

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

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to enable a graduate or student of The University of Wollongong to be exempted by the Council of the University from membership of the body corporate on grounds of conscience (Schedule 1 (3));
  - (b) to extend the powers of the Council to deal with members of the University's staff (Schedule 1 (7) (a));
  - (c) to specify the investments in which the University's funds may be invested (Schedule 1 (8));
  - (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 (8));
  - (e) to enable certain persons to be exempted by the Council from membership of Convocation on grounds of conscience (Schedule 1 (9));
  - (f) to enable the University to acquire land by resumption or appropriation (Schedule 1 (10));
  - (g) to provide that various functions performed by the Governor under the University of Wollongong Act, 1972, will be performed by the Minister;
  - (h) to make certain amendments to the University of Wollongong Act, 1972, 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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No. , 1976.

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## A BILL

To amend the University of Wollongong Act, 1972, to make further provision with respect to the investment of money by The University of Wollongong; 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

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

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 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 WOLLONGONG ACT, 1972.

20 SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972, BY WAY OF STATUTE LAW REVISION.

4. The University of Wollongong Act, 1972, is amended in the manner set forth in Schedules 1 and 2. Amendment of Act No. 72, 1972.

*University of Wollongong (Amendment).*

5. A person who, immediately before the date of commencement of Schedule 1 (4) (b) held office as a member of the Council of The University of Wollongong 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 Wollongong Act, 1972, 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 WOLLONGONG ACT,  
1972.

(1) Section 1 (2)—

15

From the matter relating to Part III, omit "8", insert instead "7A".

(2) Section 7A—

Before section 8, insert :—

7A. In this Part—

Interpretation:  
Pt. III.

"class A funds" means—

20

- (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

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 “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;

10 “investment pool” means investment pool estab-  
lished by the Council under section 25C  
(1);

15 “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;

20 “private gift” means—  
(a) money given to the University not  
being a grant;  
(b) money obtained from the conversion  
of property given to the University;  
25 and  
(c) money obtained from the investment  
or use of property given to the  
University;

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

SCHEDULE

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

(3) Section 9 (1A)—

5 After section 9 (1), insert :—

(1A) Notwithstanding section 8 or subsection (1), a graduate or student of the University may be exempted by the Council, on grounds of conscience, from membership of the body corporate.

10 (4) (a) Section 15 (2) (c)—

Omit “nominated”, insert instead “appointed”.

(b) Section 15 (5)—

Omit the subsection, insert instead :—

15 (5) The appointed members shall comprise four persons appointed by the Minister.

(c) Section 15 (9) (c)—

Omit “a nominated”, insert instead “an appointed”.

(d) Section 15 (11) (a)—

20 Omit “a nominated”, insert instead “an appointed”.

(e) Section 15 (11) (a)—

Omit “Governor”, insert instead “Minister”.

(f) Section 15 (13) (b)—

25 Omit “nominated”, insert instead “appointed”.

SCHEDULE

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

- (g) Section 15 (13) (c)—  
**5** Omit “nominated”, insert instead “appointed”.
- (5) (a) Section 16 (b)—  
Omit “a nominated”, insert instead “an appointed”.
- (b) Section 16 (d) (iii)—  
**10** Omit “a nominated”, insert instead “an appointed”.
- (c) Section 16 (e)—  
Omit “a nominated”, insert instead “an appointed”.
- (d) Section 16 (f)—  
**15** Omit “a nominated”, insert instead “an appointed”.
- (e) Section 16 (g)—  
**20** Omit “a nominated”, insert instead “an appointed”.
- (6) Section 24—  
Omit the section.
- (7) (a) Section 25 (1) (b)—  
**25** Omit “and terminate the appointment of”,  
insert instead “, dismiss or otherwise deal with”.

SCHEDULE



University of Wollongong (Amendment).

SCHEDULE 1—continued.

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—continued.

- 5 (b) Section 25 (1) (f)—  
Omit the paragraph.
- (c) Section 25 (2)—  
Omit “Governor”, insert instead “Minister”.
- (d) Section 25 (3)—  
Omit “Governor”, insert instead “Minister”.
- 10 (8) Sections 25A–25E—  
After section 25, insert :—
  - 25A. The terms of—
    - 15 (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
    - 20 (c) in the case of property, other than money,  
given to the University—any instrument  
creating a trust with respect to that property,

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

  - 25 25B. (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.

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 (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 Superannua-  
tion 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) of  
that Act where the total amount of the  
moneys proposed to be invested and of  
20 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 prescribed manner.

25 25c. (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.

(2) The Council may from time to time—

30 (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

SCHEDULE

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

(b) bring into an investment pool—

5 (i) securities, other than securities in  
respect of which the donor has, in  
an instrument creating a trust in  
respect of those securities, specified  
10 that the income from those securities  
shall be applied for a purpose other  
than the general purposes of the  
University; or

15 (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 prop-  
erty, specified that the income from  
20 that real property shall be 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 Council at the date of  
withdrawal.

25 (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  
30 in which the capital of the investment pool is invested  
are not investments made in accordance with and  
subject to the Trustee Act, 1925.

35 25D. (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.

SCHEDULE

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 (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—

10 (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

15 (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,

20 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 Council at the date of distribution and the period for which that private gift has formed part of that investment pool.

25 (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.

SCHEDULE

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

- 25E. (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.
- (2) On the withdrawal from an investment
- 15 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
- 20 pool; and
- (b) money to the value attributed to any securities or real property by the Council under section 25c (2) (b), that money
- 25 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.

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

(9) Section 29 (1A)—

5       After section 29 (1), insert :—

(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.

10 (10) Sections 37A, 37B—

After section 37, insert :—

15       37A. (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.

20       (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.

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

SCHEDULE

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 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 37B. (1) Where land is vested in the Minister, whether as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or appropriation effected pursuant to section 37A (1), or otherwise, 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.

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
  - (b) may be registered under any Act without fee.
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*University of Wollongong (Amendment).*

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972, BY WAY OF STATUTE LAW REVISION.

- (1) Section 1 (2)—  
5 Omit the matter relating to Part II.
- (2) Part II—  
Omit the Part.
- (3) (a) Section 12 (1)—  
Omit “, subject to subsection (3),”.
- 10 (b) Section 12 (3)—  
Omit the subsection.
- (4) Section 14—  
Omit the section.
- (5) Section 15 (1)—  
15 Omit “, other than the first Council”.
- (6) Section 37 (1) (a)—  
20 Omit “students of teachers’ colleges established under  
the Public Instruction Act of 1880, teachers in schools  
established under that Act”, insert instead “teachers  
in schools established under the Public Instruction Act  
of 1880”.

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BY AUTHORITY

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







No. , 1976.

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## A BILL

To amend the University of Wollongong Act, 1972, to make further provision with respect to the investment of money by The University of Wollongong; 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 Wollongong (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 Wollongong Short title. (Amendment) Act, 1976".

2. (1) This section and sections 1, 3 and 5 shall com- Commence-  
mence 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 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 WOLLONGONG ACT, 1972.

20 SCHEDULE 2.—AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT, 1972, BY WAY OF STATUTE LAW REVISION.

4. The University of Wollongong Act, 1972, is amended Amendment of Act No. 72, 1972. in the manner set forth in Schedules 1 and 2.

5.

*University of Wollongong (Amendment).*

5. A person who, immediately before the date of commencement of Schedule 1 (4) (b) held office as a member of the Council of The University of Wollongong 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 Wollongong Act, 1972, 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 WOLLONGONG ACT,  
1972.

(1) Section 1 (2)—

15

From the matter relating to Part III, omit "8", insert instead "7A".

(2) Section 7A—

Before section 8, insert :—

7A. In this Part—

Interpretation:  
Pt. III.

"class A funds" means—

20

- (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 Wollongong (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 “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;

10 “investment pool” means investment pool estab-  
lished by the Council under section 25C  
(1);

15 “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;

20 “private gift” means—  
(a) money given to the University not  
being a grant;  
(b) money obtained from the conversion  
of property given to the University;  
and  
25 (c) money obtained from the investment  
or use of property given to the  
University;

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

SCHEDULE

---

*University of Wollongong (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

(3) Section 9 (1A)—

5 After section 9 (1), insert :—

(1A) Notwithstanding section 8 or subsection (1),  
a graduate or student of the University may be  
exempted by the Council, on grounds of conscience,  
from membership of the body corporate.

10 (4) (a) Section 15 (2) (c)—

Omit “nominated”, insert instead “appointed”.

(b) Section 15 (5)—

Omit the subsection, insert instead :—

15 (5) The appointed members shall comprise  
four persons appointed by the Minister.

(c) Section 15 (9) (c)—

Omit “a nominated”, insert instead “an  
appointed”.

(d) Section 15 (11) (a)—

20 Omit “a nominated”, insert instead “an  
appointed”.

(e) Section 15 (11) (a)—

Omit “Governor”, insert instead “Minister”.

(f) Section 15 (13) (b)—

25 Omit “nominated”, insert instead “appointed”.

SCHEDULE

---

*University of Wollongong (Amendment).*

---

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

- (g) Section 15 (13) (c)—  
**5** Omit “nominated”, insert instead “appointed”.
- (5) (a) Section 16 (b)—  
Omit “a nominated”, insert instead “an appointed”.
- (b) Section 16 (d) (iii)—  
**10** Omit “a nominated”, insert instead “an appointed”.
- (c) Section 16 (e)—  
Omit “a nominated”, insert instead “an appointed”.
- (d) Section 16 (f)—  
**15** Omit “a nominated”, insert instead “an appointed”.
- (e) Section 16 (g)—  
**20** Omit “a nominated”, insert instead “an appointed”.
- (6) Section 24—  
Omit the section.
- (7) (a) Section 25 (1) (b)—  
**25** Omit “and terminate the appointment of”,  
insert instead “, dismiss or otherwise deal with”.

SCHEDULE



*University of Wollongong (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 (b) Section 25 (1) (f)—  
Omit the paragraph.

(c) Section 25 (2)—  
Omit "Governor", insert instead "Minister".

(d) Section 25 (3)—  
Omit "Governor", insert instead "Minister".

10 (8) Sections 25A–25E—

After section 25, insert :—

25A. The terms of—

- 15 (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
- 20 (c) in the case of property, other than money,  
given to the University—any instrument  
creating a trust with respect to that property,  
shall have effect notwithstanding sections 25B, 25C  
and 25D.

Trust  
instruments  
apply not-  
withstanding  
ss. 25B–25D.

25 25B. (1) The Council 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.

SCHEDULE

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 (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 Superannua-  
tion 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) of  
20 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 prescribed manner.

25 25c. (1) Subject to subsection (2), the Council <sup>Investment</sup> may establish and maintain one or more <sup>pools.</sup> investment  
pools for the collective investment of property held  
by the University.

(2) The Council may from time to time—

30 (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

SCHEDULE

---

*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

(b) bring into an investment pool—

5 (i) securities, other than securities in  
respect of which the donor has, in  
an instrument creating a trust in  
respect of those securities, specified  
10 that the income from those securities  
shall be applied for a purpose other  
than the general purposes of the  
University; or

15 (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 prop-  
erty, specified that the income from  
20 that real property shall be 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 Council at the date of  
withdrawal.

25 (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  
30 in which the capital of the investment pool is invested  
are not investments made in accordance with and  
subject to the Trustee Act, 1925.

35 25D. (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.

SCHEDULE

---

*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 (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—

10 (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

15 (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,

20 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 Council at the  
date of distribution and the period for which that  
private gift has formed part of that investment pool.

25 (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.

SCHEDULE

*University of Wollongong (Amendment).*

SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

- 25E. (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 Council under section 25c (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 before its inclusion in that investment pool,
- 30 as the case may be.

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

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

(9) Section 29 (1A)—

5       After section 29 (1), insert :—

(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.

10 (10) Sections 37A, 37B—

After section 37, insert :—

15       37A. (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.

20       (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.

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

SCHEDULE

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*University of Wollongong (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972—*continued.*

5 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 37B. (1) Where land is vested in the Minister, whether as Constructing Authority within the meaning of the Public Works Act, 1912, by virtue of a resumption or appropriation effected pursuant to section 37A (1), or otherwise, 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.

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.

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*University of Wollongong (Amendment).*

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SCHEDULE 2.

Sec. 4.

AMENDMENTS TO THE UNIVERSITY OF WOLLONGONG ACT,  
1972, BY WAY OF STATUTE LAW REVISION.

- (1) Section 1 (2)—  
5 Omit the matter relating to Part II.
- (2) Part II—  
Omit the Part.
- (3) (a) Section 12 (1)—  
Omit “, subject to subsection (3),”.
- 10 (b) Section 12 (3)—  
Omit the subsection.
- (4) Section 14—  
Omit the section.
- (5) Section 15 (1)—  
15 Omit “, other than the first Council”.
- (6) Section 37 (1) (a)—  
20 Omit “students of teachers’ colleges established under the Public Instruction Act of 1880, teachers in schools established under that Act”, insert instead “teachers in schools established under the Public Instruction Act of 1880”.

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BY AUTHORITY

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