

1984

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

CANBERRA COLLEGE OF ADVANCED EDUCATION
AMENDMENT BILL 1984

EXPLANATORY MEMORANDUM

(Circulated by authority of the Minister for Education
and Youth Affairs, Senator the Hon. Susan Ryan)

CANBERRA COLLEGE OF ADVANCED EDUCATION AMENDMENT BILL 1984

OUTLINE

The principal purpose of this Bill is to amend the Canberra College of Advanced Education Act 1967 so as to remove restrictions inserted in the Act in 1979 on the ways fees collected from students for the provision of amenities and services can be used. In addition to this primary purpose, the Bill provides for a number of minor amendments to the Act requested by the College and for some formal amendments intended to bring the Act into line with current legislative drafting practice.

The present provisions of the College Act restrict the ways in which fees collected for the provision of student amenities and services may be used. Such fees may not be used for socio-political purposes, including affiliation with a national association of students. By removing these restrictions from the Act, it would be the responsibility of the Council of the College to supervise the use of these funds as an aspect of its responsibility for the management of the College.

The Bill also provides for minor amendments to the Act. These include removing sex-discriminatory language from the Act, empowering the College to confer honorary degrees at levels approved by the Minister, and enlarging the Council of the College by adding representatives of non-teaching staff and College alumni. The Bill is also intended to bring the College Act into line with current practice in respect of such matters as the disclosure of interests of members of the College Council and provides for a number of other formal amendments.

Clause 1

Short title.

Clause 2

The provisions of the Act are to come into effect on the day Royal Assent is received with the exception that the removal of the restrictions on the use of student fees levied for the provision of amenities and services is to have retrospective effect from 1 January 1984.

Clause 3

This clause amends section 4 of the Act in order to clarify the judicial status of the imprint of the seal of the College.

Clause 4

This clause adds to the functions of the College the power to confer honorary degrees at levels approved by the Minister.

Clause 5

This clause provides for the enlargement of the Council of the College by the addition of a representative of the non-teaching staff of the College and a representative of College alumni. These representatives are to be elected. The clause also provides for the removal of sex-discriminatory language from section 8 of the Act.

Clause 6

This clause removes sex-discriminatory language from section 10 of the Act.

Clause 7

This clause prescribes the requirements for the election

of a representative of non-teaching staff to the Council of the College. A term of two years is provided for and the timing of elections is to coincide with the election of the representatives of the teaching staff.

Clause 8

This clause is designed to bring the timing of the election of student representatives on the College Council into line with the election of teaching staff and non-teaching staff representatives. It also removes sex-discriminatory language from section 10A of the Act.

Clause 9

This clause prescribes the requirements for the election of a representative of College alumni to the Council of the College. A term of one year is provided for and the timing of elections is to coincide with the election of representatives of teaching staff, non-teaching staff and students. It also defines conditions of eligibility of representatives of College alumni.

Clause 10

This clause removes sex-discriminatory language from section 13 of the Act.

Clause 11

This clause removes sex-discriminatory language from section 14 of the Act.

Clause 12

This clause amends section 15 of the Act so as to bring the provision in the Act for disclosure of interests by members of the College Council into line with the standard

provision contained in legislation. The main changes to the current provision are to broaden the scope of matters to which this section applies beyond contracts and to require that a member of Council disclosing an interest should not be present during any deliberation by the Council of that matter. The clause also removes sex-discriminatory language from section 15 of the Act.

Clause 13

This clause removes sex-discriminatory language from section 16 of the Act.

Clause 14

This clause removes sex-discriminatory language from section 20 of the Act.

Clause 15

This clause amends the statute-making powers of the Council of the College by empowering the Council to make statutes in respect of the election of representatives of non-teaching staff and College alumni to the Council. It also empowers the Council to make statutes in respect of the conferring of honorary degrees.

Clause 16

This clause repeals section 23A of the Act which was inserted in the Act by the 1979 amendments in order to guarantee that membership of student organisations should not be compulsory. Section 23A provides that there should not be discrimination against a student in respect of admission to the College, academic progress, the conferring of awards or the enjoyment of benefits and privileges of the College on the grounds of a student's refusal or failure to become a member of a student organization. With the repeal of this section, policy in respect of these matters reverts to the Council of the College, as was the case

before 1979, as an aspect of its responsibility for the governance of the College.

Clause 17

This clause provides for the removal of restrictions imposed by the 1979 amendments to the Act on the power of the Council of the College to make determinations in respect of fees for the provision of amenities and services. It is intended to bring the powers of the Council in respect of fees into line with those proposed for the Council of the Australian National University in parallel legislation.

Clause 18

This clause provides for the repeal of the section of the Act which was introduced into the Act through the 1979 amendments in order to restrict the use of fees paid by students for the provision of amenities and services and to impose on the Council of the College and student organizations receiving funds raised for these purposes certain obligations in supervising the use of these funds. These requirements include the preparation of audited financial statements in respect of funds received by the College for these purposes.

Clause 19

This clause brings section 26 of the College Act into line with current practice in respect of Ministerial approval of the timing and amounts of payments to the College. In line with current practice, a single Minister, the Minister for Finance, is specified in the clause.

Clause 20

This clause removes sex-discriminatory language from section 29 of the Act and simplifies the reference to the discretionary powers of the Auditor-General.

Clause 21

This clause removes sex-discriminatory language from section 30 of the Act.

Clause 22

This clause provides for formal amendments to the Act including the expression of numbers in figures throughout the Act.

