

1984

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AUSTRALIAN NATIONAL UNIVERSITY  
AMENDMENT BILL 1984

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Education  
and Youth Affairs, Senator the Hon. Susan Ryan)



## Australian National University Amendment Bill 1984

### OUTLINE

The main purpose of this Bill is to amend the Australian National University Act 1946 in order to remove restrictions inserted in the Act in 1979 and 1981 on the use of fees collected from students for amenities and services. In addition to this primary purpose, the Bill provides for a number of minor amendments to the Act most of which have been requested by the University.

The present provisions of the University Act restrict the use of general services fees to categories of amenities and services specified in a Statute made by the University Council within the terms of the Act. They restrict these funds being used for socio-political purposes including affiliation with a national association of students. By removing these restrictions in the Act, there would be a return to the situation which existed before the 1979 amendments so that it would be the responsibility of the Council of the University to supervise the use of these funds as an aspect of its responsibility for the management of the University.

The Bill also provides for minor amendments to the Act. These include removing sex-discriminatory language from the Act, adding to the membership of the Board of the Institute of Advanced Studies, removing possible legal deficiencies in some aspects of the Act, and amendments undertaken to bring the Act into line with current practice in respect of such matters as the disclosure of interests of members of the University Council and Ministerial approval of payments to the University.

Clause 1

Short title

Clause 2

The provisions of the Act are to come into effect on the day Royal Assent is received with two exceptions. In the case of removal of the restrictions on the use of student amenities and services fees, this clause provides for retrospective effect to 1 January 1984. The removal of the provision of an annual appropriation of \$650,000 from the Act is to have effect from 1 July 1984.

Clause 3

This clause amends section 5 of the Act in order to clarify the judicial status of the imprint of the common seal of the University.

Clause 4

This clause provides for the removal of sex-discriminatory language from section 11 of the Act.

Clause 5

This clause is to bring the grounds for disqualification of a member of the Council into line with the standard drafting practice in this area.

Clause 6

This clause amends section 14 of the Act so as to remove sex-discriminatory language .

Clause 7

This clause removes sex-discriminatory language from section 15 of the Act.

Clause 8

This clause amends section 15AA of the Act so as to bring the provision for disclosure of interests by members of the University Council into line with the standard provision now contained in legislation. The main changes to the current provision are to broaden the scope of matters to which this section applies beyond contracts and to require that a member of Council disclosing an interest should not be present during any deliberation by the Council of that matter.

Clause 9

This clause provides for the addition to the Board of the Institute of Advanced Studies of the ANU of representatives of graduate students in the Institute. It also removes sex-discriminatory language from section 15A of the Act.

Clause 10

This clause removes sex-discriminatory language from section 15B of the Act.

Clause 11

This clause provides for the position of Treasurer as an office in the University and gives the Council power to appoint a person to this office.

Clause 12

This clause is to allow for an acting appointment to the position of Treasurer. The clause also removes sex-discriminatory language from section 18B of the Act.

Clause 13

This clause removes sex-discriminatory language from section 20 of the Act.

Clause 14

This clause extends the protection to the validity of the proceedings of the Council, Convocation or any Board to the proceedings of any committee of the Council, Convocation or a Board.

Clause 15

This clause removes sex-discriminatory language from section 24 of the Act.

Clause 16

This clause provides for the removal of restrictions imposed by the 1979 amendments to the Act on the statute making powers of the University Council in respect of fees for the provision of amenities and services. The clause restores the powers of the Council in this area which existed before the 1979 amendments. It also empowers the Council to make statutes in respect of the functions, powers and duties of the University Treasurer.

Clause 17

This clause gives the University power to make Statutes authorising the disposal of vehicles abandoned on University land and their disposal after reasonable efforts have been made to trace their owners. The clause also updates penalties which may be imposed for offences contravening Statutes controlling traffic to bring them into line with those provided for in the ACT Motor Traffic Ordinance 1936. It also removes sex-discriminatory language from section 27A of the Act.

Clause 18

This clause provides for the repeal of the section of the Act which was introduced into the Act through the 1979 amendments in order to restrict the use of general services fees paid by students to categories of amenities and services specified in a statute and to require the University Council to have prepared audited financial statements in respect to moneys received by the University by way of fees.

Clause 19

This clause provides for the repeal of section 30 of the Act in order to remove the provision for an annual appropriation of \$650,000 to the University. The clause substitutes a new section which empowers the payment to the University of such amounts as are appropriated by the Parliament for the purposes of the University. It is intended that the special appropriation of \$650,000 will in future be included in these funds appropriated by Parliament for the University. In addition, the clause provides that funds should be paid to the University in amounts and at times determined by the Minister for Finance.

Clause 20

This amendment to section 31A of the Act is necessary because of the proposed authorization of the position of Treasurer as an office of the University. This amendment is to clarify the distinction between the Treasurer of the Commonwealth and the Treasurer of the University for the purpose of section 31A of the Act.

Clause 21

This clause removes sex-discriminatory language from section 31C of the Act and simplifies references to the discretionary powers of the Auditor-General.

Clause 22

This clause deletes sex-discriminatory language from section 32 of the Act.

Clause 23

This clause repeals section 32A of the Act which was inserted in the Act by the 1979 amendments in order to guarantee that membership of student organisations should not be compulsory. Section 32A provides that there should not be discrimination against a student in respect of admission to the University, academic progress, the conferring of awards or the enjoyment of benefits and privileges of the University on the grounds of a student's refusal or failure to become a member of a student organization. With the repeal of this section, policy in respect of these matters reverts to the Council of the University, as was the case before 1979, as an aspect of its responsibility for the governance of the University.

Clause 24

This clause removes sex-discriminatory language from section 33 of the Act.

Clause 25

This clause removes sex-discriminatory language from section 34 of the Act and deletes the reference to the Officers Rights Declaration Act 1928 in respect of persons formerly employed in the Forestry and Timber Bureau. The Public Service Act now includes a provision which protects the rights of persons in this category so that a specific reference in this Act is no longer necessary.