

**Canberra College of Advanced Education Amendment Act 1984**

**No. 96 of 1984**

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**Canberra College of Advanced Education Amendment Act 1984**

**No. 96 of 1984**

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

***Act 1967***

[*Assented to 8 October 1984*]

BE IT ENACTED by the Queen, and the Senate and the 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 1984.*

**(2)** The *Canberra College of Advanced Education Act 1967*1is in this Act referred to as the Principal Act.

**Commencement**

**2. (1)** Subject to sub-section (2),this Act shall come into operation on the day on which it receives the Royal Assent.

**(2)** Sections 16 and 18 shall come into operation on 1 January 1985.

**Establishment of College**

**3.** Section 4 of the Principal Act is amended by omitting sub-section (5) and substituting the following sub-section:

“(5) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the College appearing on a document and shall presume that the document was duly sealed.”.

**Functions of College**

**4.** Section 5 of the Principal Act is amended—

(a) by omitting from paragraph (c) “and” (last occurring); and

(b) by inserting after paragraph (c) the following paragraph:

“(ca) to confer honorary degrees at levels approved by the Minister; and”.

**Constitution of Council**

**5.** Section 8 of the Principal Act is amended—

(a) by omitting from paragraph (1) (b) “his right” and substituting “the right of the Deputy Vice-Chancellor”;

(b) by inserting after paragraph (1) (c) the following paragraph:

“(ca) one member of the non-teaching staff of the College elected by that non-teaching staff;”;

(c) by omitting from paragraph (1) (f) “and”; and

(d) by inserting after paragraph (1) (f) the following paragraph:

“(fa) a person, being a member of the class of persons constituted by the persons to whom the College has awarded a degree, diploma or certificate, elected to represent the members of that class; and”; and

(e) by inserting after sub-section (2) the following sub-section:

“(2a) To be eligible for election in accordance with paragraph (1) (fa) a person shall not—

(a) be enrolled in a course of study offered by the College; or

(b) be a member of the staff of the College.”.

**Members elected by teaching staff**

**6.** Section 10 of the Principal Act is amended—

(a) by omitting from sub-section (3) “he” and substituting “that staff member”;

(b) by omitting from sub-section (4) “his term of office, a” and substituting “the term of office of that staff member, another”; and

(c) by omitting from sub-section (5) “if he ceases” and substituting “upon ceasing”.

**7.** After section 10 of the Principal Act the following section is inserted:

**Members elected by non-teaching staff**

“10aa. (1) In this section ‘non-teaching staff member’ means a member referred to in paragraph 8 (1) (ca).

“(2) Except as otherwise provided by this section, a non-teaching staff member shall hold office, subject to this Act, for a period of 2 years and the term of office of a non-teaching staff member shall commence—

(a) if it is the first term of office of the first non-teaching staff member to be elected—on the 27 September next following the election of that non-teaching staff member; and

(b) in any other case—on the expiration of the term of office of the member whose place the non-teaching staff member fills.

“(3) If a non-teaching staff member has ceased to hold office before the expiration of the term of office of that non-teaching staff member, another non-teaching staff member shall, if the Minister so directs, be elected to hold office from the date of the election of that other non-teaching staff member until the expiration of that term, and the election shall be held in accordance with any Statute that was applicable to the election of the member who has ceased to hold office.

“(4) A non-teaching staff member ceases to be a member upon ceasing to be a member of the non-teaching staff of the College.”.

**Members elected by students**

**8.** Section 10a of the Principal Act is amended—

(a) by omitting from sub-section (3) “his term of office, a” and substituting “the term of office of that student member, another”;

(b) by omitting from sub-section (3) “his election” and substituting “the election of that other student member”;

(c) by inserting in sub-sections (4) and (5) “or she” after “he” (wherever occurring);

(d) by omitting from sub-section (6) “he” and substituting “the person”; and

(e) by adding at the end thereof the following sub-section:

“(7) The terms of office of the student members elected in the elections next following the commencement of this sub-section shall be for such periods, not exceeding one year, as will expire on the 26 September in the calendar year next following the calendar year in which those elections were held.”.

**9.** After section 11 of the Principal Act the following section is inserted:

**Members elected by the alumni of the College**

“11a. (1) In this section, ‘graduate member’ means a member of the Council referred to in paragraph 8 (1) (fa).

“(2) Except as otherwise provided by this section, a graduate member shall hold office, subject to this Act, for a period of one year and the term of office of a graduate member shall commence—

(a) if it is the first term of office of the first graduate member to be elected—on the 27 September next following the election of that graduate member; and

(b) in any other case—on the expiration of the term of office of the member whose place the graduate member fills.

“(3) If a graduate member has ceased to hold office before the expiration of the term of office of that graduate member, another graduate member shall, if the Minister so directs, be elected to hold office from the date of the election of that other graduate member until the expiration of that term and the election shall be held in accordance with any Statute that was applicable to the election of the member who has ceased to hold office.

“(4) A graduate member ceases to be a member—

(a) upon enrolling in a course of study offered by the College; or

(b) upon becoming a member of the staff of the College.

“(5) Where a person has been elected as a graduate member on 2 occasions, he or she is not eligible to be again elected as a graduate member.”.

**Chairman and Deputy Chairman of the Council**

**10.** Section 13 of the Principal Act is amended—

(a) by omitting from sub-section (2) “he” (wherever occurring) and substituting “the person”;

(b) by omitting from paragraph (2) (a) “his appointment” and substituting “the appointment of the person”;

(c) by omitting from paragraph (2) (c) “his office as Chairman by writing under his hand” and substituting “from the office of Chairman by writing signed by the person”;

(d) by omitting from sub-section (3) “his term of office” and substituting “the term of office of the member”; and

(e) by omitting from sub-section (3) all the words after paragraph (b) and substituting “but ceases to be the Chairman or Deputy Chairman upon ceasing to be a member, and may resign from the office of Chairman or Deputy Chairman by writing signed by the member and delivered to the Deputy Chairman or to the Chairman”.

**Disqualifications**

**11.** Section 14 of the Principal Act is amended by omitting from paragraph (b) “his creditors” and substituting “the creditors of the person”.

**Vacation of office**

**12.** Section 15 of the Principal Act is amended—

(a) by inserting in paragraph (1) (c) “or her” after “his”;

(b) by omitting from sub-section (1) “him” and substituting “that member”;

(c) by omitting sub-sections (2), (3) and (4) and substituting the following sub-sections:

“(2) A member of the Council who has a direct or indirect pecuniary interest in a matter being considered, or about to be considered by the Council shall, as soon as possible after the relevant

facts have come to the knowledge of the member, disclose the nature of that interest at a meeting of the Council.

“(3) A disclosure under sub-section (2) shall be recorded in the minutes of the meeting of the Council and the member shall not—

(a) be present during any deliberation of the Council with respect to that matter; or

(b) take part in any decision of the Council with respect to that matter.”; and

(d) by omitting from sub-section (6) “writing under his hand” and substituting “writing signed by the member”.

**Meetings of Council**

**13.** Section 16 of the Principal Act is amended by inserting in sub-section (3) “or she” after “he”.

**Terms and conditions of service of staff**

**14.** Section 20 of the Principal Act is amended—

(a) by omitting from paragraph (2) (a) “he retains his” and substituting “the person retains his or her”; and

(b) by omitting from paragraph (2) (b) “his service as a person so employed” and substituting “that person’s service as an employee of the College”.

**Statutes**

**15.** Section 21 of the Principal Act is amended—

(a) by inserting after paragraph (1) (c) the following paragraph:

“(caa) the election of a member of the Council by the non-teaching staff of the College, including—

(i) the persons who are to be regarded as members of the non-teaching staff for the purposes of such an election; and

(ii) the determination of questions arising in relation to the conduct or result of such an election;”;

(b) by inserting after paragraph (1) (ca) the following paragraph:

“(cb) the election of a member of the Council by members of the class of persons constituted by persons to whom the College has awarded a degree, diploma or certificate, including the determination of questions arising in relation to the conduct or result of such an election;”; and

(c) by inserting after paragraph (1) (ea) the following paragraph:

“(eb) the honorary degrees that may be conferred by the College and the circumstances in which they can be so conferred;”.

**Repeal of section 23a**

**16.** Section 23a of the Principal Act is repealed.

**Fees**

**17.** Section 25 of the Principal Act is amended—

(a) by omitting paragraph (2) (a) and substituting the following paragraph:

“(a) fees the payment of which is voluntary;”; and

(b) by inserting after paragraph (2) (b) the following paragraph:

“(ba) fees in respect of an organization of students or of students and other persons;”.

**Repeal of section 25a**

**18.** Section 25a of the Principal Act is repealed.

**Moneys of College**

**19.** Section 26 of the Principal Act is amended by omitting from sub-section (2) “determines in accordance with arrangements approved by the Minister for Finance” and substituting “for Finance determines”.

**Audit**

**20.** Section 29 of the Principal Act is amended—

(a) by omitting from sub-section (1) “his” and substituting “the Auditor-General’s”;

(b) by omitting from sub-section (2) “, at his discretion”; and

(c) by omitting from sub-sections (4), (5) and (6) “him” (wherever occurring) and substituting “the Auditor-General”.

**Reports**

**21.** Section 30 of the Principal Act is amended by omitting from sub-section (2) “in his opinion” (wherever occurring) and substituting “in the opinion of the Auditor-General”.

**Formal amendments**

**22.** The Principal Act is further amended—

(a) by omitting from the following provisions any number expressed in words and substituting that number expressed in figures:

paragraphs 8 (1) (c), (d), (e) and (f), sub-sections 8 (3), 10 (3) and 10a (6), sections 11 and 12, sub-section 13 (2), paragraphs 14 (a) and 15 (1) (b), sub-paragraph 21 (1) (c) (iii) and sub-section 22 (4); and

(b) as set out in the Schedule.

**SCHEDULE** Paragraph 22 (b)

FORMAL AMENDMENTS

**Sub-section 6 (2)—**

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

**Paragraph 8 (1) (g)—**

Omit “of this Act”.

**Sub-section 8 (2)—**

Omit “three”, substitute “3”.

**Sub-section 8 (2)—**

Omit “paragraph (c) of the last preceding sub-section”, substitute “paragraph (1) (c)”.

**Sub-section 8 (3)—**

Omit “paragraph (d) of sub-section (1) of this section”, substitute “paragraph (1) (d)”.

**Sub-section 8 (5)—**

Omit “the next succeeding sub-section”, substitute “sub-section (6)”.

**Sub-section 8 (7)—**

Omit “the last preceding sub-section”, substitute “sub-section (6)”.

**Sub-section 8 (8)—**

Omit “sub-section (6) of section 10aof this Act”, substitute “sub-section 10a (6)”.

**Sub-section 10 (1)—**

Omit “paragraph (c) of sub-section (1) of section 8 of this Act”, substitute “paragraph 8 (1) (c)”.

**Sub-section 10 (2)—**

Omit “three”, substitute “3”.

**Sub-section 10 (2)—**

Omit “two” (wherever occurring), substitute “2”.

**Sub-section 10 (4)—**

Omit “sub-section (2) of section 8 of this Act”, substitute “sub-section 8 (2)”.

**Sub-section 10a (1)—**

Omit “paragraph (d) of sub-section (1) of section 8 of this Act”, substitute “paragraph 8 (1) (d)”.

**Paragraph 10a (2) (a)—**

Omit “two” substitute “2”.

**Section 11—**

Omit “paragraph (e) of sub-section (1) of section 8 of this Act”, substitute “paragraph 8 (1) (e)”.

**Section 12—**

Omit “paragraph (f) of sub-section (1) of section 8 of this Act”, substitute “paragraph 8 (1) (f)”

**Paragraph 15 (1) (a)—**

Omit “paragraph (b) or (c) of the last preceding section”, substitute “paragraph 14 (b) or (c)”.

**Paragraph 15 (1) (c)—**

Omit “the next succeeding sub-section”, substitute “sub-section (2)”.

**Sub-section 16 (7)—**

Omit “the next succeeding sub-section”, substitute “sub-section (8)”.

**Sub-section 20 (2)—**

Omit “the Public Service of the Commonwealth” (wherever occurring), substitute “the Australian Public Service”.

**SCHEDULE**—continued

**Sub-section 20 (3) (b)—**

Omit “sub-section (1) of section 4”, substitute “sub-section 4 (1)”.

**Paragraph 21 (1) (b)—**

Omit “the last preceding paragraph”, substitute “paragraph (a)”.

**Sub-paragraph 21 (1) (c) (iii)—**

Omit “sub-section (2) of section 10 of this Act”, substitute “sub-section 10 (2)”.

**Paragraph 21 (2) (b)—**

Omit “twenty dollars”, substitute “$20”.

**Sub-section 21 (4)—**

Omit “of this section”.

**Sub-section 24 (2)—**

Omit “the last preceding sub-section”, substitute “sub-section (1)”.

**NOTE**

1. No. 104, 1967, as amended. For previous amendments, see No. 114, 1970; No. 216, 1973; No. 95, 1975; No. 36, 1978; and No. 191, 1979.