

1994  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Education and Training)

**Canberra Institute of Technology  
(Amendment) Bill 1994**

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**A BILL  
FOR  
An Act to amend the *Canberra Institute of  
Technology Act 1987***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

- 5      1. This Act may be cited as the *Canberra Institute of Technology (Amendment) Act 1994*.

**Commencement**

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.
- 10      (2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.
- (3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which

this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

### Principal Act

3. In this Act, "Principal Act" means the *Canberra Institute of Technology Act 1987*.<sup>1</sup>

### Title

4. The title of the Principal Act is amended by adding at the end "and an associated institution".

### Interpretation

5. Section 3 of the Principal Act is amended—

- (a) by omitting from subsection (1) the definitions of "Chairperson", "Deputy Chairperson" and "Director" and substituting the following definitions:

" 'Chairperson' means—

- (a) in Part IIIB—the Chairperson of the Council;
- (b) in Division 1 of Part IIIB—the Chairperson of the Management Advisory Board; and
- (c) in Division 2 of Part IIIB—the Chairperson of the Academic Board;

'Deputy Chairperson' means—

- (a) in Part IIIB—the Deputy Chairperson of the Council;
- (b) in Division 1 of Part IIIB—the Deputy Chairperson of the Management Advisory Board; and
- (c) in Division 2 of Part IIIB—the Deputy Chairperson of the Academic Board;

'Director' means the person holding office by virtue of an appointment under subsection 11 (1);";

(b) by inserting in subsection (1) the following definitions:

" 'Academic Board' means the Australian International Hotel School Academic Board established by section 18P;

'Dean' means the Dean of the Hotel School appointed under section 17A;

'Hotel School' means the Australian International Hotel School established by section 7;

'Institution' means—

(a) the Hotel School; or

(b) the Institute;

'Management Advisory Board' means the Australian International Hotel School Management Advisory Board established by section 18H;";

(c) by omitting from subsection (2) "the Institute" and substituting "an Institution";

(d) by omitting from subsection (2) "*Companies Act 1981*" and substituting "Corporations Law, being the Law set out in section 82 of the *Corporations Act 1989*"; and

(e) by adding at the end the following subsection:

"(3) For the purposes of this Act, a person shall be taken to participate at a meeting at which he or she is not physically present if, by means of telephonic or closed-circuit television facilities, he or she is capable of—

(a) communicating with the other participants; and

(b) casting a vote."

#### Substitution of heading

6. The heading to Part II of the Principal Act is omitted and the following headings are substituted:

### "PART II—THE INSTITUTIONS

#### "Division 1—Canberra Institute of Technology".

#### Functions of Institute

7. Section 6 of the Principal Act is amended—

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

"(ba) to foster studies in hotel management and related fields at the tertiary level by the provision of assistance, educational and other facilities and sponsorship to the Hotel School;"; and

(b) by omitting paragraph (1) (e) and substituting the following paragraphs:

- “(e) to confer awards to persons who have completed courses of studies at the Institute or the Hotel School;
- (ea) to confer honorary awards on its own behalf or on behalf of the Hotel School;”.

## 5 Substitution

8. Section 7 of the Principal Act is repealed and the following Division, heading and section are substituted:

### “Division 2—Australian International Hotel School

#### Establishment of Hotel School

10 “7. (1) There is established a body known as the Australian International Hotel School.

“(2) The Hotel School—

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal;
- 15 (c) may acquire, hold and dispose of real and personal property; and
- (d) may sue and be sued in its corporate name.

“(3) The common seal of the Hotel School shall be kept in such custody as the Hotel School directs and shall not be used except as authorised by the Hotel School.

20 “(4) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Hotel School affixed to a document and shall presume that it was duly affixed.

#### Objective of Hotel School

25 “7A. The objective of the Hotel School is to conduct, in accordance with the principle of full recovery of costs, an educational institution of international standard.

#### Functions of Hotel School

“7B. (1) The functions of the Hotel School are—

- 30 (a) to conduct, principally in the Territory, an educational institution for the purpose of fostering the achievement of excellence in study and research in the field of education relating to hotel management and in such other related fields as the Director, with the written approval of the Minister, determines or as the Minister requires;
- 35 (b) in co-operation with the Institute, to provide courses and programs, and to use its own facilities and resources, to advance

and develop knowledge and skill in the fields of education referred to in paragraph (a);

- 5 (c) to support industry and commerce and to assist the development of industry and commerce in the Territory and elsewhere in Australia, Asia and the Pacific region;
- (d) to promote the development of community awareness and appreciation of education in hotel management and of related fields of education;
- (e) to confer awards;
- 10 (f) to consult and co-operate with the Institute and other institutions, and with persons, associations, organisations and authorities, in relation to the provision of education in hotel management and related fields;
- 15 (g) to make suitable financial arrangements with industry and the commercial community for the purposes of any of the foregoing; and
- (h) to do anything incidental to any of the foregoing.

“(2) A function referred to in subsection (1) may be performed within or outside Australia.

- 20 “(3) The Hotel School shall perform its functions in accordance with any direction given to the Director by the Minister.

“(4) For the purposes of this section—

- (a) a determination by the Director, or a requirement by the Minister, under paragraph (1) (a); or
  - 25 (b) a direction given by the Minister under subsection (3);
- shall be in writing.

- 30 “(5) Where the Minister gives a direction under subsection (3), the direction shall be notified in the *Gazette* and the Minister shall cause a copy of the direction to be laid before the Legislative Assembly within 15 sitting days after the direction is given.

“(6) Subject to subsection (3), the Hotel School shall endeavour, in performing its functions, to ensure that its revenue is sufficient to meet its expenditure.



***“Division 3—Powers and limitations of Institutions*****Powers of Institutions**

“7C. (1) An Institution has power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions and, in particular, may—

- (a) subject to subsection (2), enter into contracts (including contracts with the other Institution);
- (b) erect buildings and structures and carry out works;
- (c) occupy, use and control any land or building owned or leased (whether from the Commonwealth, the other Institution or any other person) and made available to the Institution;
- (d) make available, whether by way of lease or otherwise, any land or building to the other Institution or any other person;
- (e) accept gifts, grants, devises and bequests, whether on trust or otherwise, and act as trustee of moneys or other property vested in it on trust;
- (f) provide scholarships and other like benefits, including scholarships tenable, or benefits enjoyable, at the other Institution;
- (g) make charges for work done and services rendered by it, including work done and services rendered to the other Institution;
- (h) engage persons (including the other Institution) as consultants;
- (i) provide consultative services to any person (including the other Institution);
- (j) form, or participate in the formation of, companies, enter into partnership or participate in joint ventures;
- (k) subscribe for or purchase shares in, or debentures or other securities of, a company;
- (l) provide services, facilities or resources to any company it holds a share in, the members of any partnership it has entered into, the members of any joint venture it participates in or the other Institution;
- (m) appoint persons, including the other Institution, as agents and attorneys;
- (n) act as an agent for other persons, including the other Institution;
- (o) obtain commercial sponsorship for itself or the other Institution;

- 5 (p) establish and conduct residential facilities for its staff or students or those of the other Institution, either by itself or in association with other Institutions or bodies;
- (q) establish and maintain library, museum, art and other collections either by itself or in association with the other Institution or other bodies; and
- (r) do anything incidental to any of its powers.

“(2) An Institution shall not enter into a contract for the expenditure of an amount exceeding the prescribed amount—

- 10 (a) without the written approval of the Minister; and
- (b) unless the contract is in writing.

“(3) A power of an Institution may be exercised within or outside Australia.

- 15 “(4) The Institute shall exercise its powers under paragraph 7C (1) (j) in order to raise revenue to be applied exclusively for the use of the Institute.

“(5) In exercising its powers the Hotel School shall—

- (a) ensure that its operations are efficient and cost effective; and
- (b) endeavour to achieve full recovery of costs.”.

**Limitations on formation of companies etc.**

- 20 9. Section 8 of the Principal Act is amended—

- (a) by omitting from subsection (1) “The Institute” and substituting “An Institution”;
- (b) by omitting subsection (4) and substituting the following subsection:

- 25 “(4) An Institution that holds a controlling interest in a company shall endeavour to ensure that the audit arrangements for the company are acceptable to the auditor of the Institution and that the company does not do anything that the Institution itself is not empowered to do.”; and

- 30 (c) by omitting from subsection (5) “Institute” and substituting “Institution”.

**Limitations on formation of partnerships**

10. (1) Section 9 of the Principal Act is amended—

- 35 (a) by omitting subsection (1) and substituting the following subsections:

“(1) This section applies to a partnership between an Institution and a person other than the other Institution.

5       “(1A) An Institution shall not, without the written approval of the Minister, enter into a partnership to which this section applies.”;

(b) by omitting from subsection (2) “(1)” and substituting “(1A)”;

(c) by omitting from subsection (3) “partnership with another person” and substituting “a partnership to which this section applies”; and

10       (d) by omitting subsection (4) and substituting the following subsection:

      “(4) An Institution that—

(a) is a member of a partnership to which this section applies; and

(b) is able to control the things done by the partnership;

15       shall endeavour to ensure that the audit arrangements for the partnership are acceptable to the auditor of the Institution and that the partnership does not do anything that the Institution itself is not empowered to do.”.

20       (2) The amendments made by paragraph (1) (a) do not affect a partnership entered into before the commencement of this section.

#### **Limitations on participation in joint ventures**

11. Section 10 of the Principal Act is amended—

(a) by omitting from subsection (1) “The Institute” and substituting “An Institution”;

25       (b) by omitting from subsection (3) “the Institute” (first occurring) and substituting “an Institution”;

(c) by omitting from subparagraph (3) (b) (ii) “Institute” and substituting “Institution”;

30       (d) by omitting from subsection (4) “Where the Institute” and substituting “Where an Institution”; and

(e) by omitting from subsection (4) “Institute” (wherever occurring) and substituting “Institution”.

#### **Amendment of heading**

35       12. The heading to Part III of the Principal Act is amended by omitting “, COUNCIL AND STAFF”.

**Director**

13. Section 11 of the Principal Act is amended by inserting after subsection (1) the following subsections:

“(1A) There shall be a Director of the Hotel School.

5       “(1B) The Director of the Institute is also Director of the Hotel School.”.

**Functions of Director**

14. Section 12 of the Principal Act is amended—

10       (a) by adding at the end of subsection (1) “and, subject to this Act, have general responsibility for the management of the Hotel School”;

(b) by inserting after subsection (1A) the following subsection:

15       “(1B) In discharging his or her functions in relation to the Hotel School, the Director shall have regard to any advice given by the Dean or the Management Advisory Board.”;

(c) by inserting in subsection (2) “or Hotel School” after “Institute” (first occurring); and

(d) by adding at the end of subsection (2) “or Hotel School respectively”.

20       **Powers of Director in relation to Institute**

15. Section 13 of the Principal Act is amended—

(a) by inserting in subsection (1) “, in relation to the Institute,” after “functions”;

(b) by adding at the end of subsection (2) “of the Institute”;

25       (c) by inserting in subsection (3) “of the Institute” after “student” (first occurring);

(d) by omitting from subsection (3) “13 (1) (a)” and substituting “(1) (a)”;

30       (e) by omitting from subsection (4) “subsection 13 (1)” and substituting “that subsection”.

**Insertion**

16. After section 13 of the Principal Act the following section is inserted:

**Powers of Director in relation to Hotel School**

"13A. The Director has the power to do all things that are necessary or convenient to be done for or in connection with the performance of his or her functions in relation to the Hotel School."

**5 Remuneration and allowances**

17. Section 14 of the Principal Act is amended by adding at the end the following subsection:

"(3) The remuneration and allowances payable to the Director shall be paid out of moneys of the Institute."

**10 Insertion**

18. After section 17 of the Principal Act the following Part and heading are inserted:

**"PART IIIA—DEAN OF HOTEL SCHOOL****Dean**

15 "17A. There shall be a Dean of the Hotel School, who shall be appointed in writing by the Director after obtaining the advice of the Management Advisory Board.

**Tenure of office of Dean**

20 "17B. The Dean holds office for such period of time and on such terms and conditions as are specified in the instrument of his or her appointment.

**Functions of Dean**

"17C. (1) Subject to this Act, the Dean shall—

- (a) manage the affairs of the Hotel School; and
- (b) perform such other functions as are assigned to him or her by the Director;

subject to and in accordance with the general directions of the Director.

"(2) In the performance of his or her functions the Dean shall have regard to any advice given by the Management Advisory Board or the Academic Board.

30 "(3) Anything done in the name of, or on behalf of, the Hotel School by the Dean shall be deemed to have been done by the Hotel School.

**Powers of Dean**

"17D. (1) The Dean has the power to do all things that are necessary or convenient to be done for or in connection with the performance of his or

her functions and, in particular, may make administrative arrangements or give directions to a member of staff or to a student of the Hotel School with respect to the following matters:

- 5 (a) the management, good government and discipline of the Hotel School;
  - (b) the custody and use of the common seal;
  - (c) the persons who constitute the teaching staff of the Hotel School for the purposes of this Act;
  - 10 (d) the persons who constitute the non-teaching staff of the Hotel School for the purposes of this Act;
  - (e) the persons who are, or are to be, the students of the Hotel School;
  - (f) the provision of superannuation or similar benefits for, or in respect of, staff;
  - 15 (g) the admission of persons to courses of study or instruction of the Hotel School or to examinations of the Hotel School;
  - (h) the awards (including honorary awards) that may be conferred by the Hotel School and the requirements for their conferral;
  - (i) the granting by the Hotel School of scholarships, bursaries and prizes;
  - 20 (j) the review of progress of students;
  - (k) the provision of loans to students;
  - (l) the provision and management of, and fees or other charges payable for, the use of amenities and services;
  - 25 (m) the association or affiliation with the Hotel School of any authority, corporation, institution, body or person;
  - (n) any other matter authorised by this Act or necessary or convenient for giving effect to this Act.
- 30 “(2) Subject to the *Audit Act 1989* and any regulations made under that Act, the Dean has the power to issue financial and accounting directions to a member of staff.
- “ (3) The Dean may, if a student contravenes a direction given in relation to a matter referred to in paragraph (1) (a), preclude the student for a specified period from—
- 35 (a) using any of the facilities provided by the Hotel School; or
  - (b) attending a course, or any part of a course, of study or instruction.

“(4) Nothing in subsection (1) shall be taken to empower the Dean to impose sanctions for the contravention of directions given under that subsection, other than sanctions of the kind specified in subsection (3).

#### Acting Dean

5 “17E. (1) The Director may appoint a person to act as the Dean—

- (a) during a vacancy in the office of Dean (whether or not an appointment has previously been made to the office); or
- (b) during any period, or during all periods, when the Dean is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office of Dean;

10 but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

15 “(2) Anything done by or in relation to a person purporting to act pursuant to an appointment under this section is not invalid on the ground that—

- (a) the occasion for the appointment had not arisen;
- (b) there is a defect or irregularity in connection with the appointment;
- (c) the appointment had ceased to have effect; or
- (d) the occasion for the person to act had not arisen or had ceased.

#### 20 “PART IIIB—COUNCIL OF THE INSTITUTE”.

##### Membership of Council

19. Section 18B of the Principal Act is amended—

- (a) by omitting from paragraph (1) (c) “9” and substituting “10”;
- (b) by omitting from paragraph (2) (d) “and”; and
- 25 (c) by inserting after paragraph (2) (d) the following paragraph:
  - “(da) 1 shall be a representative of the Management Advisory Board; and”.

##### Insertion

30 20. After section 18G of the Principal Act the following Part and heading are inserted:

**"PART IIIC—MANAGEMENT ADVISORY BOARD AND  
ACADEMIC BOARD**

***"Division 1—Management Advisory Board***

**Establishment of Management Advisory Board**

- 5       "18H. There is established by this section a Board by the name of the Australian International Hotel School Management Advisory Board.

**Function of Management Advisory Board**

- 10       "18I. (1) The function of the Management Advisory Board is to advise the Director with respect to matters relating to the functions of the Hotel School and, in particular, in relation to—

- (a) the selection of the Dean;
- (b) the goals and objectives of the Hotel School;
- (c) the achievement of the goals and objectives of the Hotel School, including the educational services to be provided by it;
- 15       (d) the welfare of students at the Hotel School;
- (e) the management of the Hotel School, including the management, acquisition and disposal of assets and the setting of fees payable to the Hotel School by students;
- 20       (f) the financial management and policies of the Hotel School, including the preparation of budgets and financial plans;
- (g) the development of relationships between the Hotel School and—
  - (i) the community;
  - (ii) the hospitality industry; and
  - (iii) other educational institutions; and
- 25       (h) the exercise by the Hotel School of any of its powers.

"(2) Advice given by the Management Advisory Board shall be in writing.

"(3) The Management Advisory Board may report in writing to the Minister on any matter relating to the functions of the Hotel School.

30       **Membership of Management Advisory Board**

"18J. (1) The Management Advisory Board shall consist of the Dean and of not more than 8 other members appointed by the Minister in writing, of whom—

- (a) 1 shall be appointed Chairperson;



- (b) 1 shall be appointed Deputy Chairperson;
- (c) 1 shall be a representative of the Director;
- (d) 1 shall be a representative of the Council; and
- 5 (e) 1 shall be a representative of a body or academic institution, other than the Institute or the Hotel School, specified by the Minister by instrument for the purposes of this paragraph.

“(2) A member of the staff of the Hotel School is not eligible to be appointed Chairperson or Deputy Chairperson.

- 10 “(3) Subject to this Act, an appointed member holds office for the period, not exceeding 3 years, and on the terms and conditions, specified in the instrument of appointment.

### Resignation

“18K. An appointed member may resign by signed writing delivered to the Minister.

### 15 Termination of appointment

“18L. (1) The Minister may terminate the appointment of an appointed member for misbehaviour or physical or mental incapacity.

“(2) The Minister shall terminate the appointment of an appointed member if—

- 20 (a) the member becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;
- 25 (b) the member is absent, without advising the Minister or the Chairperson of the reason for his or her absence, from 3 consecutive meetings of the Management Advisory Board;
- (c) the member is convicted, in the Territory or in a State or another Territory, of an offence punishable on conviction by imprisonment for 1 year or more; or
- 30 (d) the member fails, without reasonable excuse, to comply with section 18O.

### Acting members

“18M. (1) The Minister may, in writing, appoint a person to act in the office of Chairperson, Deputy Chairperson or another appointed member—

- 35 (a) during a vacancy in the office, whether or not an appointment has previously been made to the office; or

- (b) during any period, or during all periods, when the holder of the office is absent from the Territory or is, for any other reason, unable to perform the functions of the office;

5 but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) Anything done by or in relation to a person purporting to act pursuant to an appointment under this section is not invalid on the ground that—

- 10 (a) the occasion for the appointment had not arisen;  
(b) there is a defect or irregularity in connection with the appointment;  
(c) the appointment had ceased to have effect; or  
(d) the occasion for the person to act had not arisen or had ceased.

### Meetings

15 “18N. (1) The Management Advisory Board shall hold at least 4 meetings in each year, but so that a period of not more than 4 months elapses between each meeting.

“(2) The Chairperson—

- 20 (a) may convene a meeting at any time; and  
(b) shall convene a meeting on receipt of a written request signed by—  
(i) the Director; or  
(ii) at least 3 members.

“(3) At a meeting, 5 members constitute a quorum.

“(4) The Chairperson shall preside at all meetings at which he or she is present.

25 “(5) If the Chairperson is absent from a meeting or part of a meeting, the Deputy Chairperson shall preside.

“(6) If the Chairperson and the Deputy Chairperson are absent from a meeting or part of a meeting, the members present shall elect 1 of their number, other than the Dean, to preside.

30 “(7) The Management Advisory Board shall keep a record of its proceedings.

“(8) A question arising at a meeting shall be determined by a majority of votes of the members present and voting.

“(9) The member presiding at a meeting has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(10) Subject to this section, the Management Advisory Board may determine the procedures to be followed in relation to its meetings.

## 5 Disclosure of interests

10 “18O. (1) An appointed member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Management Advisory Board shall, as soon as possible after the relevant facts have come to the member’s knowledge, disclose the nature of the interest at a Management Advisory Board meeting.

“(2) A disclosure shall be recorded in the minutes of the meeting and, unless the Management Advisory Board otherwise determines, the member shall not—

- 15 (a) be present during any deliberation of the Management Advisory Board with respect to that matter; or
- (b) take part in any decision of the Management Advisory Board with respect to that matter.

“(3) A member referred to in subsection (2) shall not—

- 20 (a) be present during any deliberation of the Management Advisory Board for the purpose of considering whether to make a determination under that subsection in relation to that member; or
- (b) take part in the making by the Management Advisory Board of such a determination.

## “Division 2—Academic Board

### 25 Establishment of Academic Board

“18P. There is established by this section a Board by the name of the Australian International Hotel School Academic Board.

### Function of Academic Board

30 “18Q. The function of the Academic Board is to advise the Dean on matters relating to education, learning, research or the academic work conducted by the Hotel School.

### Membership of Academic Board

“18R. (1) The Academic Board shall consist of—

- (a) the Dean or a person appointed by the Dean to represent the Dean;
- 35 (b) not more than 3 members appointed by the Dean on the nomination of the Institute;

(c) not more than 3 members appointed by the Dean on the nomination of a body or academic institution specified by the Minister for the purposes of paragraph 18J (1) (e); and

(d) such other members, not exceeding 5, appointed by the Dean.

5 “(2) An appointment under subsection (1) shall be made in writing.

“(3) Subject to this Act, an appointed member holds office for the period, not exceeding 3 years, and on the terms and conditions, specified in the instrument of appointment.

10 “(4) An appointed member may resign his or her office by signed writing delivered to the Dean.

#### **Chairperson of Academic Board**

“18S. (1) The Chairperson of the Academic Board shall be appointed by the Management Advisory Board from among the members of the Academic Board.

15 “(2) Until the expiry of the period of 3 years from the commencement of this section an appointment under subsection (1) shall not be made unless the Management Advisory Board has, before making the appointment, obtained the advice of the body or institution specified for the purposes of paragraph 18J (1) (e).

20 “(3) The Chairperson of the Academic Board holds office—

(a) for such period, not exceeding 3 years, as is specified in the instrument of appointment as Chairperson; or

(b) until he or she ceases to be a member of the Academic Board;

whichever sooner happens.

25 “(4) The Chairperson may resign his or her office by signed writing delivered to the Chairperson of the Management Advisory Board.

#### **Procedures of Academic Board**

“18T. (1) The Chairperson of the Academic Board shall preside at all meetings of the Board at which he or she is present.

30 “(2) In the absence of the Chairperson at a meeting or during a part of a meeting the Academic Board shall elect another of its members to preside at that meeting or during that part of a meeting.

“(3) A quorum for a meeting of the Academic Board consists of a majority of the persons for the time being constituting the Board.

35 “(4) Subject to this section, the Academic Board may determine the procedures to be followed in relation to its meetings.

**"PART IIID—STAFF OF THE INSTITUTIONS".****Insertion**

21. After section 19 of the Principal Act the following section is inserted:

5 **Staff of Hotel School**

"19AA. (1) The staff of the Hotel School shall consist of—

- (a) persons employed by the Director on behalf of the Hotel School; and
- (b) public servants.

10 "(2) The terms and conditions of engagement of persons employed under paragraph (1) (a) are as the Director, in writing, determines."

**Personnel management**

22. Section 19A of the Principal Act is amended—

- 15 (a) by omitting from subsection (1) "The Institute's powers" and substituting "The powers of an Institution";
- (b) by omitting from paragraph (1) (b) "Institute" and substituting "Institution";
- (c) by inserting in subsection (4) "on behalf of the Institute, and the Dean shall on behalf of the Hotel School" after "shall";
- 20 (d) by inserting in subsection (4) "or Dean (as the case requires)" after "Director" (second occurring);
- (e) by omitting subsection (5) and substituting the following subsection:
 

25 "(5) The Dean shall comply with paragraph (4) (a) as soon as practicable and, in any event, within 3 years after the commencement of section 19 of the *Canberra Institute of Technology (Amendment) Act 1994*.";
- (f) by omitting from subsection (6) "the equal employment opportunity program, the Director" and substituting "an equal employment opportunity program in accordance with subsection (4), the Director or Dean (as the case requires)";
- 30 (g) by omitting from subsection (7) ", issue guidelines to the Director" and substituting "or the Dean, issue guidelines to him or her";
- 35 (h) by inserting in subsection (8) "or the Dean (as the case requires)" after "Director";

- (i) by inserting in subsection (9) "in relation to the Institute and the Dean in relation to the Hotel School" after "Director";
- (j) by omitting from subsection (10) the definition of "employment matter" and substituting the following definition:

5                   " 'employment matter', in relation to an Institution, means—

- (a) the selection of persons by the Institution for engagement or advancement;
- (b) the transfer of employees to positions in the Institution;
- 10           (c) training and staff development for employees of the Institution;
- (d) the conditions of service of employees of the Institution; or
- 15           (e) any other matter related to the employment of persons by the Institution;"

- (k) by omitting from the definition of "equal employment opportunity program" in subsection (10) "the Institute" and substituting "an Institution";
- 20           (l) by omitting from the definition of "relevant staff organisation" in subsection (10) "means" and substituting ", in relation to an Institution, means";
- (m) by omitting from paragraph (b) of the definition of "relevant staff organisation" in subsection (10) "the Institute" and substituting "an Institution"; and
- 25           (n) by omitting from paragraph (d) of the definition of "unjustified discrimination" in subsection (10) "the Institute" and substituting "an Institution".

**Money to be appropriated by Legislative Assembly**

23. Section 20 of the Principal Act is amended—

- 30           (a) by omitting subsection (1) and substituting the following subsection:

"(1) There is payable to an Institution such money as is appropriated by the Legislative Assembly for the purposes of the Institution."; and
- 35           (b) by omitting from subsection (2) "Institute" and substituting "Institution".

**Fees**

24. Section 21 of the Principal Act is amended—

- (a) by inserting in subsection (2) “in respect of the Institute” after “determination”;
- 5 (b) by inserting after subsection (2) the following subsection:

“(2A) There are payable to the Hotel School such fees for attendance at courses and programs as the Director may determine by notice in the *Gazette*.”; and
- (c) by adding at the end of subsection (3) “or (2A)”.

10 **Estimates**

25. Section 22 of the Principal Act is amended—

- (a) by omitting from subsection (1) “The Institute” and substituting “An Institution”;
- (b) by omitting from paragraph (1) (a) “Institute” and substituting “Institution”; and
- 15 (c) by omitting from subparagraph (1) (a) (i) “calendar” and substituting “financial”.

**Money of Institutions**

26. Section 23 of the Principal Act is amended—

- 20 (a) by omitting “of the Institute” and substituting “of an Institution”; and
- (b) by omitting from paragraphs (a) and (b) “Institute” and substituting “Institution”.

**Application of money**

25 27. Section 24 of the Principal Act is amended—

- (a) by omitting from subsection (1) “The money of the Institute” and substituting “Subject to this section, the money of an Institution”;
- (b) by omitting from paragraphs (1) (a) and (c) “Institute” and substituting “Institution”;
- 30 (c) by omitting from subsection (2) “The money of the Institute” and substituting “Subject to this section, the money of an Institution”;
- (d) by inserting after subsection (2) the following subsections:

“(2A) Where, in respect of the year commencing on 1 January 2003 or any subsequent year, the Hotel School has money that is

not required to be applied in accordance with subsection (1), the Director shall, within 3 months after the end of the year—

- (a) notify the Minister of the amount of that money; and
- (b) advise the Minister on the manner of its application.

5           “(2B) The Minister may direct the Hotel School to apply any money referred to in subsection (2A) in a manner specified in the direction.

          “(2C) A direction under subsection (2B) shall be in writing.”; and

- 10       (e) by omitting from subsection (3) “the Institute not immediately required for the purposes of the Institute” and substituting “an Institution not immediately required for the purposes of the Institution”.

#### **Repeal**

15       28. Section 25 of the Principal Act is repealed.

#### **Security**

29. Section 28 of the Principal Act is amended—

- 20       (a) by omitting “The Institute” and substituting “An Institution”; and
- (b) by omitting from paragraphs (b) and (c) “Institute” and substituting “Institution”.

#### **Substitution**

30. Section 30 of the Principal Act is repealed and the following section substituted:

#### **Trust money and trust property**

25       “30. (1) The Institute shall pay trust money into an account with a bank that is an approved bank for the purposes of section 94 of the *Audit Act 1989*.

30       “(2) The Hotel School shall pay trust money into an account with a bank that is an approved bank for the purposes of section 89 of the *Audit Act 1989*.

      “(3) An Institution—

- (a) shall apply or deal with trust money and trust property only in accordance with its powers and duties as trustee; and
- (b) may only invest trust money—



- (i) in a manner in which it is authorised to invest the money by the terms of the trust; or
- (ii) in a manner in which trust money may be lawfully invested.”.

## 5 Exemption from taxation

31. Section 31 of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

10 “(1) Subject to this section, the income, property and transactions of an Institution are not subject to taxation under any law of the Territory.”; and

- (b) by adding at the end the following subsection:

“(3) This section ceases to have effect in relation to the Hotel School on 1 January 2003.”.

## 15 Audit Act to apply

32. Section 31A of the Principal Act is amended—

- (a) by omitting subsection (1) and substituting the following subsection:

20 “(1) For the purposes of subsection 87 (2) of the *Audit Act 1989*—

- (a) the Institute is declared to be a public authority to which Divisions 1 and 3 of Part IX of that Act apply; and

- (b) the Hotel School is declared to be a public authority to which Divisions 1 and 2 of Part IX of that Act apply.”; and

25

- (b) by inserting in subsection (2) “91, 92,” after “sections”.

## Financial reporting and audit

33. Section 31B of the Principal Act is amended by adding at the end the following subsections:

30 “(6) Section 93 of the *Audit Act 1989* has effect in respect of its operation in relation to the Hotel School as if—

- (a) in subsection (1) for ‘30 June’ there were substituted ‘31 December’; and

- (b) subsection (4) were omitted.

“(7) The Hotel School shall include in reports of its operations submitted in accordance with section 93 of the *Audit Act 1989*, details of any direction given under subsection 7B (3).”.

**Notification of decisions**

5       **34. Section 33 of the Principal Act is amended—**

(a) by inserting after subsection (1) the following subsection:

“**(1A)** Where the Hotel School makes a decision—

- 10           (a) not to admit a person to a course of study or instruction of the Hotel School or to an examination of the Hotel School under paragraph 17D (1) (g);
- (b) not to confer an award (other than an honorary award) on a person under paragraph 17D (1) (h); or
- (c) precluding a student from using facilities or attending a course, or part of a course, under subsection 17D (3);

15           he or she shall, within 28 days of the date of the decision, cause notice to be given to the persons whose interests are affected by the decision, setting out the decision and giving reasons for the decision.”; and

(b) by inserting in subsections (2) and (3) “or (1A)” after “(1)”.

20       **Review by Administrative Appeals Tribunal**

**35. Section 34 of the Principal Act is amended by adding at the end the following subsection:**

“(2) Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Hotel School—

- 25           (a) refusing to admit a person to a course of study or instruction of the Hotel School or to an examination of the Hotel School under paragraph 17D (1) (g);
- (b) refusing to confer an award (not including an honorary award) on a person under paragraph 17D (1) (h); or
- 30           (c) precluding a student from using facilities or attending a course, or part of a course, under subsection 17D (3).”.

**Regulations**

**36. Section 35 of the Principal Act is amended by omitting from paragraph (2) (a) “the Institute” and substituting “an Institution”.**

**Renumbering of provisions**

37. (1) The amended Act is amended as provided by this section.

(2) The Parts of the amended Act are renumbered in a single series so that they bear consecutive Roman numerals.

5 (3) The sections of the amended Act are renumbered in a single series so that they bear consecutive Arabic numerals.

10 (4) Any provision of the amended Act that refers to a provision of that Act that has been renumbered by subsection (2) or (3) is amended by omitting that reference and substituting a reference to the provision as so renumbered.

(5) A reference in—

(a) a provision of another law of the Territory made before the commencement of this section (whether or not that provision has commenced); or

15 (b) any instrument or document made or executed before the commencement of this section (whether or not that instrument or document is in effect);

20 to a provision of the amended Act that has been renumbered by subsection (2) or (3) shall (except as regards the operation of the provision before it was so renumbered) be construed as a reference to that provision as so renumbered.

(6) In this section—

“amended Act” means the Principal Act as amended by this Act.

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**NOTE**

1. Reprinted as at 28 February 1993.

**NOTE ABOUT SECTION HEADINGS**

On the day on which the *Canberra Institute of Technology Act 1987* is amended by this Act, in addition to any alteration of section headings indicated in the text of this Act, headings to the following sections of that Act are altered as follows:

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Section	Alteration
18D	Omit “employment”, substitute “appointment”.
19	Add at the end “of the Institute”.

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