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THE SENATE

AUSTRALIAN NATIONAL UNIVERSITY AMENDMENT
(AUTONOMY) BILL 1992

EXPLANATORY MEMORANDUM

CIRCULATED BY SENATOR JOHN TIERNEY

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OUTLINE

The purpose of this bill is to amend the *Australian National University Act 1991* to make it clear that the Council of the University is solely responsible for the application of money appropriated by the Parliament for the purposes of the University and for the management of the University.

Recently the Minister for Higher Education and Employment Services decided that some of the money appropriated for the purposes of the University would be put under the control of the National Health and Medical Research Council for the purposes of the John Curtin School of Medical Research, which is established under the Australian National University Act as one of the schools of the University. This administrative measure represents a significant threat to the autonomy of the University.

It is arguable that this arrangement made by the Minister is contrary to the Australian National University Act, which provides that the Council of the University is responsible for the management of the University, including the John Curtin School, and for the application of money provided by the Parliament to the University.

Subsections 42(2) and (3) of the Act, however, give the Minister the power to determine the amounts in which and the times at which money appropriated by the Parliament for the University is to be paid to the University. These provisions appear to give the only statutory support to the action taken by the Minister. The bill would amend the Act to ensure that this power is not used to abridge the autonomy of the University.

FINANCIAL IMPACT STATEMENT

The bill would have no financial impact. The amount of money available to be spent by the University is determined by the annual appropriation by the Parliament.

NOTES ON CLAUSES

Clause 1 Short Title etc.

This clause provides for the title of the bill and defines the Principal Act as the Act to be amended.

Clause 2 Commencement

The bill would commence on Royal Assent.

Clause 3 Money Payable to University

This clause adds two new subsections to section 42 of the Principal Act, relating to the power of the Minister to pay appropriated money to the University.

Proposed new subsection (4): this provision would declare that the Minister may not exercise the power under subsection (2) in such a way as to give to any body outside the University control over the funds available to the University or otherwise to abridge the autonomy of the University elsewhere provided by the Act.

Proposed new subsection (5): this proposed subsection would provide that any direction by the Minister contrary to subsection (4), whether given before or after the enactment of that subsection, would have no effect.

