

# UNIVERSITY OF WESTERN SYDNEY BILL 1988

NEW SOUTH WALES



## EXPLANATORY NOTE

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

The object of this Bill is to establish a new university from 1 January 1989. The university, to be known as the University of Western Sydney, is to have a network membership comprising (initially) the staff and student bodies and educational facilities currently comprised in Hawkesbury Agricultural College and Nepean College of Advanced Education. As members of the University network, these two institutions will be known as the University of Western Sydney, Hawkesbury and the University of Western Sydney, Nepean. The Bill contemplates further expansion of the network in the future.

The University is to be managed by a Board of Governors that includes parliamentary, staff, student and community representatives.

The Bill repeals the Chifley University Interim Council Act 1987 and makes minor amendments to other Acts.

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### PART 1—PRELIMINARY

**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the provisions of the proposed Act. Provisions establishing the new university are to commence on 1 January 1989 (with the exception of a transitional provision that commences on the date of assent). Other provisions relating to the dissolution of the Hawkesbury and Nepean Colleges will commence on a proclaimed day or proclaimed days.

**Clause 3** defines terms commonly used in the proposed Act.

### PART 2—CONSTITUTION AND FUNCTIONS OF THE UNIVERSITY

**Clause 4** establishes the University.

**Clause 5** provides that the University is a body corporate to be known as the University of Western Sydney.

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**Clause 6** describes the foundation members of the University network and provides for the establishment of new network members.

**Clause 7** specifies the functions of the University.

**Clause 8** empowers the University, for the purpose of exercising its functions, to provide such facilities for students as it considers desirable.

**PART 3—THE BOARD OF GOVERNORS AND OFFICERS OF THE UNIVERSITY**

**Clause 9** establishes a Board of Governors of the University. The Board consists of elected parliamentary, student and staff representatives, ex officio academic members and other members appointed by the Minister.

**Clause 10** provides that the Board is the governing authority of the University and specifies its principal functions as such an authority.

**Clause 11** invests the Board with miscellaneous powers relating to academic, staffing and other matters.

**Clause 12** permits the Board to delegate its functions.

**Clause 13** provides for the election by the Board of one of the Board members to be Chancellor of the University.

**Clause 14** provides for the election by the Board of one of the Board members to be Deputy Chancellor of the University.

**Clause 15** provides for the appointment by the Board of a Vice-Chancellor of the University. The Vice-Chancellor is designated the chief executive officer of the University.

**Clause 16** creates the office of chief executive officer in respect of each member of the University network. Initially the principals of the Hawkesbury and Nepean Colleges will hold this office. Subsequent chief executive officers are to be appointed by the Board.

**PART 4—POWERS OF INVESTMENT**

**Clause 17** defines terms used in this Part.

**Clause 18** provides that the terms of any trust deed or similar instrument granting money or property to the University are to be respected in so far as they restrict the power of the University to deal with the money or property concerned.

**Clause 19** allows the Board to invest money and private gifts in accordance with the Public Authorities (Financial Arrangements) Act 1987 (or, if that Act at any time does not apply to the Board, then in accordance with the Trustee Act 1925 or with other arrangements approved by the Minister and the Treasurer).

**Clause 20** allows the Board to maximise investment opportunities by pooling trust property for investment purposes.

**Clause 21** requires an annual distribution of income from an investment of pooled property. The income is to be appropriately distributed to accounts representing individual components of the pool.

**Clause 22** preserves the identity of private gifts whose proceeds have been pooled for investment.

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**PART 5—GENERAL**

**Clause 23** establishes an Academic Board of the University, whose powers and functions are to be specified in the by-laws.

**Clause 24** describes the University Convocation.

**Clause 25** enables the Treasurer, with the approval of the Governor-in-Council, to advance money to the University for its temporary accommodation.

**Clause 26** provides for a financial year of the University.

**Clause 27** forbids religious or political discrimination in the admission of students, the conferring of degrees and awards and the appointment of staff.

**Clause 28** allows the Board to exempt persons, on grounds of conscience, from membership of the body corporate of the University or from Convocation.

**Clause 29** designates His Excellency the Governor as the Visitor of the University.

**Clause 30** provides for the resumption or appropriation of land for the benefit of the University.

**Clause 31** provides for the vesting in the University of government land on which its activities are conducted.

**Clause 32** enables the re-appointment or re-election of a person to any position the person has held and for which he or she is still suitably qualified and eligible.

**Clause 33** provides for the use and custody of the seal of the University.

**Clause 34** enables the Governor-in-Council to make regulations in aid of the proposed Act.

**Clause 35** enables the Board, with the approval of the Governor-in-Council, to make by-laws generally for the management, good government and discipline of the University and particularly in relation to certain specified matters.

**Clause 36** enables the Board, or another authority specified in the by-laws, to make rules and orders for the regulation of matters internal to the University and concerning a subject-matter specified in the by-laws.

**Clause 37** repeals the Chifley University Interim Council Act 1987.

**Clause 38** is a formal provision that gives effect to a Schedule of miscellaneous amendments to other Acts.

**Clause 39** is a formal provision that gives effect, in two stages, to a Schedule of transitional provisions.

**SCHEDULE 1—PROVISIONS RELATING TO MEMBERS AND PROCEDURE OF THE BOARD**

**Schedule 1** regulates Board membership (age limit, vacation of office etc.), procedure and other matters relating to the Board and its members.

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**SCHEDULE 2—AMENDMENT OF CERTAIN ACTS**

**Schedule 2** effects miscellaneous amendments to several Acts to take account of the creation of the University and of its standing as a public educational institution. The amendments provide for the exemption of the University from liability to pay council and water rates, for the audit of its accounts and other matters. In addition, the Schedule amends the University and University Colleges Act 1900 both as a consequence of the repeal of the Chifley University Interim Council Act 1987 and so as to remove a prohibition on the establishment of colleges of the University within the Sydney Metropolitan area.

**SCHEDULE 3—TRANSITIONAL PROVISIONS**

**Schedule 3** enacts appropriate transitional provisions in respect of the establishment of the new university and the dissolution of the Hawkesbury and Nepean Colleges. The Schedule is divided into two parts. Provisions necessary for the establishment of the University on 1 January 1989 are contained in Part 1 and take effect on that date. Provisions dealing with the consequences of the dissolution of the Colleges are contained in Part 2 and commence on a proclaimed day or proclaimed days.

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