

1989

THE PARLIAMENT OF THE COMMONWEALTH OF
AUSTRALIA

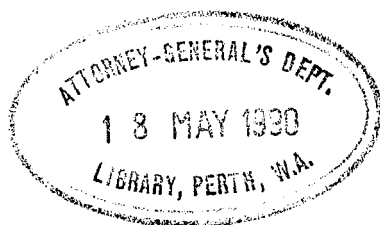
HOUSE OF REPRESENTATIVES

AUSTRALIAN NATIONAL UNIVERSITY BILL 1988

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments and New Clauses to be Moved on Behalf of
the Government

(Circulated by authority of the Minister for
Employment, Education and Training,
the Hon J S Dawkins MP)



Australian National University Bill 1988

OUTLINE

This Explanatory Memorandum is supplementary to that circulated at the time the Bill was introduced into the Parliament. It was foreshadowed at the time of introduction that there was time for interested parties to consider the Bill and present their views with the possibility of amendments to improve the operation of the Bill without detracting from the essential elements. The amendments, in part, reflect the changes resulting from consultation with interested parties, particularly the institutions.

The amendments also reflect some technical points which have been identified since introduction.

FINANCIAL IMPACT

Consistent with the original Bill the amendments will result in no monetary variations when compared to the present arrangements for funding the current institutions in the Australian Capital Territory.

CLAUSES OF THE BILL

Clause 1, 2 & 3: Interpretations: These clauses define or redefine words and terms in the Bill, including Pro-Chancellor.

Clause 4: Functions of the University: This clause extends the functions of the University to include the development of relations with other educational institutions, including schools and technical and further education institutions.

Clause 5, 6 & 7: Constitution of the Council: These clauses add the Chancellor and a post-graduate student representative to the Council and redefines the position of student representative to that of under-graduate student representative.

Clause 8: Qualifications for membership of Council: This clause describes the conditions relating to the termination of membership of Council, including mental incapacity, and provides for the seat of a terminated member to be filled as a casual vacancy under conditions provided for under Clause 15 of the original Bill.

Clause 9: Meetings of Council: This clause provides that the Chancellor, or if the Chancellor is not present the Pro-Chancellor, or if neither the Chancellor or the Pro-Chancellor is present, a member of Council elected by the members present, shall preside at meetings of the Council.

Clause 10: Resolutions without Meetings: This Clause provides for the Council to approve resolutions without meetings with the signature of the majority of Council, excluding members with a direct or indirect pecuniary interest.

Clause 11 & 12: Vacation of Office: These clauses provide for vacation of office by the post-graduate student member of Council should that person cease to be a post-graduate student. The clauses also provide for the Chancellor to be a member of Council only in that capacity and to vacate any other office on Council on the occasion of appointment to the Office of Chancellor.

Clause 13: Constitution of Board: This clause provides for academic staff from the Faculties to be appointed to the Board of the Institute as provided for by the University statutes.

Clause 14: Constitution of Convocation: This clause provides for all graduates and diplomates of the of University, the old University, the College and the old Arts Institute and such certificate holders of those institutions as provided for by University statute to be members of Convocation.

Clause 15, 16, Senior Officers of the University and Validity of 17, 18 & 19: Acts and proceedings: These clauses provide for the Council to appoint the Chancellor and Pro-Chancellor and the validation of the acts of such persons. The Chancellor may be appointed from outside the membership of Council, whereas the Pro-Chancellor will be appointed from the membership of Council on such conditions as the Council determine subject to the statutes.

Clause 20: Annual report and financial statements: This clause provides for the audit examination and statement to be appropriate to the non-commercial nature of the institution.

Clause 21 & 22: Statutes: These clauses provide for the Council to make statutes relating to persons who are to be regarded as undergraduate and postgraduate students of the University and the resignation of the Pro-Chancellor.

Clause 23, 24, 25: Statute relating to traffic: These clauses 26, 27 & 28: provide for the former ACT Motor Traffic Ordinance to be cited as the "Traffic Act".

Clause 29: Council members pending appointment of Chairperson of Board of Faculties: This clause provides for both the Chairman of the Board of The Faculties of the old University and the Chairperson of the Academic Board of the College, immediately before commencement, to be members of the Council until the appointment of the first Chairperson of the Board of the Faculties under section 26 of the original Bill.

Clause 30, 31 & 32: Council members representing academic staff of the Faculties, general staff and undergraduate students: These clauses define "qualified person", for the purpose of appointment to the Council in the transitional period, to be a person who has held a relevant office immediately before the commencement and who is qualified to be elected by the relevant class of persons, under clause 10(1) of the original Bill, immediately after the commencement.

Clause 33: Council member representing postgraduate students: This clause provides for the person who represented postgraduate students on Council of the old university before commencement to continue on the Council of the University until an election under clause 10(1) as amended.

Clause 34: Special provisions relating to certain members of Council: This clause provides for the vacation of office of persons appointed under paragraphs 72(1), 73(1) and 74(1) if they cease to be qualified to be elected to as a member of Council and for the Minister to appoint replacement members.

Clause 35: Consequential amendments: This clause provides for amendments to the Employment, Education and Training Act 1988, the Higher Education Funding Act 1988 and the Remuneration Tribunal Act 1973 to reflect the new institutional arrangements embodied within the current Bill.

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MEMBERSHIP OF COUNCIL

CATEGORY	PERMANENT	TRANSITIONAL PERIOD
Chancellor	1	1
Vice-Chancellor	1	1
First Deputy Vice-Chancellor		1(a)
Chairperson of Board of Institute of Advance Studies (IAS)	1	1
Chairperson of Board of Faculties	1	2
Appointed by the Governor-General including two on the nomination of Chief Minister of the ACT	6	6
Appointed by the Governor-General on nomination of the Prime Minister	1	1
Appointed by the Governor-General on nomination of the Leader of the Opposition	1	1
Elected by Convocation	2	2
Academic Staff of IAS	1	1
Academic Staff of Faculties	1	2
General Staff	1	2
Post-Graduate Students	1	1
Under-Graduate Students	1	2
Extra Member	1	2
	<u>20</u>	<u>26</u>

(a) The First Deputy Vice-Chancellor will remain a member of Council whilst he remains in that position.