

Canberra College of Advanced Education Amendment Act 1979

No. 191 of 1979

An Act to amend the *Canberra College of Advanced Education Act 1967*.

BE IT ENACTED by the Queen, and the Senate and House of Representatives of the Commonwealth of Australia, as follows:

Short title,
& c.

1. (1) This Act may be cited as the *Canberra College of Advanced Education Amendment Act 1979*.¹

(2) The *Canberra College of Advanced Education Act 1967*² is in this Act referred to as the Principal Act.

Commence-
ment

2. This Act shall come into operation on 1 January 1980.

Powers of
College

3. Section 6 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(3) Notwithstanding anything contained in this Act, any moneys or other property held by the College upon trust shall be dealt with in accordance with the powers and duties of the College as trustee.”

Statutes

4. Section 21 of the Principal Act is amended by inserting in paragraph (i) of sub-section (1) “authorized by this Act or” after “matter”.

5. After section 23 of the Principal Act the following section is inserted:

Membership
of
organization
not to be
compulsory

“23A. (1) No discrimination based on refusal or failure to become a member of, or termination of membership of, an organization of students, or of students and other persons, shall be applicable in respect of—

- (a) admission to, or continuation in, any course of study or instruction of the College;
- (b) the conferring of a degree, diploma or certificate of the College;
or
- (c) the enjoyment of any benefit, advantage or privilege in relation to the College.

“(2) The reference in sub-section (1) to a benefit, advantage or privilege in relation to the College shall be read as not including a benefit, advantage or privilege available, under the constitution of an organization of students or of students and other persons, only to persons who are members of that organization.”.

6. Section 25 of the Principal Act is repealed and the following sections are substituted:

“25. (1) Fees are not payable to the College except as determined by the Council under sub-section (2). Fees

“(2) The Council may, subject to any directions of the Minister, determine that—

- (a) fees the payment of which is voluntary, including, but without limiting the generality of the foregoing, such fees in respect of an organization of students or of students and other persons;
- (b) fees in respect of the provision to students of amenities or services that are not of an academic nature;
- (c) fees in respect of residential accommodation; or
- (d) fees in connection with, or in connection with attendance for the purposes of, studies that are not included in the studies that are required or permitted to be undertaken for the purpose of obtaining a degree, diploma or certificate,

are, subject to such exemptions (if any) as are specified in the determination, payable to the College at such rates as are specified in the determination, and may vary or revoke such a determination.

“25A. (1) In this section, unless the contrary intention appears—

‘approved auditor’ means the Auditor-General or an auditor approved by the Council;

‘fees’ means fees paid to the College in respect of the provision to students of amenities or services that are not of an academic nature;

‘organization of students’ means a body or organization of students, or of students and other persons.

Fees for the provision of amenities and services to students

“(2) Where moneys are paid to the College by way of fees, the Council shall not make those moneys, or any part of those moneys, available to an organization of students for expenditure by the organization unless the Council is satisfied that the governing body of the organization is representative of the members of the organization.

“(3) Where the Council makes moneys paid to the College by way of fees available to an organization of students for expenditure by the organization, it is the duty of the organization to apply the moneys, and it is the duty of the Council to take all reasonable steps to ensure that the

moneys are applied by the organization, only in respect of the provision, for students liable to pay those fees, whether members of the organization or not, of amenities or services, or of amenities or services included in a class of amenities or services, which, subject to any directions of the Minister, the Council has approved in respect of the organization for the purposes of this sub-section.

“(4) The Council—

- (a) shall not approve amenities or services, or a class of amenities or services, for the purposes of sub-section (3) in respect of an organization of students, unless the Council is of the opinion that provision of those amenities or services, or of amenities or services included in that case of amenities or services, as the case may be, to students on behalf of the organization will directly benefit the College; and
- (b) may, subject to any directions of the Minister, vary or revoke an approval given by it in respect of an organization under sub-section (3).

“(5) Where the Council is not permitted by this section to make moneys paid to the College by way of fees available to an organization of students for expenditure by the organization, the Council may, whether or not the fees were paid to the College on account of, or for the purposes of, the organization, expend those moneys in such manner as the Council deems fit, being a manner in which the moneys could, under this section, have been expended by the organization if the moneys had been made available to the organization.

“(6) As soon as practicable after 31 December 1980 and after each subsequent 31 December, the Council shall cause to be prepared detailed financial statements, in respect of the year ended on that date, with respect to moneys received by the College by way of fees, and shall cause those statements to be audited by an approved auditor.

“(7) The financial statements prepared in pursuance of sub-section (6) in relation to a year shall include particulars of—

- (a) the moneys received by the College by way of fees during that year;
- (b) the amounts (if any) of the moneys so received that were made available during that year to an organization of students, for expenditure by the organization; and
- (c) the manner in which any of the moneys so received, and any of the moneys unexpended at the commencement of that year out of moneys so received during a preceding year, were expended during that year by an organization of students or by the Council.

“(8) Sub-section (6) does not require that each of the financial statements prepared in relation to a year be audited by the same auditor.

“(9) As soon as practicable after the detailed financial statements prepared for the purposes of sub-section (6) in relation to a year have been audited, the Council shall cause copies of the statements, and of the reports of the auditor or auditors with respect to the statements, to be made freely available to students.

“(10) Notwithstanding sub-sections (3) and (5), moneys paid to the College by way of fees may be applied by the Council or by an organization of students in or towards payment of any fees or other charges payable to an approved auditor in respect of an audit of financial statements prepared in pursuance of sub-section (6).”

7. Section 26 of the Principal Act is amended by omitting sub-section (2) and substituting the following sub-section: Moneys of
College

“(2) Moneys referred to in sub-section (1) shall be paid to the College in such amounts, and at such times, as the Minister determines in accordance with arrangements approved by the Minister for Finance.”

8. Sections 29 and 30 of the Principal Act are repealed and the following sections substituted:

“29. (1) The Auditor-General shall inspect and audit the accounts and records of financial transactions of the College and records relating to assets of, or in the custody of, the College and shall forthwith draw the attention of the Council, and may draw the attention of the Minister, to any irregularity disclosed by the inspection and audit that is, in the opinion of the Auditor-General, of sufficient importance to justify his so doing. Audit

“(2) The Auditor-General may, at his discretion, dispense with all or any part of the detailed inspection and audit of any accounts or records referred to in sub-section (1).

“(3) The Auditor-General shall, at least once in each year, report to the Minister and to the Council the results of the inspection and audit carried out under sub-section (1).

“(4) The Auditor-General or a person authorized by him is entitled at all reasonable times to full and free access to all accounts, records, documents and papers of the College relating directly or indirectly to the receipt or payment of moneys by the College or to the acquisition, receipt, custody or disposal of assets by the College.

“(5) The Auditor-General or a person authorized by him may make copies of, or take extracts from, any such accounts, records, documents or papers.

“(6) The Auditor-General or a person authorized by him may require any person to furnish him with such information in the possession of the person or to which the person has access as the Auditor-General or authorized person considers necessary for the purposes of the functions of

the Auditor-General under this Act, and the person shall comply with the requirements.

“(7) A person who contravenes sub-section (6) is guilty of an offence punishable, upon conviction, by a fine not exceeding \$200.

Taxation “29A. (1) Subject to sub-section (2), the College is not subject to taxation under the laws of the Commonwealth or of a State or Territory.

“(2) The Governor-General may make regulations providing that sub-section (1) does not apply in relation to taxation under a specified law.

Reports “30. (1) The Council shall, as soon as practicable after each 31 December, prepare and transmit to the Minister a report of the operations of the College during the year ended on that date, together with financial statements in respect of that year in such form as the Minister for Finance approves.

“(2) Before transmitting financial statements to the Minister, the Council shall submit them to the Auditor-General, who shall report to the Minister and to the Council—

- (a) whether, in his opinion, the statements are based on proper accounts and records;
- (b) whether the statements are in agreement with the accounts and records;
- (c) whether, in his opinion, the receipt, expenditure and investment of moneys, and the acquisition and disposal of assets, by the College during that year have been in accordance with this Act; and
- (d) as to such other matters arising out of the statements as the Auditor-General considers should be reported to the Minister.

“(3) The Minister shall cause copies of the report and financial statements of the College, together with a copy of the report of the Auditor-General, to be laid before each House of the Parliament within 15 sitting days of that House after their receipt by the Minister.”

NOTES

1. Act No. 191, 1979; assented to 6 December 1979.
2. Act No. 104, 1967, as amended. For previous amendments *see* Acts No. 114, 1970; No. 216, 1973; No. 9, 1975; and No. 36, 1978.