council to deal with members of the University's staff (Schedule 1 (5) (a));
 - (c) to specify the investments in which the University's funds may be invested (Schedule 1 (6));
 - (d) to enable the Council to establish and manage investment pools and to provide for the distribution of the income of those pools (Schedule 1 (6));
 - (e) to enable the University to acquire land by resumption or appropriation (Schedule 1 (8));
 - (f) to provide that various functions performed by the Governor under the University of New South Wales Act, 1968, will be performed by the Minister;
 - (g) to make certain amendments to the University of New South Wales Act, 1968, by way of statute law revision (Schedule 2);
 - (h) to amend the Local Government Act, 1919, and the Metropolitan Water, Sewerage, and Drainage Act, 1924, to exempt the University from the payment of council and water rates (Schedule 3 and 4);
 - (i) to validate investment pools established by the University (clause 8);
 - (j) to require investment pools referred to in paragraph (i) to be brought into conformity with the provisions of the proposed Act (clause 9);
 - (k) to repeal a certain by-law relating to the making of investments by the University (clause 10); and
 - (l) to make other provisions of a minor, consequential or ancillary nature.
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EXPERIMENTAL

The data are as follows:

- (a) The first experiment was conducted in the laboratory of New York State at the request of the Council on the Status of Women. The purpose of this experiment was to determine the effect of the following factors on the rate of change of the body temperature of a subject during a period of rest. The factors were: (1) the time of day, (2) the time of year, (3) the time of the day, and (4) the time of the year.
- (b) The second experiment was conducted in the laboratory of New York State at the request of the Council on the Status of Women. The purpose of this experiment was to determine the effect of the following factors on the rate of change of the body temperature of a subject during a period of rest. The factors were: (1) the time of day, (2) the time of year, (3) the time of the day, and (4) the time of the year.

The results of the experiments are as follows: (a) The first experiment showed that the rate of change of the body temperature of a subject during a period of rest is affected by the time of day, the time of year, the time of the day, and the time of the year. (b) The second experiment showed that the rate of change of the body temperature of a subject during a period of rest is affected by the time of day, the time of year, the time of the day, and the time of the year.

University of New South Wales (Amendment)

Bill 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 of New South Wales Act (Amendment) Act, 1976.

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

(2) Section 4 shall, in its application to a provision of Schedule 1 or 2, commence on the day on which commenced on the day on which provisions of Schedule 1 or 2 are deemed to have commenced as the case may require.

No. , 1976.

A BILL

To amend the University of New South Wales Act, 1968, to make further provision with respect to the investment of money by The University of New South Wales; 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 of New South Wales (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
5 follows :—

1. This Act may be cited as the "University of New South Short title.
Wales (Amendment) Act, 1976".

2. (1) This section and sections 1, 3, 7, 8 and 9 shall Commence-
commence on the date of assent to this Act. ment.

10 (2) Section 4 shall, in its application to a provision
of Schedule 1 or 2, commence or be deemed to have com-
menced on the day on which that provision commences or is
deemed to have commenced, as the case may require.

15 (3) Sections 5 and 6 shall be deemed to have com-
menced on 1st July, 1949.

(4) Section 10 shall commence on the day appointed
and notified by the Governor under subsection (5) in respect
of Schedule 1 (1) and (6).

20 (5) The several provisions of Schedules 1 and 2,
except Schedule 1 (2) (a), 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.

25 (6) Schedule 1 (2) (a) shall be deemed to have com-
menced on 1st July, 1949.

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

SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF
NEW SOUTH WALES ACT, 1968.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF
NEW SOUTH WALES ACT, 1968, BY WAY OF
STATUTE LAW REVISION.

5 SCHEDULE 3.—AMENDMENT TO THE LOCAL GOVERN-
MENT ACT, 1919.

SCHEDULE 4.—AMENDMENT TO THE METROPOLITAN
WATER, SEWERAGE, AND DRAINAGE ACT, 1924.

4. The University of New South Wales Act, 1968, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 37, 1968.

10 5. The Local Government Act, 1919, is amended in the manner set forth in Schedule 3. Amendment of Act No. 41, 1919.

6. The Metropolitan Water, Sewerage, and Drainage Act, 1924, is amended in the manner set forth in Schedule 4. Amendment of Act No. 50, 1924.

15 7. A person who, immediately before the date of commencement of Schedule 1 (3) (c), held office as a member of the Council of The University of New South Wales 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 of New South Wales Act, 1968, as amended by this Act, be eligible for re-appointment. Saving—members of the Council.

25 8. (1) The pooling or collective investment of any moneys, securities or real property by The University of New South Wales before the commencement of Schedule 1 (1) and (6), 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.

University of New South Wales (Amendment).

(2) A pool for the collective investment of any moneys, securities or real property established by The University of New South Wales and in existence immediately before the commencement of Schedule 1 (1) and (6) shall be deemed to be an investment pool lawfully constituted by the Council of that University under section 14c (1) of the University of New South Wales Act, 1968, as amended by this Act.

9. (1) In this section, "grant" and "private gift" have the meanings attributed to them respectively in section 4 of the University of New South Wales Act, 1968, as amended by this Act. Reconstitution of investment pools.

(2) Where a pool referred to in section 8 (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 Council of The University of New South Wales shall, as soon as practicable after the commencement of Schedule 1 (1) and (6), 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 of New South Wales (Amendment).

(3) Where a pool referred to in section 8 (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, 5 1925, the Council of The University of New South Wales shall, as soon as practicable after the commencement of Schedule 1 (1) and (6), withdraw those student tuition fees from that pool.

10 **10.** By-law 1 of Chapter VIII of the by-laws of The University of New South Wales is repealed. Repeal of
by-law.

SCHEDULE 1.

Sec. 4.

**AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968.**

15 (1) (a) Section 4, definitions of "class A funds", "class B funds"—

After the definition of "Chancellor", insert :—

"class A funds" means—

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

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

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

- 5 (b) Section 4, definitions of “grant”, “investment pool”,
“pooled item”—

After the definition of “Deputy Chancellor”,
insert :—

- 10 “grant” means money granted to the University
by the Treasurer of—
(a) the State of New South Wales; or
(b) the Commonwealth,
or any part of that money;

- 15 “investment pool” means investment pool
established by the Council under section
14c (1);

- 20 “pooled item” means—
(a) a private gift;
(b) a grant;
(c) student tuition fees;
(d) class B funds;
(e) securities; or
(f) real property,
forming part of an investment pool;

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES ACT, 1968—*continued.*

(c) Section 4, definition of "private gift"—

5 After the definition of "prescribed", insert :—

"private gift" means—

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

15 (d) Section 4, definition of "securities"—

After the definition of "regulations", insert :—

"securities" means debentures, stocks, shares, bonds and notes;

(2) (a) Section 5 (1A)—

20 After section 5 (1), insert :—

(1A) Notwithstanding subsection (1), a graduate or an undergraduate of the University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

(b) Section 5 (3), proviso—

Omit "Governor", insert instead "Minister".

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

- (3) (a) Section 8 (2) (d)—
5 Omit “nominated”, insert instead “appointed”.
- (b) Section 8 (6)—
Omit “nominated” where firstly occurring, insert
instead “appointed”.
- (c) Section 8 (6)—
10 Omit “Governor”, insert instead “Minister”.
- (d) Section 8 (6) (e)—
Omit the paragraph, insert instead :—
(e) six other persons appointed by the
Minister.
- 15 (e) Section 8 (7) (b)—
Omit “nominations as he thinks fit in order to
complete the prescribed number thereof and any
nomination so made by the Minister shall be
20 deemed to be”, insert instead “appointments as
he thinks fit and any appointment so made by
the Minister shall be deemed to have been made
pursuant to”.
- (f) Section 8 (8) (c)—
Omit “nominated”, insert instead “appointed”.
- 25 (g) Section 8 (10)—
Omit “nominated” where firstly occurring, insert
instead “appointed”.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

- (h) Section (8) (10) (b)—
5 Omit “a nominated”, insert instead “an appointed”.
- (i) Section 8 (10) (b) (i)—
Omit “Governor”, insert instead “Minister”.
- (j) Section 8 (11)—
10 Omit the subsection.
- (4) Section (9) (b) (iv)—
Omit “a nominated”, insert instead “an appointed”.
- (5) (a) Section 14 (b)—
15 Omit “and terminate the appointment of”, insert instead “, dismiss or otherwise deal with”.
- (b) Section 14 (d)—
Omit the paragraph.
- (6) Sections 14A–14E—
After section 14, insert :—
- 20 14A. The terms of—
- (a) in the case of a private gift—any instrument
creating a trust with respect to that private
gift;

Trust
instruments
apply
notwith-
standing
ss. 14B–14D.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

- 5 (b) in the case of a grant—the instrument of grant; and
- (c) in the case of property, other than money, given to the University—any instrument creating a trust with respect to that property,
- 10 shall have effect notwithstanding sections 14B, 14C and 14D.

14B. (1) The Council may invest any class A ^{Investment} funds or class B funds held by the University in ^{of money.} accordance with and subject to the Trustee Act, 1925.

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

- 20 (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 Council; or

- (b) in any manner prescribed by the by-laws.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 14c. (1) Subject to subsection (2), the Council may establish and maintain one or more investment pools for the collective investment of property held by the University.

(2) The Council may from time to time—

10 (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—
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
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(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 general purposes of the University,
25

30 or withdraw money to the value attributed equitably to those securities or that real property by the Council at the date of withdrawal.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 (3) Notwithstanding subsections (1) and
(2), the Council 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
10 are not investments made in accordance with and
subject to the Trustee Act, 1925.

14D. (1) The Council 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
15 an investment pool. Distribution
of income of
investment
pools.

(2) Where the Council 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
20 creating a trust in respect of that private gift—

- (a) specified that the income from the invest-
ment of that private gift shall be applied
for a purpose other than the general
purposes of the University; or
- 25 (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
30 private gift, to achieve that purpose,

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

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 equitably to that private gift by the Council at the
date of distribution and the period for which that
private gift has formed part of that investment pool.

10 (3) Where the Council distributes the in-
come 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.

15 14E. (1) The inclusion in an investment pool of—
(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

20 (b) a pooled item does not affect any trust to
which that pooled item was subject imme-
diately before its inclusion in that investment
pool.

(2) On the withdrawal from an investment
pool of—

25 (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

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 (b) money to the value attributed to any securities or real property by the Council under section 14c (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
10 that real property was subject immediately before its inclusion in that investment pool, as the case may be.

(7) (a) Section 18 (1)—

Omit "Governor", insert instead "Minister".

15 (b) Section 18 (2)—

Omit "Governor", insert instead "Minister".

(8) Sections 29A, 29B—

After section 29, insert :—

20 29A. (1) For the purposes of this Act, the Acquisition of land. 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.

25 (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.

SCHEDULE

*University of New South Wales (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 (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.

10 (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.

15 29B. (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 29A (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.

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

- 25 (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.

University of New South Wales (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968, BY WAY OF STATUTE LAW REVISION.

(1) Section 3—

5 Omit the section.

(2) (a) Section 8 (3) (a)—

Omit "subsection five of section 17F", insert
instead "section 17F (5)".

(b) Section 8 (7)—

10 Omit "paragraphs (a), (b), (c) and (d) of sub-
section six of this section", insert instead
"subsection (6) (a), (b), (c) and (d)".

(3) Section 9 (c), (d)—

Omit the paragraphs, insert instead :—

15 (c) becomes bankrupt, applies to take the
benefit of any law for the relief of bankrupt
or insolvent debtors, compounds with his
creditors or makes an assignment of his
remuneration for their benefit;

20 (d) becomes a temporary patient, a continued
treatment patient, a protected person or an
incapable person within the meaning of the
Mental Health Act, 1958, or a person under
detention under Part VII of that Act;

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968, BY WAY OF STATUTE LAW REVISION—*continued.*

- (4) Section 22 (4), (5)—
- 5 Omit the subsections, insert instead :—
- (4) Every by-law made by the Council shall be sealed with the common seal of the University and submitted for the consideration and approval of the Governor.
- 10 (5) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law approved by the Governor under subsection (4) as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
- 15 (5) Section 27—
- Omit “as subsequently amended.”
- (6) Section 32 (2)—
- Omit the subsection, insert instead :—
- 20 (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.
- (7) Section 33 (2)—
- Omit the subsection.

University of New South Wales (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENT TO THE LOCAL GOVERNMENT ACT, 1919.

Section 132 (1) (fvi)—

After section 132 (1) (fv), insert :—

- 5 (fvi) land which is vested in The University of New South Wales or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof; and

10

SCHEDULE 4.

Sec. 6.

AMENDMENT TO THE METROPOLITAN WATER, SEWERAGE,
AND DRAINAGE ACT, 1924.

Section 88 (1) (f4)—

After section 88 (1) (f3), insert :—

- 15 (f4) land which is vested in The University of New South Wales or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof;

BY AUTHORITY

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

No. , 1976.

A BILL

To amend the University of New South Wales Act, 1968, to make further provision with respect to the investment of money by The University of New South Wales; 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.]

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University of New South Wales (Amendment).

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1. This Act may be cited as the "University of New South Wales (Amendment) Act, 1976". Short title.

2. (1) This section and sections 1, 3, 7, 8 and 9 shall commence on the date of assent to this Act. Commence-
ment.

- 10 (2) Section 4 shall, in its application to a provision of Schedule 1 or 2, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

- 15 (3) Sections 5 and 6 shall be deemed to have commenced on 1st July, 1949.

- (4) Section 10 shall commence on the day appointed and notified by the Governor under subsection (5) in respect of Schedule 1 (1) and (6).

- 20 (5) The several provisions of Schedules 1 and 2, except Schedule 1 (2) (a), 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.

- 25 (6) Schedule 1 (2) (a) shall be deemed to have commenced on 1st July, 1949.

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

SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF
NEW SOUTH WALES ACT, 1968.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF
NEW SOUTH WALES ACT, 1968, BY WAY OF
STATUTE LAW REVISION.

5 SCHEDULE 3.—AMENDMENT TO THE LOCAL GOVERN-
MENT ACT, 1919.

SCHEDULE 4.—AMENDMENT TO THE METROPOLITAN
WATER, SEWERAGE, AND DRAINAGE ACT, 1924.

4. The University of New South Wales Act, 1968, is
amended in the manner set forth in Schedules 1 and 2. Amendment
of Act No.
37, 1968.

10 5. The Local Government Act, 1919, is amended in the
manner set forth in Schedule 3. Amendment
of Act No.
41, 1919.

6. The Metropolitan Water, Sewerage, and Drainage Act,
1924, is amended in the manner set forth in Schedule 4. Amendment
of Act No.
50, 1924.

15 7. A person who, immediately before the date of com- Saving—
mencement of Schedule 1 (3) (c), held office as a member members
of the Council of The University of New South Wales by of the
virtue of his appointment to that office by the Governor shall, Council.
on and from that day, continue to hold that office for the
residue of the period for which he would have held that office
20 if this Act had not been enacted and shall, subject to the
University of New South Wales Act, 1968, as amended by this
Act, be eligible for re-appointment.

25 8. (1) The pooling or collective investment of any Validation
moneys, securities or real property by The University of New —invest-
South Wales before the commencement of Schedule 1 (1) ment pools
and (6), 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.

University of New South Wales (Amendment).

(2) A pool for the collective investment of any moneys, securities or real property established by The University of New South Wales and in existence immediately before the commencement of Schedule 1 (1) and (6) shall be deemed to be an investment pool lawfully constituted by the Council of that University under section 14c (1) of the University of New South Wales Act, 1968, as amended by this Act.

9. (1) In this section, "grant" and "private gift" have the meanings attributed to them respectively in section 4 of the University of New South Wales Act, 1968, as amended by this Act. Reconstitution of investment pools.

(2) Where a pool referred to in section 8 (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 Council of The University of New South Wales shall, as soon as practicable after the commencement of Schedule 1 (1) and (6), 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 of New South Wales (Amendment).

(3) Where a pool referred to in section 8 (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, 5 1925, the Council of The University of New South Wales shall, as soon as practicable after the commencement of Schedule 1 (1) and (6), withdraw those student tuition fees from that pool.

10 10. By-law 1 of Chapter VIII of the by-laws of The University of New South Wales is repealed. Repeal of
by-law.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968.

15 (1) (a) Section 4, definitions of "class A funds", "class B funds"—

After the definition of "Chancellor", insert :—

"class A funds" means—

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

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

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

- 5 (b) Section 4, definitions of “grant”, “investment pool”,
“pooled item”—

After the definition of “Deputy Chancellor”,
insert :—

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

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

15 “investment pool” means investment pool
established by the Council under section
14c (1);

“pooled item” means—

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

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

(c) Section 4, definition of “private gift”—

5 After the definition of “prescribed”, insert :—

“private gift” means—

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

15 (d) Section 4, definition of “securities”—

After the definition of “regulations”, insert :—

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

(2) (a) Section 5 (1A)—

20 After section 5 (1), insert :—

(1A) Notwithstanding subsection (1), a graduate or an undergraduate of the University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

(b) Section 5 (3), proviso—

Omit “Governor”, insert instead “Minister”.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

- (3) (a) Section 8 (2) (d)—
5 Omit “nominated”, insert instead “appointed”.
- (b) Section 8 (6)—
Omit “nominated” where firstly occurring, insert
instead “appointed”.
- (c) Section 8 (6)—
10 Omit “Governor”, insert instead “Minister”.
- (d) Section 8 (6) (e)—
Omit the paragraph, insert instead :—
(e) six other persons appointed by the
Minister.
- 15 (e) Section 8 (7) (b)—
Omit “nominations as he thinks fit in order to
complete the prescribed number thereof and any
nomination so made by the Minister shall be
20 deemed to be”, insert instead “appointments as
he thinks fit and any appointment so made by
the Minister shall be deemed to have been made
pursuant to”.
- (f) Section 8 (8) (c)—
Omit “nominated”, insert instead “appointed”.
- 25 (g) Section 8 (10)—
Omit “nominated” where firstly occurring, insert
instead “appointed”.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

- (h) Section (8) (10) (b)—
5 Omit “a nominated”, insert instead “an appointed”.
- (i) Section 8 (10) (b) (i)—
Omit “Governor”, insert instead “Minister”.
- (j) Section 8 (11)—
10 Omit the subsection.
- (4) Section (9) (b) (iv)—
Omit “a nominated”, insert instead “an appointed”.
- (5) (a) Section 14 (b)—
15 Omit “and terminate the appointment of”, insert instead “, dismiss or otherwise deal with”.
- (b) Section 14 (d)—
Omit the paragraph.
- (6) Sections 14A–14E—
After section 14, insert :—
20 14A. The terms of—
- (a) in the case of a private gift—any instrument
creating a trust with respect to that private
gift;
- Trust
instruments
apply
notwith-
standing
ss. 14B–14D.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

- 5 (b) in the case of a grant—the instrument of grant; and
- (c) in the case of property, other than money, given to the University—any instrument creating a trust with respect to that property,
- 10 shall have effect notwithstanding sections 14B, 14C and 14D.

14B. (1) The Council may invest any class A Investment of money. funds or class B funds held by the University in accordance with and subject to the Trustee Act, 1925.

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

- 20 (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
- 25 apply to any investment made by the Council; or
- 30

- (b) in any manner prescribed by the by-laws.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 14c. (1) Subject to subsection (2), the Council may establish and maintain one or more investment pools for the collective investment of property held by the University.

Investment
pools.

(2) The Council may from time to time—

10 (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—

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 general purposes of the University,

25 or withdraw money to the value attributed equitably to those securities or that real property by the Council at the date of withdrawal.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 (3) Notwithstanding subsections (1) and
(2), the Council 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
10 are not investments made in accordance with and
subject to the Trustee Act, 1925.

14D. (1) The Council 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
15 an investment pool.

Distribution
of income of
investment
pools.

(2) Where the Council 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
20 creating a trust in respect of that private gift—

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

25 (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
30 private gift, to achieve that purpose,

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

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 equitably to that private gift by the Council at the
date of distribution and the period for which that
private gift has formed part of that investment pool.

10 (3) Where the Council distributes the in-
come 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.

14E. (1) The inclusion in an investment pool of—

15 (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

20 (b) a pooled item does not affect any trust to
which that pooled item was subject imme-
diately before its inclusion in that investment
pool.

(2) On the withdrawal from an investment
pool of—

25 (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

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 (b) money to the value attributed to any securities or real property by the Council under section 14C (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
10 that real property was subject immediately before its inclusion in that investment pool, as the case may be.

(7) (a) Section 18 (1)—

Omit "Governor", insert instead "Minister".

15 (b) Section 18 (2)—

Omit "Governor", insert instead "Minister".

(8) Sections 29A, 29B—

After section 29, insert :—

20 29A. (1) For the purposes of this Act, the Acquisition of land. 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.

25 (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.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968—*continued.*

5 (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.

10 (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.

15 29B. (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 29A (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.

20 (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

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

University of New South Wales (Amendment).

SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968, BY WAY OF STATUTE LAW REVISION.

(1) Section 3—

5 Omit the section.

(2) (a) Section 8 (3) (a)—

Omit "subsection five of section 17F", insert
instead "section 17F (5)".

(b) Section 8 (7)—

10 Omit "paragraphs (a), (b), (c) and (d) of sub-
section six of this section", insert instead
"subsection (6) (a), (b), (c) and (d)".

(3) Section 9 (c), (d)—

Omit the paragraphs, insert instead :—

15 (c) becomes bankrupt, applies to take the
benefit of any law for the relief of bankrupt
or insolvent debtors, compounds with his
creditors or makes an assignment of his
remuneration for their benefit;

20 (d) becomes a temporary patient, a continued
treatment patient, a protected person or an
incapable person within the meaning of the
Mental Health Act, 1958, or a person under
detention under Part VII of that Act;

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEW SOUTH WALES
ACT, 1968, BY WAY OF STATUTE LAW REVISION—*continued.*

(4) Section 22 (4), (5)—

5 Omit the subsections, insert instead :—

(4) Every by-law made by the Council shall be sealed with the common seal of the University and submitted for the consideration and approval of the Governor.

10 (5) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law approved by the Governor under subsection (4) as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

15 (5) Section 27—

Omit “as subsequently amended.”.

(6) Section 32 (2)—

Omit the subsection, insert instead :—

20 (2) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(7) Section 33 (2)—

Omit the subsection.

SCHEDULE

University of New South Wales (Amendment).

SCHEDULE 3.

Sec. 5.

AMENDMENT TO THE LOCAL GOVERNMENT ACT, 1919.

Section 132 (1) (fvi)—

After section 132 (1) (fv), insert :—

- 5 (fvi) land which is vested in The University of New South Wales or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof; and

10

SCHEDULE 4.

Sec. 6.

AMENDMENT TO THE METROPOLITAN WATER, SEWERAGE,
AND DRAINAGE ACT, 1924.

Section 88 (1) (f4)—

After section 88 (1) (f3), insert :—

- 15 (f4) land which is vested in The University of New South Wales or in a college thereof and is used or occupied by the University or college, as the case may be, solely for the purposes thereof;

BY AUTHORITY

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