

SIMON UNIVERSITY COLLEGE BILL 1988

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to provide for the recognition of the Australian William E. Simon University College and to facilitate, and remove legal impediments to, its operations.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 defines expressions used in the proposed Act.

Clause 4 sets out the objects of the proposed Act.

Clause 5 authorises the Australian William E. Simon University College to call itself a university college and to confer degrees on behalf of the William E. Simon Graduate School of Business Administration, University of Rochester, Rochester, New York.

Clause 6 provides that the University College shall promote and maintain affiliation with the William E. Simon Graduate School of Business Administration, University of Rochester.

Clause 7 provides that the University College is not authorised to confer degrees except with the consent of the William E. Simon Graduate School of Business Administration, University of Rochester.

Clause 8 provides that the University College shall not engage in any form of discrimination on the grounds of religion, politics, race or sex.

Clause 9 empowers the Trustees (of the Trust Deed of 1 July 1988 to promote the objects of the University College) to establish common investment funds for money they hold on behalf of the University College in any form of investment allowed by the Trust Deed. This power is subject to the express terms of any trust in respect of particular money and does not affect any trust to which money in a common investment fund is subject.

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Clause 10 deals with gifts, devises and bequests to the University College or to a college, chair, centre, institution or other body within or associated with the University College.

Clause 11 specifies that the Association and Trustees alone are responsible for the provision of education within the University College, and are not subject in that respect to the direction of any person.

Clause 12 makes it clear that the State is not to be held liable for any claims arising in connection with the University College.

SIMON UNIVERSITY COLLEGE BILL 1988

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THE UNIVERSITY OF SIMON DENVER

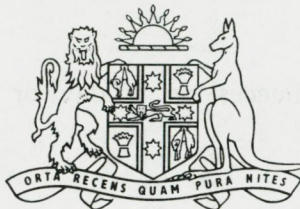
THE UNIVERSITY OF SIMON DENVER

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SIMON UNIVERSITY COLLEGE BILL 1988

NEW SOUTH WALES



No. , 1988

A BILL FOR

An Act to provide for the operation of the Australian William E. Simon University College in New South Wales.

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The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Simon University College Act 1988.

Commencement

- 5 2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. In this Act—

10 “Association” means the association incorporated under the Associations Incorporation Act 1984 by the name “The Australian William E. Simon Graduate School of Business Administration Incorporated” or that name as changed from time to time;

“Council” means the Council established under the Rules;

“Rules” means the Rules of Incorporation of the Association;

15 “Trust Deed” means the deed dated 1 July 1988 (as in force from time to time) in relation to the promotion, maintenance, establishment and operation of the University College;

“Trustees” means the trustees of the trust established by the Trust Deed;

20 “University College” means the centre for education and learning known as the Australian William E. Simon University College established or to be established by the Association to promote the theory and practice of business administration in pursuance of the objects provided by the Rules;

25 “University of Rochester School of Business Administration” means The William E. Simon Graduate School of Business Administration, University of Rochester, Rochester, New York.

Objects

4. The objects of this Act are—

30 (a) to provide statutory recognition of the Australian William E. Simon University College as a significant educational institution promoting the theory and practice of business administration in New South Wales; and

35 (b) to promote and facilitate the operations of the University College, and thereby to encourage the study of business administration in New South Wales.

Authorisations

5. (1) The Australian William E. Simon University College is authorised to be called a “university college”.

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(2) The University College is authorised to confer degrees of or on behalf of the University of Rochester School of Business Administration.

(3) Section 4 of the Higher Education Act 1988 does not apply to anything authorised under this section.

- 5 (4) The University College is not an official university or college of advanced education for the purposes of the Higher Education Act 1988.

Affiliation

6. It is the duty of the University College, and of the Council and the Trustees, to take all such steps as are appropriate to promote and maintain
10 a relationship of affiliation, or a similar relationship, with the University of Rochester School of Business Administration.

Degrees

7. The University College is not authorised to confer degrees of or on behalf of the University of Rochester School of Business Administration
15 except with the approval of the School, or to confer other degrees (whether on its own behalf or on behalf of any other corporation, body or institution).

Non-discrimination

8. (1) No test of religion, politics, race or sex shall be administered to any person in order to entitle the person to be admitted as a student of the
20 University College or to hold any office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges.

- (2) No person shall be denied admission as a student of the University College or be ineligible to hold office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges, because of the person's religious
25 or political views or beliefs, race or sex.

Investment

9. (1) The Trustees may establish one or more investment common funds for the investment of money held by them on behalf of the University College in any form of investment authorised by the Trust Deed, whether
30 or not the investment is an authorised trustee investment.

- (2) Subject to express direction in or express condition of any trust binding on them in respect of particular money, the Trustees may from time to time, without liability for breach of trust, bring into or withdraw from any such investment common fund the whole or any part of trust money or
35 other money of the Trustees.

- (3) Subject to subsection (4), the Trustees shall periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation of each fund in the common fund during the relevant accounting period.

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(4) The Trustees may, if they consider it expedient to do so, from time to time add some portion of the income of an investment common fund to the capital of the common fund or use some portion of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.

(5) The inclusion in an investment common fund of trust money does not affect any trust to which the money is subject and, on its withdrawal from the fund, continues to be subject to the trust.

Gifts

10 **10. (1)** The Trustees may acquire by gift, devise or bequest property on trust to apply it or the proceeds of it or the income from it for the benefit of a college, chair, centre, institution or other body established within or associated with the University College even though the beneficiary may not be a legal entity.

15 **(2)** A gift, devise or bequest of property purporting to be to or for the benefit of—

(a) a college, chair, centre, institution or other body established within or associated with the University College; or

(b) the University College,

20 shall be taken to be a gift, devise or bequest to the Trustees on trust to apply it for the purposes of the beneficiary in accordance with the terms of the gift, devise or bequest, and any act that could have been performed by the beneficiary, had it been a corporate entity, may be performed by the Trustees as validly and effectually as if the gift, devise or bequest had been
25 to or for the benefit of the Association.

(3) The rule of law against remoteness of vesting does not apply in relation to any gift, devise or bequest of property accepted by the Trustees.

Independence of the University College

30 **11.** It is declared that, subject to this Act, the Association and the Trustees alone are responsible for and have authority over the provision of education within the University College and shall not be subject, in that respect, to the direction of any person.

Liability of the State

35 **12.** Neither the State nor any authority of the State is liable to any action, liability, claim or demand arising from or in connection with the enactment or operation of this Act or anything done or omitted by or in connection with the University College, the Association, the Council or the Trustees.

SIMON UNIVERSITY COLLEGE ACT 1988 No. 89

NEW SOUTH WALES



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SIMON UNIVERSITY COLLEGE ACT 1988 No. 89

NEW SOUTH WALES



Act No. 89, 1988

An Act to provide for the operation of the Australian William E. Simon University College in New South Wales. [Assented to 15 December 1988]

Simon University College 1988

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Simon University College Act 1988.

Commencement

2. This Act commences on a day or days to be appointed by proclamation.

Definitions

3. In this Act—

“Association” means the association incorporated under the Associations Incorporation Act 1984 by the name “The Australian William E. Simon Graduate School of Business Administration Incorporated” or that name as changed from time to time;

“Council” means the Council established under the Rules;

“Rules” means the Rules of Incorporation of the Association;

“Trust Deed” means the deed dated 1 July 1988 (as in force from time to time) in relation to the promotion, maintenance, establishment and operation of the University College;

“Trustees” means the trustees of the trust established by the Trust Deed;

“University College” means the centre for education and learning known as the Australian William E. Simon University College established or to be established by the Association to promote the theory and practice of business administration in pursuance of the objects provided by the Rules;

“University of Rochester School of Business Administration” means The William E. Simon Graduate School of Business Administration, University of Rochester, Rochester, New York.

Objects

4. The objects of this Act are—

- (a) to provide statutory recognition of the Australian William E. Simon University College as a significant educational institution promoting the theory and practice of business administration in New South Wales; and

- (b) to promote and facilitate the operations of the University College, and thereby to encourage the study of business administration in New South Wales.

Authorisations

5. (1) The Australian William E. Simon University College is authorised to be called a “university college”.

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(2) The University College is authorised to confer degrees of or on behalf of the University of Rochester School of Business Administration.

(3) Section 4 of the Higher Education Act 1988 does not apply to anything authorised under this section.

(4) The University College is not an official university or college of advanced education for the purposes of the Higher Education Act 1988.

Affiliation

6. It is the duty of the University College, and of the Council and the Trustees, to take all such steps as are appropriate to promote and maintain a relationship of affiliation, or a similar relationship, with the University of Rochester School of Business Administration.

Degrees

7. The University College is not authorised to confer degrees of or on behalf of the University of Rochester School of Business Administration except with the approval of the School, or to confer other degrees (whether on its own behalf or on behalf of any other corporation, body or institution).

Non-discrimination

8. (1) No test of religion, politics, race or sex shall be administered to any person in order to entitle the person to be admitted as a student of the University College or to hold any office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges.

(2) No person shall be denied admission as a student of the University College or be ineligible to hold office in it, or to graduate from it, or to enjoy any of its advantages, benefits or privileges, because of the person's religious or political views or beliefs, race or sex.

Investment

9. (1) The Trustees may establish one or more investment common funds for the investment of money held by them on behalf of the University College in any form of investment authorised by the Trust Deed, whether or not the investment is an authorised trustee investment.

(2) Subject to express direction in or express condition of any trust binding on them in respect of particular money, the Trustees may from time to time, without liability for breach of trust, bring into or withdraw from any such investment common fund the whole or any part of trust money or other money of the Trustees.

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(3) Subject to subsection (4), the Trustees shall periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation of each fund in the common fund during the relevant accounting period.

(4) The Trustees may, if they consider it expedient to do so, from time to time add some portion of the income of an investment common fund to the capital of the common fund or use some portion of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.

(5) The inclusion in an investment common fund of trust money does not affect any trust to which the money is subject and, on its withdrawal from the fund, continues to be subject to the trust.

Gifts

10. (1) The Trustees may acquire by gift, devise or bequest property on trust to apply it or the proceeds of it or the income from it for the benefit of a college, chair, centre, institution or other body established within or associated with the University College even though the beneficiary may not be a legal entity.

(2) A gift, devise or bequest of property purporting to be to or for the benefit of—

- (a) a college, chair, centre, institution or other body established within or associated with the University College; or
- (b) the University College,

shall be taken to be a gift, devise or bequest to the Trustees on trust to apply it for the purposes of the beneficiary in accordance with the terms of the gift, devise or bequest, and any act that could have been performed by the beneficiary, had it been a corporate entity, may be performed by the Trustees as validly and effectually as if the gift, devise or bequest had been to or for the benefit of the Association.

(3) The rule of law against remoteness of vesting does not apply in relation to any gift, devise or bequest of property accepted by the Trustees.

Independence of the University College

11. It is declared that, subject to this Act, the Association and the Trustees alone are responsible for and have authority over the provision of education within the University College and shall not be subject, in that respect, to the direction of any person.

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Liability of the State

12. Neither the State nor any authority of the State is liable to any action, liability, claim or demand arising from or in connection with the enactment or operation of this Act or anything done or omitted by or in connection with the University College, the Association, the Council or the Trustees.

*[Minister's second reading speech made in—
Legislative Assembly on 16 November 1988
Legislative Council on 1 December 1988]*

