

## Australian National University Amendment (Autonomy) Bill 1993

### Explanatory Memorandum

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.

This bill is almost identical to the Australian National University Amendment (Autonomy) Bill 1992 which was passed by the Senate during 1992.

The new bill is necessary because the original bill passed by the Senate in the previous parliament sought to amend a section of the Australian National University Act 1991 which has subsequently been repealed by the Higher Education Funding Amendment Act (No 2) 1992.

This bill replaces that repealed section incorporating the amendment from the Australian National University Amendment (Autonomy) Bill 1992.

During 1991 the Minister for Higher Education and Employment Services decided that some of the money appropriated for the purposes of the University would be placed under the control of the Department of Health, Housing and Community Services 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 the money provided by the Parliament to the University.

This bill restores the power of the Minister to determine the amounts in which and the times at which money appropriated by the Parliament for the University is to be paid by the University. It also ensures that this power is not used to abridge the autonomy of the University.

### **FINANCIAL IMPACT STATEMENT**

The bill would have no financial impact.

### **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 a new section with six subsections to the Principal Act.

The first subsection gives the new section precedence over the Higher Education Funding Amendment Act 1988.

The proposed subsections (2), (3) and (4) restore the original section 42 to the Principal Act.

The proposed subsections (5) and (6) are the components from the Australian National University Amendment (Autonomy) 1992 which was passed by the Senate in 1992

The proposed new subsection (5) would declare that the Minister may not exercise the power under proposed subsection (3) 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 (6) would provide that any direction by the Minister contrary to subsection (5), whether given before or after the enactment of that subsection, would have no effect.

