

1989

THE PARLIAMENT OF THE
COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

UNIVERSITY OF CANBERRA BILL 1989

EXPLANATORY MEMORANDUM

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

University of Canberra Bill 1989

OUTLINE

The purpose of this Bill is to establish the University of Canberra which will replace the Canberra College of Advanced Education.

Following Government decisions arising from the full review of Commonwealth policies for higher education, details of which were announced in Higher Education - A Policy Statement (the White Paper) released in July 1988, a Steering Committee was established to advise on the amalgamation of the three Canberra higher education institutions. Acting on the recommendations of this committee, the Government introduced the Australian National University Bill 1988 into Parliament in November 1988. Consideration of the Bill was deferred to enable the incoming ACT government to provide advice on the structure of higher education in the Territory. A select committee of the ACT Assembly reported in July 1989 recommending that the amalgamation of the three institutions not proceed at this stage but that a University of Canberra be established to replace the Canberra College of Advanced Education.

The University will be established under the sponsorship of Monash University in accordance with an agreement between the two institutions. The Report of the Task Force on Amalgamations in Higher Education (April 1989) proposed that sponsorship of former institutions in the advanced education sector by existing universities is an appropriate model for the development of these institutions as full members of the Unified National System.

FINANCIAL IMPACT

The only financial implication is that the Government will provide funding of \$300,000 to Monash University over the next three years to contribute towards the costs incurred in its sponsorship of the University of Canberra.

NOTES ON CLAUSES OF THE BILL

PART 1 - PRELIMINARY

Clause 1: Short title

Clause 2: Commencement: The Act is to commence on 1 January 1990.

Clause 3: Definitions: The words and terms used in the Bill are defined.

PART 2 - THE UNIVERSITY OF CANBERRA

Division 1 - Establishment of the University

Clause 4: Establishment of the University: The University is to be established as a body corporate with a seal which is to be accorded due judicial recognition. It can be involved in real and personal property transactions.

Clause 5: Sponsorship by Monash University: special provisions will apply during the sponsorship period which will end not sooner than 1 January 1993, subject to the willingness of Monash University to continue to sponsor the University. During the sponsorship period:

- . the name of the University will reflect its sponsorship association with Monash University and
- . the approval of Monash University will be required for development of graduate programs and appointment of professorial and equivalent staff.

The provisions elsewhere in the Bill relating to Monash University nominations to the University Council and Academic Board will cease to have effect when the sponsorship period ends.

Clause 6: Functions of the University: The University is to undertake teaching and research and to provide higher education for both Australian and overseas students. It is to award and confer degrees, diplomas and certificates including joint awards. Special attention is to be given to the needs of the Australian Capital Territory and the surrounding regions.

Clause 7: Powers of the University: The University is to have broad powers to undertake its functions both within and outside Australia including specific powers which are listed.

Clause 8: Organisation of the University: The University is to have faculties and bodies as determined by Council.

Division 2 - The Council

Clauses 9: The Council and powers of Council: The Council and 10 is to be the governing authority of the university with powers to appoint staff and to manage the University according to the best interests of the University.

Clause 11: Constitution of Council: The Council is to consist of persons in specified categories who are either appointed or elected to serve on Council for specified periods. The Council is to include 2 nominees of the Vice-Chancellor of Monash University.

Clause 12: Qualifications for membership of Council: Conditions of membership are to relate to age, financial affairs and criminal history.

Clause 13: Meetings of Council: A majority of Council members is to constitute a quorum. Meetings are to be chaired by the Chancellor, if present, or otherwise an elected member of Council.

Clause 14: Disclosure of interests of members: A Council member is to disclose any direct or indirect pecuniary interest in any matter being considered at a Council meeting.

Clauses 15: Vacation of office and casual vacancies: A vacancy and 16 is to occur if certain conditions apply and is to be filled on a casual basis in accordance with specified procedures.

Clauses 17: Delegation to member of Council or to a committee and 18 of Council: The Council is to be empowered to delegate its functions or powers to a member of Council, the Vice-Chancellor or a member of staff of the University or to a committee.

Division 3 - The Academic Board

Clause 19: Academic Board: The Academic Board is to be responsible to the Council for all matters of an educational, research or academic nature.

Clauses 20: Constitution of Board and chairperson: The Board and 21 is to consist of persons in specified categories who are either appointed or elected and is to include 2 nominees of Monash University. The chairperson is to be the Vice-Chancellor or her or his nominee.

- Clause 22: Terms of office of Board members: Membership of the Board is to be on the basis of specified conditions of appointment.
- Clause 23: Meetings of Board: A majority of Board members is to constitute a quorum. Meetings are to be chaired by the chairperson or an elected member of the Board.
- Division 4 - Senior Officers of the University
- Clause 24: Chancellor: The Chancellor is to be elected from a specified subgroup of Council.
- Clauses 25: and 26 Vice-Chancellor: The Vice-Chancellor is to be appointed by Council with remuneration as determined by the Remuneration Tribunal.
- Clause 27 Acting appointments: The Council is to have the power to appoint an acting Vice-Chancellor.
- Division 5 - Miscellaneous
- Clause 28: Execution of contracts: The University is to be able to enter into contracts.
- Clause 29: Validity of acts and proceedings: The University is to be protected in law from acts or proceedings where there is a defect relating to membership or meeting procedure.

PART III - FINANCIAL MATTERS

Division 1 - Fees

- Clauses 30: and 31 Fees and guidelines relating to certain fees: The Statutes are to specify the charging of fees subject to guidelines issued by the Minister.

Division 2 - Finances of the University

- Clauses: 32, 33 and 34 Financial machinery provisions: The appropriation, application and borrowing of moneys by the University are to conform with standard Government procedures.
- Clauses: 35, 36 and 37 Proper accounts to be kept etc., bank accounts and audit: Standard Government financial procedures are to apply.
- Clause 38: Taxation: The University is not to be subject to taxation except as specified by regulations.
- Clause 39: Annual report and financial statements: Standard procedures for financial reporting by Statutory Authorities are to apply.

PART IV - STATUTES

- Clause 40: Statutes: The Council is to be empowered to make Statutes on a range of matters and to make rules or orders not inconsistent with the Act.
- Clause 41: Statute relating to traffic: The Council is to be empowered to make statutes relating to traffic.
- Clause 42: Statutes to be approved by Governor-General and published: Statutes made by the Council are to comply with certain procedures.

PART V - CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

Division 1 - preliminary

- Clause 43: Definitions: The words and terms used in this Part of the Act are defined.

Division 2 - Repeal

- Clause 44: Repeal: The Canberra College of Advanced Education Act 1967 is to be repealed.

Division 3 - General

- Clause 45: University successor in law of the College: A reference to the College is to be taken as a reference to the University.
- Clause 46: Transfer of assets and liabilities of College: The University is to acquire all assets, liabilities and assets held on trust by the College.
- Clause 47: College instruments: All College instruments are to continue to have effect but in relation to the University.
- Clause 48: State or Territory officer may act on certificate: A technical provision.
- Clause 49: Pending proceedings: The University is to be substituted for the College where the College is a party to court proceedings.
- Clause 50: First Vice-Chancellor: The Principal is to be appointed as the first Vice-Chancellor on terms and conditions which are not less than the conditions of appointment of the Principal.

Clause 51: Preservation of College Statutes: College Statutes are to become University Statutes.

Clause 52: Staff of the College: The staff of the College are to transfer to the University with the preservation of their existing rights and entitlements.

Clause 53: Students of the College: The rights of students enrolled in a course in the College are preserved.

Clauses 54: Transfer of appropriated money and annual report
and 55 and financial statements: Technical provisions.

Division 4 - Membership of Council at the Commencement of the Act and later

Clause 56: Application of Division: A technical provision.

Clauses 57: Council Members elected by graduates or
to 61 representing academic or general staff or students:
The Minister to appoint persons to the Council who held office under the equivalent sections of the College Act until fresh elections take place.

Division 5 - Amendment of Remuneration Tribunal Act 1973

Clause 62: Interpretation: Consequential amendment

