

**UNIVERSITY AND UNIVERSITY COLLEGES
(AMENDMENT) BILL 1989**

NEW SOUTH WALES



EXPLANATORY NOTE

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

This Bill is cognate with the Higher Education (Amalgamation) Bill 1989.

The object of this Bill is to amend the University and University Colleges Act 1900 so as—

- (a) to provide for the establishment of three new colleges (the Sydney Conservatorium of Music, the Cumberland College of Health Sciences and the Sydney College of the Arts) as colleges of the University of Sydney; and
- (b) to effect minor consequential amendments to that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 specifies that the proposed Act is to commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

SCHEDULE 1—AMENDMENTS

Schedule 1 (1) repeals and re-enacts section 1 so as to delete matter that describes the arrangement of provisions in the Principal Act. Arrangement provisions have become redundant in the light of the current practice of prefacing reprints of Acts with Tables of Provisions.

Schedule 1 (2) amends section 33 so as to ensure that the provisions of Part 6 do not apply to colleges established under Part 7.

Schedule 1 (3) makes a consequential amendment to the heading to Part 7.

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Schedule 1 (4) repeals and re-enacts section 42 (1) and inserts a new section 42 (1A). The new subsections establish the Sydney Conservatorium of Music, the Cumberland College of Health Sciences and the Sydney College of the Arts as separate colleges of the University of Sydney and enable the Governor to establish further colleges of the University.

Schedule 1 (5) amends section 43 so as to remove the requirement of that section that an advisory council must be appointed for each college established under Part 7, and so as to provide that the members of any such advisory council are to be appointed by the Senate of the University of Sydney rather than, as is presently the case, by the Minister.

Schedule 1 (6) makes a consequential amendment to the heading to Part 8.

Schedule 1 (7) inserts a new section 49. The proposed section provides for the control and management, by the Senate of the University of Sydney, of land on which the University of Sydney is conducted but which is vested in the Crown rather than in the University. Such a provision is necessary in light of the fact that such land exists in respect of each of the three colleges to be established by the proposed section 42 (1).

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TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of University and University Colleges Act 1900 No. 22

SCHEDULE 1—AMENDMENTS

**UNIVERSITY AND UNIVERSITY COLLEGES
(AMENDMENT) BILL 1989**

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the University and University Colleges Act 1900 with respect to the establishment of the Sydney Conservatorium of Music, the Cumberland College of Health Sciences and the Sydney College of the Arts as colleges of the University of Sydney; and for other purposes.

University and University Colleges (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the University and University Colleges (Amendment) Act 1989.

5 Commencement

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

Amendment of University and University Colleges Act 1900 No. 22

3. The University and University Colleges Act 1900 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 1—

Omit the section, insert instead:

15 **Short title**

1. This Act may be cited as the University and University Colleges Act 1900.

(2) Section 33 (Definitions and application)—

At the end of the section, insert:

20 (2) This Part does not apply to colleges established under Part 7.

(3) Part 7, heading—

Omit the heading, insert instead:

PART 7—ESTABLISHMENT OF OTHER COLLEGES

25 (4) Section 42 (Establishment of other colleges)—

Omit section 42 (1), insert instead:

(1) The following colleges of the University are established:

Sydney Conservatorium of Music.
Cumberland College of Health Sciences.
30 Sydney College of the Arts.

(1A) The Governor may, by order published in the Gazette, establish—

- (a) an educational institution set up by the University;
- (b) any other public educational institution or body; or

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SCHEDULE 1—AMENDMENTS—*continued*

(c) any part of any such institution or body,
as a college.

(5) Section 43 (**Advisory council of each college**)—

(a) From section 43 (1), omit “shall”, insert instead “may”.

5 (b) From section 43 (3), omit “the Minister on the nomination of”.

(6) Part 8, heading—

Omit the heading, insert instead:

PART 8—PROPERTY

(7) Section 49—

10 After section 48, insert:

Powers of Senate over certain property

49. (1) Where any property used for the conduct of the
University is vested in the Crown or a Minister of the Crown
(whether as Constructing Authority or otherwise), the Senate has
15 the control and management of that property and is responsible
for its maintenance.

(2) Nothing in subsection (1) enables the Senate to alienate,
mortgage, charge or demise any land or interest in land vested in
the Crown or a Minister of the Crown (whether as Constructing
20 Authority or otherwise).

(3) Notwithstanding subsection (2), the Senate may (on behalf
of the Crown or a Minister of the Crown) lease land of which it
has, pursuant to this section, the control and management.

(4) Such a lease—

25 (a) shall be for a term not exceeding 21 years; and

(b) shall contain a condition that the lease shall not be
assigned and such other conditions as the Senate thinks fit.

(5) The Senate is, in the exercise of its functions under this
section, subject to the control and direction of the Minister.

30 (6) This section applies to colleges referred to in Part 7 but does
not apply to colleges referred to in Part 6.

**UNIVERSITY AND UNIVERSITY COLLEGES
(AMENDMENT) ACT 1989 No. 66**

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TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of University and University Colleges Act 1900 No. 22
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**UNIVERSITY AND UNIVERSITY COLLEGES (AMENDMENT) ACT
1989 No. 66**

NEW SOUTH WALES



Act No. 66, 1989

An Act to amend the University and University Colleges Act 1900 with respect to the establishment of the Sydney Conservatorium of Music, the Cumberland College of Health Sciences and the Sydney College of the Arts as colleges of the University of Sydney; and for other purposes. [Assented to 23 May 1989]

University and University Colleges (Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the University and University Colleges (Amendment) Act 1989.

Commencement

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

Amendment of University and University Colleges Act 1900 No. 22

3. The University and University Colleges Act 1900 is amended as set out in Schedule 1.

SCHEDULE 1—AMENDMENTS

(Sec. 3)

(1) Section 1—

Omit the section, insert instead:

Short title

1. This Act may be cited as the University and University Colleges Act 1900.

(2) Section 33 (**Definitions and application**)—

At the end of the section, insert:

(2) This Part does not apply to colleges established under Part 7.

(3) Part 7, heading—

Omit the heading, insert instead:

PART 7—ESTABLISHMENT OF OTHER COLLEGES

(4) Section 42 (**Establishment of other colleges**)—

Omit section 42 (1), insert instead:

(1) The following colleges of the University are established:

Sydney Conservatorium of Music.
Cumberland College of Health Sciences.
Sydney College of the Arts.

(1A) The Governor may, by order published in the Gazette, establish—

- (a) an educational institution set up by the University;
- (b) any other public educational institution or body; or

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SCHEDULE 1—AMENDMENTS—*continued*

(c) any part of any such institution or body,
as a college.

(5) Section 43 (**Advisory council of each college**)—

- (a) From section 43 (1), omit “shall”, insert instead “may”.
- (b) From section 43 (3), omit “the Minister on the nomination of”.

(6) Part 8, heading—

Omit the heading, insert instead:

PART 8—PROPERTY

(7) Section 49—

After section 48, insert:

Powers of Senate over certain property

49. (1) Where any property used for the conduct of the University is vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise), the Senate has the control and management of that property and is responsible for its maintenance.

(2) Nothing in subsection (1) enables the Senate to alienate, mortgage, charge or demise any land or interest in land vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise).

(3) Notwithstanding subsection (2), the Senate may (on behalf of the Crown or a Minister of the Crown) lease land of which it has, pursuant to this section, the control and management.

(4) Such a lease—

- (a) shall be for a term not exceeding 21 years; and
- (b) shall contain a condition that the lease shall not be assigned and such other conditions as the Senate thinks fit.

University and University Colleges (Amendment) 1989

SCHEDULE 1—AMENDMENTS—*continued*

(5) The Senate is, in the exercise of its functions under this section, subject to the control and direction of the Minister.

(6) This section applies to colleges referred to in Part 7 but does not apply to colleges referred to in Part 6.

[*Minister's second reading speech made in—
Legislative Assembly on 12 April 1989
Legislative Council on 9 May 1989*]



