

**UNIVERSITY OF NEWCASTLE (AMENDMENT) BILL, 1976**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to enable a graduate or an undergraduate of The University of Newcastle to be exempted by the Council of the University from membership of the body corporate on grounds of conscience (Schedule 1 (2));
  - (b) to enable certain persons to be exempted by the Council from membership of Convocation on grounds of conscience (Schedule 1 (4));
  - (c) to extend the powers of the Council to deal with members of the University's staff (Schedule 1 (6) (a));
  - (d) to specify the investments in which the University's funds may be invested (Schedule 1 (7));
  - (e) to enable the Council to establish and manage investment pools and to provide for the distribution of the income of those pools (Schedule 1 (7));
  - (f) to enable the University to acquire land by resumption or appropriation (Schedule 1 (8));
  - (g) to provide that various functions performed by the Governor under the University of Newcastle Act, 1964, will be performed by the Minister;
  - (h) to make certain amendments to the University of Newcastle Act, 1964, by way of statute law revision (Schedule 2); and
  - (i) to make other provisions of a minor, consequential or ancillary nature.
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IDENTITY OF THE BILL

1977

The title of the Bill is

That the Bill is a public bill, and that the title of the Bill is as follows:—

(1) The Bill is a public bill, and that the title of the Bill is as follows:—

(2) The Bill is a public bill, and that the title of the Bill is as follows:—

(3) The Bill is a public bill, and that the title of the Bill is as follows:—

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(12) The Bill is a public bill, and that the title of the Bill is as follows:—

(13) The Bill is a public bill, and that the title of the Bill is as follows:—

(14) The Bill is a public bill, and that the title of the Bill is as follows:—

(15) The Bill is a public bill, and that the title of the Bill is as follows:—

(16) The Bill is a public bill, and that the title of the Bill is as follows:—

(17) The Bill is a public bill, and that the title of the Bill is as follows:—

(18) The Bill is a public bill, and that the title of the Bill is as follows:—

(19) The Bill is a public bill, and that the title of the Bill is as follows:—



University of Newcastle (Amendment).

It is 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 Newcastle (Amendment) Act 1976".

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

(2) Section 4 shall, in relation to a provision of Schedule 1 or 2, commence on the day on which that provision commences.

No. 1976.

# A BILL

To amend the University of Newcastle Act, 1964, to make further provision with respect to the investment of money by The University of Newcastle; to enable the establishment and management of investment pools by the University; to enable the University to acquire land by resumption or appropriation; and for certain other purposes.

[MR PICKARD—25 February, 1976.]

BE



*University of Newcastle (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 of Newcastle Short title. (Amendment) Act, 1976".

2. (1) This section and sections 1, 3 and 5 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 on the day on which that provision commences.

(3) The several provisions of Schedules 1 and 2 shall commence on such day or days as may be appointed by the 15 Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964.

20 SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY WAY OF STATUTE LAW REVISION.

4. The University of Newcastle Act, 1964, is amended in the manner set forth in Schedules 1 and 2. Amendment  
of Act No.  
72, 1964.

5.



*University of Newcastle (Amendment).*

5 **5.** A person who, immediately before the date of commencement of Schedule 1 (3), held office as a member of the Council of The University of Newcastle 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 Newcastle Act, 1964, as amended by this Act, be eligible for re-appointment.

Saving—  
members  
of the  
Council.

10

**SCHEDULE 1.**

**Sec. 4.**

**AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964.**

(1) (a) Section 3, definitions of "Class A funds", "Class B funds"—

15

After the definition of "By-laws", insert :—

"Class A funds" means—

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

20

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

**SCHEDULE**



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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

- 5 (b) Section 3, definitions of “Grant”, “Investment pool”—

After the definition of “Council”, 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.

“Investment pool” means investment pool established by the Council under section 22c (1).

- 15 (c) Section 3, definitions of “Pooled item”, “Private gift”, “Securities”—

After the definition of “Newcastle University College”, insert :—

“Pooled item” means—

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

“Private gift” means—

- (a) money given to the University not being a grant;

SCHEDULE



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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5 (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.

10 “Securities” means debentures, stocks, shares, bonds and notes.

(2) Section 4 (3)—

After section 4 (2), insert :—

15 (3) Notwithstanding subsections (1) and (2), a graduate or an undergraduate of the University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

(3) Section 10 (2)—

Omit “Governor”, insert instead “Minister”.

20 (4) Section 14 (1A)—

After section 14 (1), insert :—

25 (1A) Notwithstanding subsection (1), a person referred to in subsection (1) (b), (c) or (e) may be exempted by the Council, on grounds of conscience, from membership of Convocation.

SCHEDULE



*University of Newcastle (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

(5) Section 21 (1)—

5 Omit the subsection.

(6) (a) Section 22 (1) (b)—

Omit “and terminate the appointment of”, insert  
instead “, dismiss or otherwise deal with”.

(b) Section 22 (1) (f)—

10 Omit the paragraph.

(c) Section 22 (1) (g), proviso—

Omit “Governor”, insert instead “Minister”.

(7) Sections 22A–22E—

After section 22, insert :—

15 22A. 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 not-  
withstanding  
ss. 22B–22D.

20 (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,

25 shall have effect notwithstanding sections 22B, 22C  
and 22D.

SCHEDULE



University of Newcastle (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964—continued.

5 22B. (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.

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

10 (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

25 (b) in any prescribed manner.

30 22c. (1) Subject to subsection (2), the Council Investment pools. may establish and maintain one or more investment pools for the collective investment of property held by the University.



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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

- (2) The Council 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 respect of those securities, specified that the income from those securities
- 15 shall be applied for a purpose other than the general purposes of the University; or
- (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
- 20 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.
- 30 (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

SCHEDULE



*University of Newcastle (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5 in which the capital of the investment pool is invested  
are not investments made in accordance with and  
subject to the Trustee Act, 1925.

10 22D. (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 an  
investment pool. Distribution of income of investment pools.

15 (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 creating  
a trust in respect of that private gift—

20 (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  
private gift, to achieve that purpose,

30 credit the income of that investment pool to the  
account kept by it in respect of that private gift pro-  
portionately according to the value attributed 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.



*University of Newcastle (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5 (3) Where the Council 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.

10 22E. (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  
15 (b) a pooled item does not affect any trust to which that pooled item was subject immediately before its inclusion in that investment pool.

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

20 (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 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 Council under section 22c (2) (b), that money shall be  
30 subject to any trust to which those securities



*University of Newcastle (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5 were subject immediately before their inclusion in that investment pool or that real property was subject immediately before its inclusion in that investment pool, as the case may be.

(8) Sections 32A, 32B—

10 After section 32, insert :—

32A. (1) For the purposes of this Act, the <sup>Acquisition</sup> Governor may, on the recommendation of the Minister, resume or appropriate any land <sup>of land.</sup> under Division 1 of Part V of the Public Works Act, 1912.

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  
20 all necessary charges and expenses incidental to the resumption or appropriation.

25 (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.

SCHEDULE



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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5 (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.

10 32B. (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 32A (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.

15 (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

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

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964, BY WAY OF STATUTE LAW REVISION.

(1) Section 3, definition of "Appointed day"—

25 Omit "subsection one of section ten of this Act", insert instead "section 10 (1)".

SCHEDULE



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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964, BY WAY OF STATUTE LAW REVISION—*continued.*

(2) Section 9—

5 Omit the section.

(3) (a) Section 10 (1)—

Omit “constituted in accordance with this section” where secondly occurring.

(b) Section 10 (3)—

10 Omit “subsection five of section 17F”, insert instead “section 17F (5)”.

(4) (a) Section 11 (b)—

Omit the paragraph, insert instead :—

15 (b) is 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;

(b) Section 11 (d)—

20 Omit the paragraph, insert instead :—

25 (d) is 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



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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964, BY WAY OF STATUTE LAW REVISION—*continued.*

## (5) Section 21 (2)—

5 Omit “as amended by subsequent Acts.”

## (6) Section 24 (2), (3)—

Omit the subsections, insert instead :—

10 (2) 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.

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this Act and approved by the Governor under subsection (2) as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

## (7) Section 28—

Omit “and any Acts amending the same.”

## (8) (a) Section 32 (1)—

20 Omit “students of teachers’ colleges established under the Public Instruction Act of 1880, as amended by subsequent Acts, such teachers in schools established under that Act, as so amended,” insert instead “teachers in schools  
25 established under the Public Instruction Act of 1880”.

SCHEDULE



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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964, BY WAY OF STATUTE LAW REVISION—*continued.*

(b) section 32 (1)—

- 5 Omit “such students, teachers”, insert instead  
“such teachers”.

(9) Section 37 (2)—

Omit the subsection.

(10) Section 38 (2)—

- 10 Omit the subsection.

(11) Section 40 (2)—

Omit the subsection.

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BY AUTHORITY

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



University of New South Wales (Amendment)

SCHEDULE 2—continued

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT  
1964, BY WAY OF STATUTE LAW REVISION—continued

(b) Section 32 (1) —

3 Omit "such academic teachers"; insert instead  
"such teachers".

(8) Section 37 (2) —

Omit the subsection.

(10) Section 38 (2) —

10 Omit the subsection.

(11) Section 40 (2) —

Omit the subsection.



No. , 1976.

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## A BILL

To amend the University of Newcastle Act, 1964, to make further provision with respect to the investment of money by The University of Newcastle; to enable the establishment and management of investment pools by the University; to enable the University to acquire land by resumption or appropriation; and for certain other purposes.

[MR PICKARD—25 February, 1976.]

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BE



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*University of Newcastle (Amendment).*

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**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 of Newcastle Short title. (Amendment) Act, 1976".

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

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

(3) The several provisions of Schedules 1 and 2 shall commence on such day or days as may be appointed by the **15** Governor in respect thereof and as may be notified by proclamation published in the Gazette.

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

SCHEDULE 1.—AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964.

20 SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT, 1964, BY WAY OF STATUTE LAW REVISION.

4. The University of Newcastle Act, 1964, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 72, 1964.

5.



*University of Newcastle (Amendment).*

5 **5.** A person who, immediately before the date of commencement of Schedule 1 (3), held office as a member of the Council of The University of Newcastle 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 Newcastle Act, 1964, as amended by this Act, be eligible for re-appointment.

Saving—  
members  
of the  
Council.

10

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964.

(1) (a) Section 3, definitions of "Class A funds", "Class B funds"—

15

After the definition of "By-laws", insert :—

"Class A funds" means—

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

20

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

SCHEDULE



---

*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

- 5 (b) Section 3, definitions of “Grant”, “Investment pool”—

After the definition of “Council”, 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.

“Investment pool” means investment pool established by the Council under section 22c (1).

- 15 (c) Section 3, definitions of “Pooled item”, “Private gift”, “Securities”—

After the definition of “Newcastle University College”, insert :—

“Pooled item” means—

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

“Private gift” means—

- (a) money given to the University not being a grant;

SCHEDULE



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*University of Newcastle (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

- 5 (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.

10 "Securities" means debentures, stocks, shares, bonds and notes.

(2) Section 4 (3)—

After section 4 (2), insert :—

15 (3) Notwithstanding subsections (1) and (2), a graduate or an undergraduate of the University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

(3) Section 10 (2)—

Omit "Governor", insert instead "Minister".

20 (4) Section 14 (1A)—

After section 14 (1), insert :—

25 (1A) Notwithstanding subsection (1), a person referred to in subsection (1) (b), (c) or (e) may be exempted by the Council, on grounds of conscience, from membership of Convocation.

SCHEDULE



*University of Newcastle (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

(5) Section 21 (1)—

5 Omit the subsection.

(6) (a) Section 22 (1) (b)—

Omit “and terminate the appointment of”, insert  
instead “, dismiss or otherwise deal with”.

(b) Section 22 (1) (f)—

10 Omit the paragraph.

(c) Section 22 (1) (g), proviso—

Omit “Governor”, insert instead “Minister”.

(7) Sections 22A–22E—

After section 22, insert :—

15 22A. 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 not-  
withstanding  
ss. 22B–22D.

20 (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,

25 shall have effect notwithstanding sections 22B, 22C  
and 22D.

SCHEDULE



---

*University of Newcastle (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5           22B. (1) The Council may invest any class A <sup>Investment</sup> funds or class B funds held by the University in <sup>of money.</sup> accordance with and subject to the Trustee Act, 1925.

                  (2) Without affecting the generality of sub-  
section (1), the Council may invest class B funds—

10                   (a) in the same manner as the State Super-  
annuation Board constituted by the Super-  
annuation Act, 1916, may invest the State  
Superannuation Fund established under that  
15                   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)  
20                   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 Coun-  
cil; or

                  (b) in any prescribed manner.

30           22C. (1) Subject to subsection (2), the Council <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



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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

- (2) The Council 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 respect of those securities, specified that the income from those securities
- 15 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
- 25 purposes of the University,
- or withdraw money to the value attributed equitably to those securities or that real property by the Council at the date of withdrawal.
- 30 (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

SCHEDULE



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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5 in which the capital of the investment pool is invested  
are not investments made in accordance with and  
subject to the Trustee Act, 1925.

10 22D. (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 an  
investment pool. Distribution of income of investment pools.

15 (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 creating  
a trust in respect of that private gift—

20 (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  
private gift, to achieve that purpose,

30 credit the income of that investment pool to the  
account kept by it in respect of that private gift pro-  
portionately according to the value attributed 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.

SCHEDULE



*University of Newcastle (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5 (3) Where the Council 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.

22E. (1) The inclusion in an investment pool of—

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

10 (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

15 (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—

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 immedi-  
25 ately before its inclusion in that investment  
pool; and

(b) money to the value attributed to any securi-  
ties or real property by the Council under  
section 22c (2) (b), that money shall be  
30 subject to any trust to which those securities



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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5                    were subject immediately before their inclusion in that investment pool or that real property was subject immediately before its inclusion in that investment pool, as the case may be.

(8) Sections 32A, 32B—

10            After section 32, insert :—

32A. (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. <sup>Acquisition of land.</sup>

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  
20                    all necessary charges and expenses incidental to the resumption or appropriation.

25                    (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.

SCHEDULE



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*University of Newcastle (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964—*continued.*

5           (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.

10           32B. (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 32A (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.

15           (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

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

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964, BY WAY OF STATUTE LAW REVISION.

(1) Section 3, definition of "Appointed day"—

25           Omit "subsection one of section ten of this Act", insert instead "section 10 (1)".

SCHEDULE



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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964, BY WAY OF STATUTE LAW REVISION—*continued.*

## (2) Section 9—

5 Omit the section.

## (3) (a) Section 10 (1)—

Omit “constituted in accordance with this  
section” where secondly occurring.

## (b) Section 10 (3)—

10 Omit “subsection five of section 17F”, insert  
instead “section 17F (5)”.

## (4) (a) Section 11 (b)—

Omit the paragraph, insert instead :—

15 (b) is 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;

## (b) Section 11 (d)—

20 Omit the paragraph, insert instead :—

25 (d) is a temporary patient, a continued treat-  
ment 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



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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964, BY WAY OF STATUTE LAW REVISION—*continued.*

(5) Section 21 (2)—

5 Omit “as amended by subsequent Acts,”.

(6) Section 24 (2), (3)—

Omit the subsections, insert instead :—

10 (2) 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.

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a by-law made under this Act and approved by the Governor under subsection (2) as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

(7) Section 28—

Omit “and any Acts amending the same,”.

(8) (a) Section 32 (1)—

20 Omit “students of teachers’ colleges established under the Public Instruction Act of 1880, as amended by subsequent Acts, such teachers in schools established under that Act, as so amended,”, insert instead “teachers in schools  
25 established under the Public Instruction Act of 1880”.

SCHEDULE



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*University of Newcastle (Amendment).*

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SCHEDULE 2—*continued.*

AMENDMENTS TO THE UNIVERSITY OF NEWCASTLE ACT,  
1964, BY WAY OF STATUTE LAW REVISION—*continued.*

(b) section 32 (1)—

5 Omit “such students, teachers”, insert instead  
“such teachers”.

(9) Section 37 (2)—

Omit the subsection.

(10) Section 38 (2)—

10 Omit the subsection.

(11) Section 40 (2)—

Omit the subsection.

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BY AUTHORITY

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



University of the West of England

SCHEDULE 2 - continued

Amendment to the University of the West of England Act 1984, by way of Part 1 of Schedule 2 - continued

(10) Section 24(1) -

omit the words "and the" and "and the"

(8) Section 23(2) -

omit the subsection

(10) Section 24(2) -

omit the subsection

(11) Section 24(2) -

omit the subsection

to be inserted in the University of the West of England Act 1984