

FIRST PRINT

## HIGHER EDUCATION (AMALGAMATION) AMENDMENT BILL 1993

NEW SOUTH WALES



### EXPLANATORY NOTE

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

This Bill is cognate with the University of New England Bill 1993.

The object of this Bill is to amend the Higher Education (Amalgamation) Act 1989 to transfer the Orange Agricultural College from the University of New England to the University of Sydney so that it will become an academic college of the University of Sydney.

Consequential amendments are also made to the University of Sydney Act 1989.

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**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** is a formal provision that gives effect to the Schedule of amendments to the Higher Education (Amalgamation) Act 1989.

**Clause 4** makes a consequential amendment to the University of Sydney Act 1989 to reflect the transfer of the Orange Agricultural College to the University.

**Schedule 1 (1)** amends various definitions in the Higher Education (Amalgamation) Act 1989 so that the new provision of that Act to be inserted by Schedule 1 (2) will transfer Orange Agricultural College to the University of Sydney.

**Schedule 1 (2)** inserts a new provision into the Act which will be the operative provision that transfers the Orange Agricultural College and its property to the University of Sydney. Other existing provisions of the Act will (as a result of the amendments made by Schedule 1 (1)) automatically transfer the staff, assets, rights, liabilities and obligations of the Orange Agricultural College to the University of Sydney.

**Schedule 1 (3)** makes an amendment that enables savings and transitional regulations to be made consequent on the enactment of the proposed Act.

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FIRST PRINT

**HIGHER EDUCATION (AMALGAMATION) AMENDMENT  
BILL 1993**

NEW SOUTH WALES

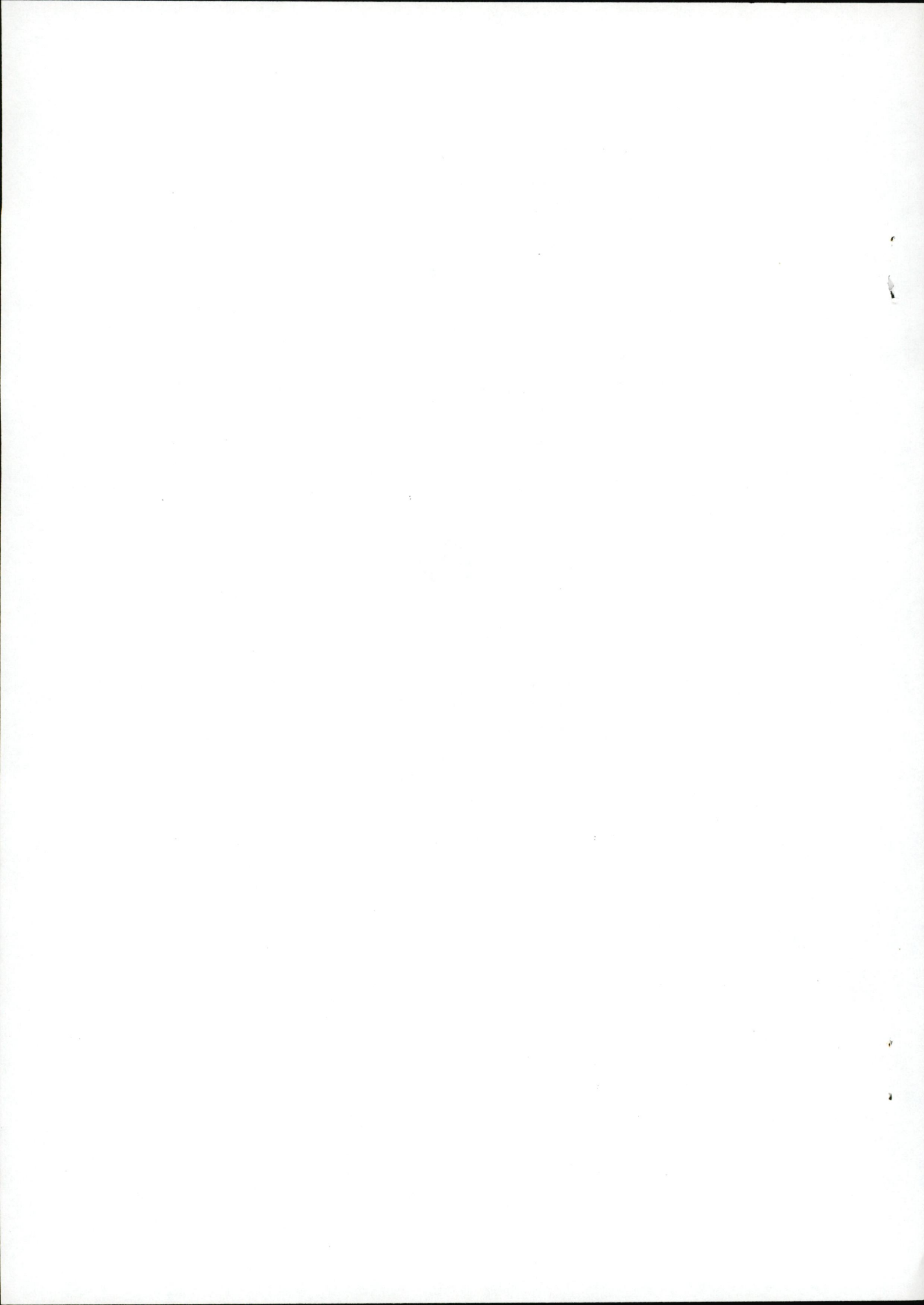


**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Higher Education (Amalgamation) Act 1989 No. 65
4. Amendment of University of Sydney Act 1989 No. 124

SCHEDULE 1—AMENDMENTS

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**HIGHER EDUCATION (AMALGAMATION) AMENDMENT  
BILL 1993**

NEW SOUTH WALES



No.           , 1993

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**A BILL FOR**

An Act to amend the Higher Education (Amalgamation) Act 1989 to transfer the Orange Agricultural College to the University of Sydney; to make consequential amendments to the University of Sydney Act 1989; and for other purposes.

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*Higher Education (Amalgamation) Amendment 1993*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Higher Education (Amalgamation) Amendment Act 1993.

**5 Commencement**

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

**Amendment of Higher Education (Amalgamation) Act 1989 No. 65**

3. The Higher Education (Amalgamation) Act 1989 is amended as set out in Schedule 1.

**Amendment of University of Sydney Act 1989 No. 124**

4. The University of Sydney Act 1989 is amended by inserting at the end of section 27 (1) the words "Orange Agricultural College".

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**SCHEDULE 1—AMENDMENTS**

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(Sec. 3)

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

(a) From paragraph (a) (v) of the definition of "corresponding institution" in section 3 (1), omit "or".

20 (b) After paragraph (a) (vi) of the definition of "corresponding institution" in section 3 (1), insert:

; or

(vii) the Orange Agricultural College, on and from the commencement of section 17B;

25 (c) Omit paragraph (b) (iii) of the definition of "corresponding institution" in section 3 (1), insert instead:

(iii) the Orange Agricultural College, until the commencement of section 17B;



*Higher Education (Amalgamation) Amendment 1993*

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SCHEDULE 1—AMENDMENTS—*continued*

- (d) Omit the definition of “Orange Agricultural College” in section 3 (1), insert instead:
- “Orange Agricultural College” means:**
- (a) in relation to the operation of this Act before the commencement of section 17B—the Orange Agricultural College established under the Colleges of Advanced Education Act 1975; or 5
- (b) in relation to the operation of this Act on and from the commencement of section 17B—the college of the University of New England known as the Orange Agricultural College; 10
- (e) Omit paragraph (i1) of the definition of “relevant commencement” in section 3 (1), insert instead:
- (i1) in relation to the Orange Agricultural College before the commencement of section 17B—the commencement of section 17A; 15
- (i2) in relation to the Orange Agricultural College on and from the commencement of section 17B—the commencement of section 17B; 20
- (2) Section 17B:
- After section 17A, insert:
- Transfer of Orange Agricultural College to the University of Sydney**
- 17B. (1) The Orange Agricultural College is established as an academic college of the University of Sydney. 25
- (2) The property of the Orange Agricultural College is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held by the University of New England immediately before the commencement of this section) to be applied by the University of Sydney for the purposes of the University of Sydney. 30
- (3) The University of Sydney has the control and management of land that was under the control and management of the University of New England in relation to the Orange Agricultural College immediately before the commencement of this section. 35

*Higher Education (Amalgamation) Amendment 1993*

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SCHEDULE 1—AMENDMENTS—*continued*

(4) The Orange Agricultural College By-law 1984 is repealed.

5 (5) A reference in this Act to the property, assets, rights,  
liabilities or obligations of the Orange Agricultural College  
is, for the purposes of the operation of this Act on and from  
the commencement of this section, a reference to such of the  
property, assets, rights, liabilities or obligations of the  
10 University of New England as relate to the Orange  
Agricultural College.

(3) Section 44 (**Regulations**):

At the end of section 44 (1), insert:

Higher Education (Amalgamation) Amendment Act 1993

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**HIGHER EDUCATION (AMALGAMATION) AMENDMENT  
ACT 1993 No. 70**

NEW SOUTH WALES

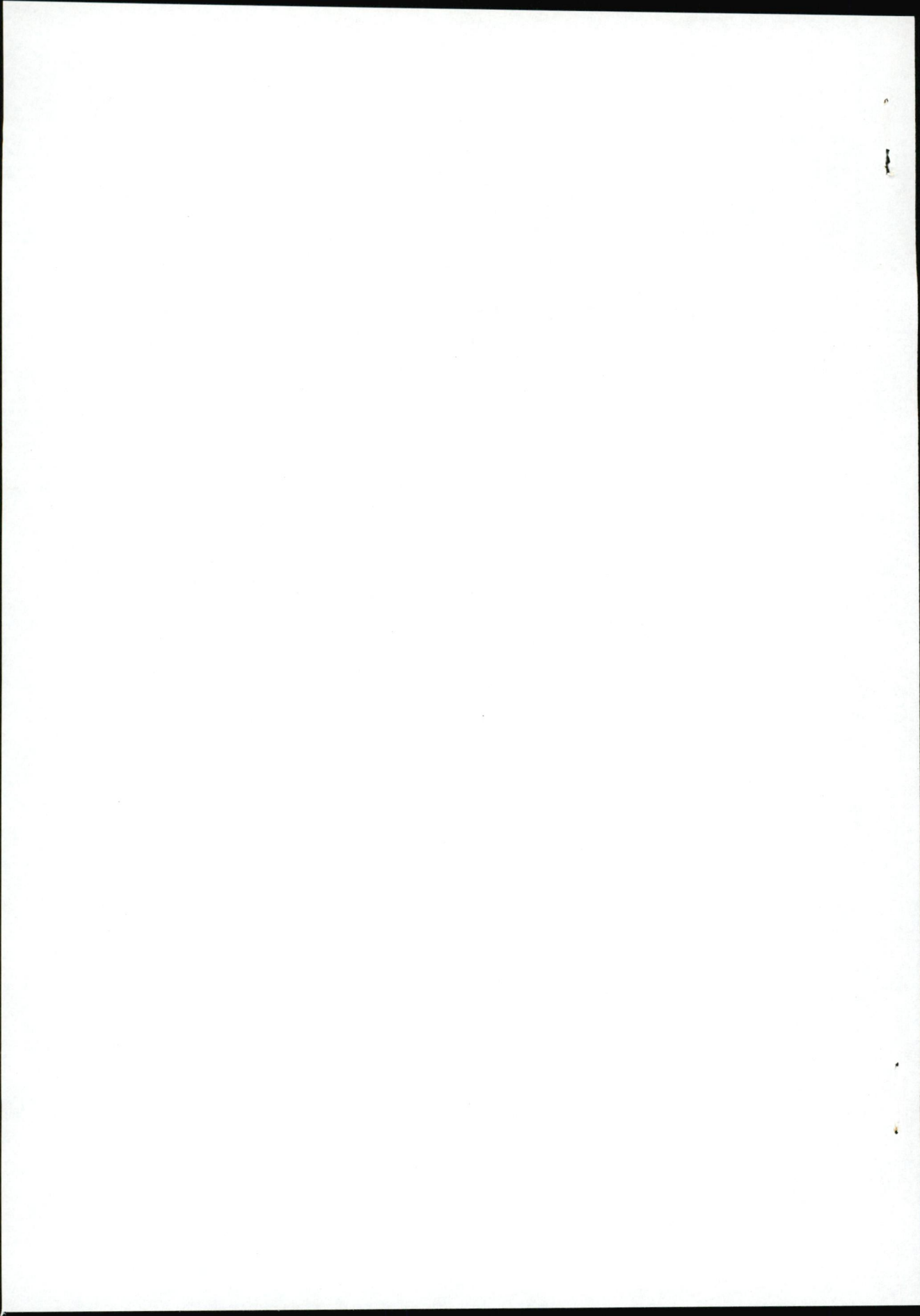


**TABLE OF PROVISIONS**

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SCHEDULE 1—AMENDMENTS

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**HIGHER EDUCATION (AMALGAMATION) AMENDMENT  
ACT 1993 No. 70**

NEW SOUTH WALES



**Act No. 70, 1993**

An Act to amend the Higher Education (Amalgamation) Act 1989 to transfer the Orange Agricultural College to the University of Sydney; to make consequential amendments to the University of Sydney Act 1989; and for other purposes. [Assented to 9 November 1993]

*Higher Education (Amalgamation) Amendment Act 1993 No. 70*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Higher Education (Amalgamation) Amendment Act 1993.

**Commencement**

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

**Amendment of Higher Education (Amalgamation) Act 1989 No. 65**

3. The Higher Education (Amalgamation) Act 1989 is amended as set out in Schedule 1.

**Amendment of University of Sydney Act 1989 No. 124**

4. The University of Sydney Act 1989 is amended by inserting at the end of section 27 (1) the words "Orange Agricultural College".

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**SCHEDULE 1—AMENDMENTS**

(Sec. 3)

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

- (a) From paragraph (a) (v) of the definition of "corresponding institution" in section 3 (1), omit "or".
- (b) After paragraph (a) (vi) of the definition of "corresponding institution" in section 3 (1), insert:
  - ; or
  - (vii) the Orange Agricultural College, on and from the commencement of section 17B;
- (c) Omit paragraph (b) (iii) of the definition of "corresponding institution" in section 3 (1), insert instead:
  - (iii) the Orange Agricultural College, until the commencement of section 17B;

*Higher Education (Amalgamation) Amendment Act 1993 No. 70*

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SCHEDULE 1—AMENDMENTS—*continued*

- (d) Omit the definition of “Orange Agricultural College” in section 3 (1), insert instead:

**“Orange Agricultural College” means:**

- (a) in relation to the operation of this Act before the commencement of section 17B—the Orange Agricultural College established under the Colleges of Advanced Education Act 1975; or
  - (b) in relation to the operation of this Act on and from the commencement of section 17B—the college of the University of New England known as the Orange Agricultural College;
- (e) Omit paragraph (i1) of the definition of “relevant commencement” in section 3 (1), insert instead:
- (i1) in relation to the Orange Agricultural College before the commencement of section 17B—the commencement of section 17A;
  - (i2) in relation to the Orange Agricultural College on and from the commencement of section 17B—the commencement of section 17B;

- (2) Section 17B:

After section 17A, insert:

**Transfer of Orange Agricultural College to the University of Sydney**

17B. (1) The Orange Agricultural College is established as an academic college of the University of Sydney.

(2) The property of the Orange Agricultural College is vested in the University of Sydney (subject to any trusts or conditions subject to which it was held by the University of New England immediately before the commencement of this section) to be applied by the University of Sydney for the purposes of the University of Sydney.

(3) The University of Sydney has the control and management of land that was under the control and management of the University of New England in relation to the Orange Agricultural College immediately before the commencement of this section.



*Higher Education (Amalgamation) Amendment Act 1993 No. 70*

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SCHEDULE 1—AMENDMENTS—*continued*

(4) The Orange Agricultural College By-law 1984 is repealed.

(5) A reference in this Act to the property, assets, rights, liabilities or obligations of the Orange Agricultural College is, for the purposes of the operation of this Act on and from the commencement of this section, a reference to such of the property, assets, rights, liabilities or obligations of the University of New England as relate to the Orange Agricultural College.

(3) Section 44 (**Regulations**):

At the end of section 44 (1), insert:

Higher Education (Amalgamation) Amendment Act 1993

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[*Minister's second reading speech made in—  
Legislative Assembly on 14 October 1993  
Legislative Council on 28 October 1993*]