

FIRST PRINT

**UNIVERSITY OF WESTERN SYDNEY (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 University of Sydney Bill 1989.

The object of this Bill is to amend the University of Western Sydney Act 1988 so as:

- (a) to provide for the transfer to the University of Western Sydney, as a network member, of the Macarthur Institute of Higher Education;
- (b) to vary the constitution of the Board of Governors of the University by allowing for the election of additional members to the Board;
- (c) to make minor amendments that will bring the provisions of the Act in line with those of other Acts under which universities are established; and
- (d) to make other minor, consequential and ancillary amendments.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act commences on the date of assent.

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

Clause 4 repeals the University of Western Sydney Regulation 1989 and the University of Western Sydney (Transitional) Regulation 1989 as a consequence of the amendment to be effected by the proposed Act.

SCHEDULE 1 - AMENDMENTS

Macarthur Institute of Higher Education

The transfer of the Macarthur Institute of Higher Education to the University of Western Sydney is effected by Schedule 1 (2) (which ensures that the Institute will become a network member of the University) and Schedule 1 (11) (which brings about the dissolution of the Institute and the transfer of its assets, staff and students to the University).

Constitution of the Board of Governors

The constitution of the Board of Governors is to be varied by Schedule 1 (4) (c) which will bring about the gain of an additional elected academic staff member and an elected non-academic staff member.

Other amendments

The other amendments will result in:

- (a) an extension of the Board's general powers (Schedule 1 (5));
 - (b) an extension of the Board's power to delegate its functions under the Act (Schedule 1 (6));
 - (c) an extension of the Board's power to deal with land that is controlled by it but that is vested in the Crown or a Minister of the Crown (Schedule 1 (8));
 - (d) the enabling of the constitution and procedure of the Academic Board to be regulated by the by-laws (Schedule 1 (9) (a)); and
 - (e) the enactment of savings and transitional provisions consequent on the enactment of the proposed Act.
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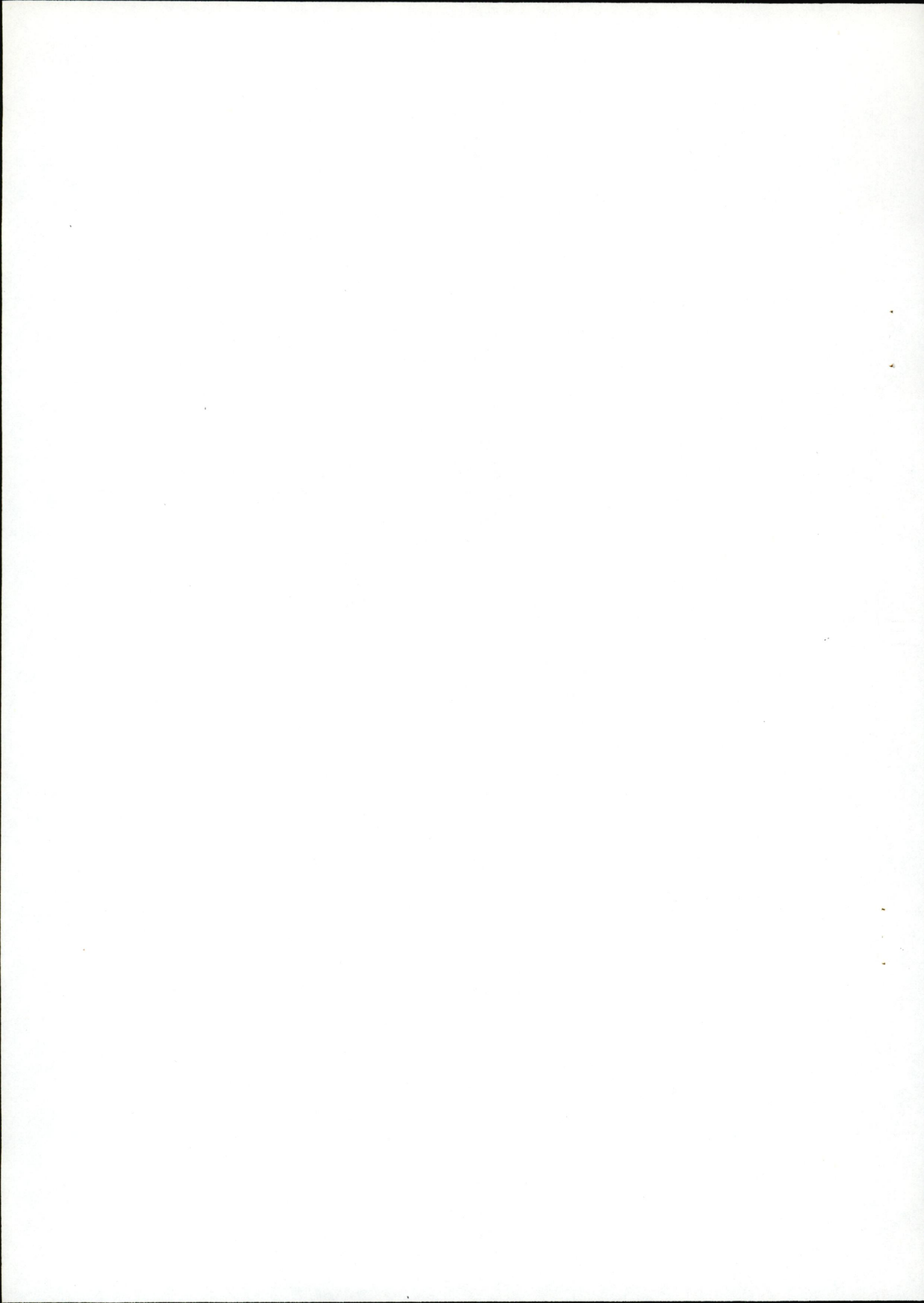
NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of University of Western Sydney Act 1988 No. 90
4. Repeal

SCHEDULE 1 - AMENDMENTS



**UNIVERSITY OF WESTERN SYDNEY (AMENDMENT) BILL
1989**

NEW SOUTH WALES



No. , 1989

A BILL FOR

An Act to amend the University of Western Sydney Act 1988 with respect to the transfer to the University of Western Sydney of the Macarthur Institute of Higher Education and to the constitution of the Board of Governors of the University; and for other purposes.

University of Western Sydney
(Amendment) 1989

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the University of Western Sydney (Amendment) Act 1989.

Commencement

2. This Act commences on the date of assent.

**Amendment of University of Western Sydney Act 1988
No. 90**

3. The University of Western Sydney Act 1988 is amended as set out in Schedule 1.

Repeal

4. The University of Western Sydney Regulation 1989 and the University of Western Sydney (Transitional) Regulation 1989 are repealed.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 3 (Definitions):

After section 3 (2), insert:

(3) In this Act, a reference to a graduate of the University is a reference to a person who is the recipient of a degree or diploma, or of such other award or certificate as may be prescribed by the by-laws, conferred or awarded:

(a) by the University; or

(b) by or on behalf of any former institution that has, pursuant to this Act or otherwise, become a network member of, or a part of, the University; or

(c) by any predecessor of any such institution.

University of Western Sydney
(Amendment) 1989

SCHEDULE 1 - AMENDMENTS - continued

- (2) Section 6 (**University network**):
Omit section 6 (1) (c), insert instead:
(c) the University of Western Sydney, Macarthur; and
(d) such other network members as may be established from time to time under this section.
- (3) Section 7 (**Functions of University**):
After "western" wherever occurring in section 7 (1), insert "and south-western".
- (4) Section 9 (**The Board**):
(a) From section 9 (2) omit "(one being a student member and one being an academic staff member)".
(b) After "western" in section 9 (5) (b), insert "or south-western".
(c) Omit section 9 (6) and (7), insert instead:
(6) The elected members of the Board are:
(a) 2 persons:
(i) who are members of the academic staff of the University; and
(ii) who have such qualifications as may be prescribed by the by-laws; and
(iii) who are elected by members of the academic staff of the University in the manner prescribed by the by-laws; and
(b) one person:
(i) who is a member of the non-academic staff of the University; and
(ii) who has such qualifications as may be prescribed by the by-laws; and
(iii) who is elected by members of the non-academic staff of the University in the manner prescribed by the by-laws; and

University of Western Sydney
(Amendment) 1989

SCHEDULE 1 - AMENDMENTS - continued

(c) one person:

- (i) who is a student of the University but who is not a member of the academic or non-academic staff of the University; and
- (ii) who has such qualifications as may be prescribed by the by-laws; and
- (iii) who is elected by the students of the University in the manner prescribed by the by-laws.

(5) Section 11 (Powers of Board):

(a) At the end of section 11 (1) (g), insert:
; and

- (h) may establish or participate in such trusts, companies or other incorporated bodies as it considers appropriate to promote the objects and interests of the University; and
- (i) may engage in the commercial development of any discovery or invention, or of any intellectual property, in which the University has a right or interest; and
- (j) may establish and maintain branches and colleges of the University, within the University and elsewhere; and
- (k) may make loans and grants to students; and
- (l) may impose fees, charges and fines.

(b) After section 11 (1), insert:

(1A) The powers of the Board under this section are to be exercised subject to the by-laws.

University of Western Sydney
(Amendment) 1989

SCHEDULE 1 - AMENDMENTS - continued

- (6) Section 12 (Delegation by Board):
Omit "or to any person prescribed by the regulations", insert instead "or to any authority or officer of the University or to any other person or body prescribed by the by-laws".
- (7) Section 16 (Chief executive officers of network members):
Omit section 16 (1).
- (8) Section 30A:
After section 30, insert:
Powers of Board over certain property vested in Crown
30A. (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 Board has the control and management of that property and is responsible for its maintenance.
(2) Nothing in subsection (1) enables the Board to alienate, mortgage, charge or demise any land vested in the Crown or a Minister of the Crown (whether as Constructing Authority or otherwise).
(3) Notwithstanding subsection (2), the Board 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) is to be for a term not exceeding 21 years; and
(b) is to contain a condition that the lease is not to be assigned and such other conditions as the Board thinks fit.
(5) The Board is, in the exercise of its functions under this section, subject to the control and direction of the Minister.

University of Western Sydney
(Amendment) 1989

SCHEDULE 1 - AMENDMENTS - continued

- (9) Section 35 (**By-laws**):
- (a) After "Board" wherever occurring in section 35 (2) (c) - (h), insert "or Academic Board".
 - (b) Omit section 35 (2) (l), insert instead:
 - (l) admission to, enrolment in and exclusion from courses of studies; and
 - (c) After section 35 (2) (n), insert:
 - (nl) without limiting the operation of paragraphs (m) and (n), the imposition and payment of penalties for parking and traffic infringements; and
 - (d) After section 35 (2) (s), insert:
 - (sl) the creation of faculties, schools, departments, centres or other entities within the University; and
- (10) Schedule 1 (**Provisions relating to members and procedure of the Board**):
- (a) Omit clause 1.
 - (b) Omit clause 3 (b).
 - (c) At the end of clause 4, insert:
 - (2) The by-laws may provide that, in such circumstances (other than expiration of term of office) as may be prescribed, a person is to be appointed or elected (otherwise than to fill the office of a parliamentary member) in such manner as may be prescribed instead of in the manner provided for by this Act.
- (11) Schedule 3 (**Transitional provisions**):
- (a) From the heading to Part 1 omit " - **PROVISIONS OPERATING FROM 1 JANUARY 1989**".
 - (b) At the end of paragraph (b) of the definition of "Colleges" in clause 1, insert:
 - ; and
 - (c) the Macarthur Institute of Higher Education,

University of Western Sydney
(Amendment) 1989

SCHEDULE 1 - AMENDMENTS - continued

- (c) After "Agricultural College" wherever occurring in clauses 2 and 17, insert ", Macarthur Institute of Higher Education".
- (d) From clauses 2, 10, 11, 12, 13, 14 and 16 omit "either of the Colleges" wherever occurring, insert instead "any of the Colleges".
- (e) Omit clause 4 (2), insert instead:
 - (2) For the purposes of this Act, the network members named in section 6 (1) (a), (b) and (c) correspond to:
 - (a) Nepean College of Advanced Education; and
 - (b) Hawkesbury Agricultural College; and
 - (c) Macarthur Institute of Higher Education,respectively.
- (f) From the heading to Part 2 omit " - PROVISIONS OPERATING FROM A PROCLAIMED DAY OR PROCLAIMED DAYS".
- (g) After clause 10 (2), insert:
 - (3) Subject to this Act, on and from the commencement of this clause, any assets, rights, liabilities or obligations of the Colleges become assets, rights, liabilities or obligations of the University.
- (h) At the end of clause 12 (d), insert:
 - ; and
 - (e) any trust that relies on the continued existence of the Colleges, or any of them, for the continued operation of the trust's provisions, or any of them, in the manner in which they operated immediately before the Colleges were dissolved.

University of Western Sydney
(Amendment) 1989

SCHEDULE 1 - AMENDMENTS - continued

- (i) After clause 17, insert:
First chief executive officer of University of Western Sydney, Macarthur
17A. The person who, immediately before the commencement of this clause, held office as Principal of the Macarthur Institute of Higher Education is to be the first chief executive officer of the University of Western Sydney, Macarthur.

Additional member

17B. The Minister may, under this clause, appoint 2 persons (each being a person who has an association with south-western Sydney) to be members of the Board for the period ending on 1 January 1993 and those persons, on being appointed, are to be taken to be appointed members of the Board in addition to the members appointed under section 9 (5).

Saving of office under section 9

17C. The person who, immediately before the commencement of this subclause, held office as the elected student member under section 9 (6):

- (a) remains a member of the Board; and
 - (b) continues to hold office as an elected student member of the Board (unless he or she sooner resigns) for the residue of the term for which he or she was elected as such a member.
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**UNIVERSITY OF WESTERN SYDNEY (AMENDMENT) ACT
1989 No. 128**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of University of Western Sydney Act 1988 No. 90
4. Repeal

SCHEDULE 1 - AMENDMENTS



**UNIVERSITY OF WESTERN SYDNEY (AMENDMENT) ACT
1989 No. 128**

NEW SOUTH WALES



Act No. 128, 1989

An Act to amend the University of Western Sydney Act 1988 with respect to the transfer to the University of Western Sydney of the Macarthur Institute of Higher Education and to the constitution of the Board of Governors of the University; and for other purposes.
[Assented to 30 August 1989]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the University of Western Sydney (Amendment) Act 1989.

Commencement

2. This Act commences on the date of assent.

Amendment of University of Western Sydney Act 1988 No. 90

3. The University of Western Sydney Act 1988 is amended as set out in Schedule 1.

Repeal

4. The University of Western Sydney Regulation 1989 and the University of Western Sydney (Transitional) Regulation 1989 are repealed.

SCHEDULE 1 - AMENDMENTS

(Sec. 3)

(1) Section 3 (**Definitions**):

After section 3 (2), insert:

(3) In this Act, a reference to a graduate of the University is a reference to a person who is the recipient of a degree or diploma, or of such other award or certificate as may be prescribed by the by-laws, conferred or awarded:

- (a) by the University; or
- (b) by or on behalf of any former institution that has, pursuant to this Act or otherwise, become a network member of, or a part of, the University; or

SCHEDULE 1 - AMENDMENTS - *continued*

- (c) by any predecessor of any such institution.
- (2) Section 6 (**University network**):
 - Omit section 6 (1) (c), insert instead:
 - (c) the University of Western Sydney, Macarthur; and
 - (d) such other network members as may be established from time to time under this section.
- (3) Section 7 (**Functions of University**):
 - After "western" wherever occurring in section 7 (1), insert "and south-western".
- (4) Section 9 (**The Board**):
 - (a) From section 9 (2) omit "(one being a student member and one being an academic staff member)".
 - (b) After "western" in section 9 (5) (b), insert "or south-western".
 - (c) Omit section 9 (6) and (7), insert instead:
 - (6) The elected members of the Board are:
 - (a) 2 persons:
 - (i) who are members of the academic staff of the University; and
 - (ii) who have such qualifications as may be prescribed by the by-laws; and
 - (iii) who are elected by members of the academic staff of the University in the manner prescribed by the by-laws; and
 - (b) one person:
 - (i) who is a member of the non-academic staff of the University; and
 - (ii) who has such qualifications as may be prescribed by the by-laws; and

SCHEDULE 1 - AMENDMENTS - *continued*

- (iii) who is elected by members of the non-academic staff of the University in the manner prescribed by the by-laws; and
 - (c) one person:
 - (i) who is a student of the University but who is not a member of the academic or non-academic staff of the University; and
 - (ii) who has such qualifications as may be prescribed by the by-laws; and
 - (iii) who is elected by the students of the University in the manner prescribed by the by-laws.
- (5) Section 11 (**Powers of Board**):
- (a) At the end of section 11 (1) (g), insert:
 - ; and
 - (h) may establish or participate in such trusts, companies or other incorporated bodies as it considers appropriate to promote the objects and interests of the University; and
 - (i) may engage in the commercial development of any discovery or invention, or of any intellectual property, in which the University has a right or interest; and
 - (j) may establish and maintain branches and colleges of the University, within the University and elsewhere; and
 - (k) may make loans and grants to students; and
 - (l) may impose fees, charges and fines.
 - (b) After section 11 (1), insert:
 - (1A) The powers of the Board under this section are to be exercised subject to the by-laws.

SCHEDULE 1 - AMENDMENTS - *continued*

(6) Section 12 (**Delegation by Board**):

Omit "or to any person prescribed by the regulations", insert instead "or to any authority or officer of the University or to any other person or body prescribed by the by-laws".

(7) Section 16 (**Chief executive officers of network members**):

Omit section 16 (1).

(8) Section 30A:

After section 30, insert:

Powers of Board over certain property vested in Crown

30A. (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 Board has the control and management of that property and is responsible for its maintenance.

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

(3) Notwithstanding subsection (2), the Board 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) is to be for a term not exceeding 21 years; and

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

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

SCHEDULE 1 - AMENDMENTS - *continued*

- (9) Section 35 (**By-laws**):
- (a) After "Board" wherever occurring in section 35 (2) (c) - (h), insert "or Academic Board".
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 - (n1) without limiting the operation of paragraphs (m) and (n), the imposition and payment of penalties for parking and traffic infringements; and
 - (d) After section 35 (2) (s), insert:
 - (s1) the creation of faculties, schools, departments, centres or other entities within the University, and
- (10) Schedule 1 (**Provisions relating to members and procedure of the Board**):
- (a) Omit clause 1.
 - (b) Omit clause 3 (b).
 - (c) At the end of clause 4, insert:
 - (2) The by-laws may provide that, in such circumstances (other than expiration of term of office) as may be prescribed, a person is to be appointed or elected (otherwise than to fill the office of a parliamentary member) in such manner as may be prescribed instead of in the manner provided for by this Act.
- (11) Schedule 3 (**Transitional provisions**):
- (a) From the heading to Part 1 omit " - **PROVISIONS OPERATING FROM 1 JANUARY 1989**".

SCHEDULE 1 - AMENDMENTS - *continued*

- (b) At the end of paragraph (b) of the definition of "Colleges" in clause 1, insert:
 - ; and
 - (c) the Macarthur Institute of Higher Education,
- (c) After "Agricultural College" wherever occurring in clauses 2 and 17, insert ", Macarthur Institute of Higher Education".
- (d) From clauses 2, 10, 11, 12, 13, 14 and 16 omit "either of the Colleges" wherever occurring, insert instead "any of the Colleges".
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 - (b) Hawkesbury Agricultural College; and
 - (c) Macarthur Institute of Higher Education,respectively.
- (f) From the heading to Part 2 omit " - **PROVISIONS OPERATING FROM A PROCLAIMED DAY OR PROCLAIMED DAYS**".
- (g) After clause 10 (2), insert:
 - (3) Subject to this Act, on and from the commencement of this clause, any assets, rights, liabilities or obligations of the Colleges become assets, rights, liabilities or obligations of the University.
- (h) At the end of clause 12 (d), insert:
 - ; and
 - (e) any trust that relies on the continued existence of the Colleges, or any of them, for the continued operation of the trust's provisions, or any of them, in the manner in which they operated immediately before the Colleges were dissolved.

SCHEDULE 1 - AMENDMENTS - *continued*

- (i) After clause 17, insert:

First chief executive officer of University of Western Sydney, Macarthur

17A. The person who, immediately before the commencement of this clause, held office as Principal of the Macarthur Institute of Higher Education is to be the first chief executive officer of the University of Western Sydney, Macarthur.

Additional member

17B. The Minister may, under this clause, appoint 2 persons (each being a person who has an association with south-western Sydney) to be members of the Board for the period ending on 1 January 1993 and those persons, on being appointed, are to be taken to be appointed members of the Board in addition to the members appointed under section 9 (5).

Saving of office under section 9

17C. The person who, immediately before the commencement of this subclause, held office as the elected student member under section 9 (6):

- (a) remains a member of the Board; and
- (b) continues to hold office as an elected student member of the Board (unless he or she sooner resigns) for the residue of the term for which he or she was elected as such a member.

[*Minister's second reading speech made in -
Legislative Assembly on 27 July 1989
Legislative Council on 10 August 1989*]



