



Australian Capital Territory

# **Canberra Institute of Technology Act 1987**

**A1987-71**

**Republication No 4 (RI)**

**Effective: 6 May 1994 – 30 June 1994**

Republication date of printed version: 6 May 1994  
Reissued electronically: 5 June 2012

Last amendment made by A1994-13  
(republication for general renumbering and  
other amendments by A1994-13)

Authorised by the ACT Parliamentary Counsel

## **About this republication**

### **The republished law**

This is a republication of the *Canberra Institute of Technology Act 1987* effective 6 May 1994 to 30 June 1994.

### **Kinds of republications**

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.



Australian Capital Territory

## **CANBERRA INSTITUTE OF TECHNOLOGY ACT 1987**

*Reprinted as at 6 May 1994*

### **TABLE OF PROVISIONS**

Section

#### **PART I—PRELIMINARY**

1. Short title
2. Commencement
3. Interpretation

#### **PART II—THE INSTITUTIONS**

##### *Division 1—Canberra Institute of Technology*

4. Establishment of Institute
5. Functions of Institute

##### *Division 2—Australian International Hotel School*

6. Establishment of Hotel School
7. Objective of Hotel School
8. Functions of Hotel School

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

9. Powers of Institutions
10. Limitations on formation of companies etc.
11. Limitations on formation of partnerships
12. Limitations on participation in joint ventures
13. Review of opinions

**TABLE OF PROVISIONS—continued**

## Section

## PART III—DIRECTOR OF INSTITUTE

- 14. Director
- 15. Functions of Director
- 16. Powers of Director in relation to Institute
- 17. Powers of Director in relation to Hotel School
- 18. Remuneration and allowances
- 19. Leave of absence
- 20. Resignation
- 21. Termination of appointment
- 22. Acting Director

## PART IV—DEAN OF HOTEL SCHOOL

- 23. Dean
- 24. Tenure of office of Dean
- 25. Functions of Dean
- 26. Powers of Dean
- 27. Acting Dean

## PART V—COUNCIL OF THE INSTITUTE

- 28. Establishment of Council
- 29. Function and powers of Council
- 30. Membership of Council
- 31. Resignation
- 32. Termination of appointment
- 33. Acting members
- 34. Meetings
- 35. Disclosure of interests

PART VI—MANAGEMENT ADVISORY BOARD AND  
ACADEMIC BOARD*Division 1—Management Advisory Board*

- 36. Establishment of Management Advisory Board
- 37. Function of Management Advisory Board
- 38. Membership of Management Advisory Board
- 39. Resignation
- 40. Termination of appointment
- 41. Acting members
- 42. Meetings
- 43. Disclosure of interests

*Division 2—Academic Board*

- 44. Establishment of Academic Board

**TABLE OF PROVISIONS—continued**

Section

- 45. Function of Academic Board
- 46. Membership of Academic Board
- 47. Chairperson of Academic Board
- 48. Procedures of Academic Board

**PART VII—STAFF OF THE INSTITUTIONS**

- 49. Staff of the Institute
- 50. Staff of Hotel School
- 51. Personnel management

**PART VIII—FINANCE**

- 52. Money to be appropriated by Legislative Assembly
- 53. Fees
- 54. Estimates
- 55. Money of Institutions
- 56. Application of money
- 57. Security
- 58. Trust money and trust property
- 59. Exemption from taxation
- 60. Audit Act to apply
- 61. Financial reporting and audit

**PART IX—MISCELLANEOUS**

- 62. Delegation by Director
- 63. Notification of decisions
- 64. Review by Administrative Appeals Tribunal
- 65. Regulations





Australian Capital Territory

## **CANBERRA INSTITUTE OF TECHNOLOGY ACT 1987**

An Act to establish the Canberra Institute of Technology and the Australian International Hotel School

### **PART I—PRELIMINARY**

#### **Short title**

1. This Act may be cited as the *Canberra Institute of Technology Act 1987*.<sup>1</sup>

#### **Commencement**

2. This Act shall come into operation on such date as is fixed by the Minister by notice in the *Gazette*.<sup>1</sup>

#### **Interpretation**

3. (1) In this Act, unless the contrary intention appears—

“Academic Board” means the Australian International Hotel School Academic Board established by section 44;

“appoint” includes re-appoint;

“Chairperson” means—

- (a) in Part V—the Chairperson of the Council;
- (b) in Division 1 of Part VI—the Chairperson of the Management Advisory Board; and

- (c) in Division 2 of Part VI—the Chairperson of the Academic Board;

“Council” means the Canberra Institute of Technology Advisory Council established by section 28;

“Dean” means the Dean of the Hotel School appointed under section 23;

“Deputy Chairperson” means—

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

“Director” means the person holding office by virtue of an appointment under subsection 14 (1);

“Hotel School” means the Australian International Hotel School established by section 6;

“Institute” means the Canberra Institute of Technology;

“Institution” means—

- (a) the Hotel School; or
- (b) the Institute;

“joint venture” means an undertaking carried on by 2 or more persons in common otherwise than as partners;

“Management Advisory Board” means the Australian International Hotel School Management Advisory Board established by section 36;

“member” means a member of the Council;

“para-professional training” means training which leads to the award of an Associate Diploma;

“securities” includes stocks, debentures, debenture stocks, notes, bonds, promissory notes, bills of exchange and similar instruments or documents;



“share” means a share in the share capital of a corporation, and includes stock;

“staff”, in relation to the Institute, means persons employed by the Institute under section 49;

“technical and further education” means education provided by way of a course of instruction or training that is, or that is preparatory to, a course of a kind relevant to a trade, technical or other skilled occupation or that otherwise meets the educational needs of individuals and includes para-professional and professional training.

(2) The question whether a company is a subsidiary of an Institution shall be determined in the same manner as the question whether a corporation is a subsidiary of another corporation is determined for the purposes of the Corporations Law, being the Law set out in section 82 of the *Corporations Act 1989* of the Commonwealth.

(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.

## **PART II—THE INSTITUTIONS**

### ***Division 1—Canberra Institute of Technology***

#### **Establishment of Institute**

4. (1) There is established a body known as the Canberra Institute of Technology.

(2) The Institute—

- (a) is a body corporate, with perpetual succession;
- (b) shall have a common seal;
- (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 Institute shall be kept in such custody as the Institute directs and shall not be used except as authorised by the Institute.

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

### **Functions of Institute**

5. (1) The functions of the Institute are—

- (a) to conduct, principally in the Territory, an educational institution for the purpose of fostering the achievement of excellence in study in the fields of technical and further education as the Director, with the written approval of the Minister, determines or the Minister requires;
- (b) to provide courses and programs, and to use the facilities and resources of the Institute, to advance and develop knowledge and skill in the fields of technical and further education;
- (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;
- (c) to support industry and commerce, and to assist the development of industry and commerce and the community, in the Territory;
- (d) to promote the development of community awareness and appreciation of technical and further education;
- (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;
- (f) to consult and co-operate with other institutions, and with persons, associations, organisations and authorities, in relation to the provision of education in technical and further education;
- (g) to make suitable financial arrangements with industry and commerce for the purposes of any of the foregoing; and
- (h) to do anything incidental to any of the foregoing.

(2) The functions referred to in paragraphs (1) (b), (c), (f) and (g), and anything incidental to those functions, may be performed within or outside Australia.

(3) The Institute shall perform its functions in accordance with any directions given by the Minister.

(3A) For the purposes of this section—

- (a) a determination by the Director, or a requirement by the Minister, under paragraph (1) (a); and
- (b) a direction given by the Minister under subsection (3);

shall be in writing.

(4) 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 5 sitting days after the direction is given.

### ***Division 2—Australian International Hotel School***

#### **Establishment of Hotel School**

6. (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;
- (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.

(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**

7. 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**

**8. (1)** The functions of the Hotel School are—

- (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;
- (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);
- (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;
- (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;
- (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.

**(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
- (b) a direction given by the Minister under subsection (3);

shall be in writing.

(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 5 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**

9. (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;
  - (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—
- (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.
- (4) The Institute shall exercise its powers under paragraph 9 (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.**

- 10. (1)** An Institution shall not, without the written approval of the Minister—
- (a) subscribe for or purchase shares in, or debentures or other securities of, a company; or

(b) form, or participate in the formation of, a company that would, upon its formation, be a subsidiary of the Institute.

(2) An approval under subsection (1)—

(a) may be of general application or may relate to a particular company or proposed company; and

(b) may be given subject to specified conditions and restrictions.

(3) Subject to subsection (4), where the Institute subscribes for or purchases shares in, or debentures or other securities of, a company or where the Institute participates in, forms or is interested in a company, the Minister shall—

(a) cause to be prepared a statement setting out particulars of, and the reasons for, the subscription or purchase or the participation, formation or interest; and

(b) cause a copy of the statement to be laid before the Legislative Assembly within 15 sitting days after—

(i) subject to subparagraph (ii), the subscription or purchase or the participation, formation or interest takes place; or

(ii) if the Minister is of the opinion that the disclosure of the subscription or purchase or the participation, formation or interest would adversely affect the commercial interests of the Institute, the Minister ceases to be of that opinion.

(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.

(5) Without limiting the generality of subsection (4), the Institution shall endeavour to ensure that a company in which it holds a controlling interest does not—

(a) borrow money otherwise than from the Territory or Commonwealth;  
or

(b) raise money otherwise than by borrowing;

except—

- (c) with the written approval of the Minister for the time being administering the *Audit Act 1989*; and
- (d) on terms and conditions that are specified in, or consistent with, the approval.

(6) Subsection (5) applies to a borrowing or raising of money whether the money is borrowed or raised by dealing in securities or otherwise, and whether or not the money is borrowed or raised, in whole or in part, in a currency other than Australian currency.

(7) An approval may be given under subsection (5) in relation to a particular transaction or class of transactions.

(8) For the purposes of subsection (5)—

- (a) the issue by a company of an instrument acknowledging a debt in consideration of the payment or deposit of money or of the provision of credit; or
- (b) the obtaining of credit by the company;

shall, to the extent of the amount of that money or of that credit, as the case may be, be deemed to be a borrowing by that company.

(9) Paragraph 5 (b) does not apply to a raising of money where that money is raised by way of donation or gift or by bona fide payment for services rendered.

### **Limitations on formation of partnerships**

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

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

(2) An approval under subsection (1A)—

- (a) may be of general application or may relate to a particular person or proposed partnership; or
- (b) may be given subject to specified conditions and restrictions.

(3) Subject to subsection (4), where the Institute enters into a partnership to which this section applies, the Minister shall—



- (a) cause to be prepared a statement setting out particulars of, and the reasons for, the partnership; and
  - (b) cause a copy of the statement to be laid before the Legislative Assembly within 15 sitting days after—
    - (i) subject to subparagraph (ii), the partnership is entered into; or
    - (ii) if the Minister is of the opinion that the disclosure of the partnership would adversely affect the commercial interests of the Institute, the Minister ceases to be of that opinion.
- (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;

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.

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

**12. (1)** An Institution shall not, without the written approval of the Minister, participate in a joint venture.

- (2) An approval under subsection (1)—
- (a) may be of general application or may relate to a particular proposed joint venture; or
  - (b) may be given subject to specified conditions and restrictions.
- (3) Subject to subsection (4), where an Institution enters into an agreement for a joint venture, the Minister shall—
- (a) cause to be prepared a statement setting out particulars of, and the reasons for, the joint venture; and
  - (b) cause a copy of the statement to be laid before the Legislative Assembly within 15 sitting days after—
    - (i) subject to subparagraph (ii), the agreement is entered into; or
    - (ii) if the Minister is of the opinion that the disclosure of the joint venture would adversely affect the commercial interests of the Institution, the Minister ceases to be of that opinion.

(4) Where an Institution is able to control the things done by a joint venture of which it is a participant, the Institution shall endeavour to ensure that the audit arrangements for the joint venture are acceptable to the auditors of the Institution and that the joint venture does not do anything that the Institution itself is not empowered to do.

### **Review of opinions**

13. The Minister shall, in relation to an opinion referred to in subparagraph 10 (3) (b) (ii), 11 (3) (b) (ii) or 12 (3) (b) (ii), within 12 months after the date on which the Minister—

- (a) formed that opinion; or
- (b) last decided that he or she remained of that opinion;

decide whether he or she remains of that opinion.

## **PART III—DIRECTOR OF INSTITUTE**

### **Director**

14. (1) There shall be a Director of the Institute who shall be appointed in writing by the Minister.

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

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

(2) A person who has attained the age of 65 years shall not be appointed as Director, and a person shall not be appointed as Director for a period that extends beyond the day on which the person will attain the age of 65 years.

(3) The appointment of a person as Director shall be on a full-time basis for a specified period not exceeding 5 years.

(4) The Director holds office on such terms and conditions (if any) in respect of matters not provided for by this Act as are determined in writing by the Minister.

### **Functions of Director**

15. (1) The Director shall manage the affairs of the Institute and, subject to this Act, have general responsibility for the management of the Hotel School.

(1A) In managing the affairs of the Institute, the Director shall have regard to any advice given by the Council.

**(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.

**(2)** Anything done in the name of, or on behalf of, the Institute or Hotel School by the Director shall be deemed to have been done by the Institute or Hotel School respectively.

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

**16. (1)** 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 the Director's functions, in relation to the Institute, and, in particular, may make administrative arrangements or give directions to a member of staff or to a student with respect to the following matters—

- (a) the management, good government and discipline of the Institute;
- (b) the custody and use of the common seal;
- (c) the persons who are to constitute the teaching staff of the Institute for the purposes of this Act;
- (d) the persons who are to constitute the non-teaching staff of the Institute for the purposes of this Act;
- (e) the persons who are to constitute the students of the Institute for the purposes of this Act;
- (f) the provision of superannuation or similar benefits for, or in respect of, staff;
- (g) the admission of persons to courses of study or instruction of the Institute or to examinations of the Institute;
- (h) the awards (including honorary awards) that may be conferred by the Institute and the requirements for their conferral;
- (j) the granting by the Institute of scholarships, bursaries and prizes;
- (k) the review of progress of students;
- (l) the provision of loans to any student;
- (m) the provision and management of, and fees or other charges payable for, the use of amenities and services;

- (n) the association or affiliation with the Institute of any authority, corporation, institution, body or person; or
- (p) any other matter authorised by this Act or necessary or convenient for giving effect to this Act.

(2) Subject to the *Audit Act 1989* and any regulations made under that Act, the Director has the power to issue financial and accounting directions to a member of staff of the Institute.

(3) The Director may, if a student of the Institute contravenes a direction given in relation to a matter referred to in paragraph (1) (a), preclude the student for a specified period from—

- (a) using any of the facilities provided by the Institute; 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 Director to impose sanctions for the contravention of directions given under that subsection other than sanctions of the kind specified in subsection (3).

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

17. 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.

### **Remuneration and allowances**

18. (1) The Director shall be paid—

- (a) such remuneration as is determined by the Remuneration Tribunal; and
- (b) such allowances as are prescribed.

(2) This section has effect subject to the *Remuneration Tribunals Act 1973* of the Commonwealth.

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

### **Leave of absence**

19. The Minister may grant leave of absence to the Director on such terms and conditions as to remuneration or otherwise as are determined in writing by the Minister.

### **Resignation**

**20.** The Director may resign by delivering to the Minister a signed notice of resignation.

### **Termination of appointment**

**21. (1)** The Minister may terminate the appointment of the Director for misbehaviour or physical or mental incapacity.

**(2)** The Minister shall terminate the appointment of the Director if the Director—

- (a) 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;
- (b) is absent from duty, except on leave granted by the Minister, for 14 consecutive days or for 28 days in any period of 12 months; or
- (c) 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.

### **Acting Director**

**22. (1)** The Minister may appoint a person to act as the Director—

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

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

**(2)** An appointment under subsection (1) may be expressed to have effect only in such circumstances as are specified by the Minister.

**(3)** The Minister may—

- (a) determine the terms and conditions of appointment (including remuneration and allowances) of a person acting as Director; and
- (b) terminate such an appointment at any time.

(4) Subject to subsection (2), if the office of Director becomes vacant while a person is acting under paragraph (1) (b), the person may continue to act until—

- (a) the Minister otherwise directs;
- (b) the vacancy is filled; or
- (c) a period of 12 months from the occurrence of the vacancy expires;

whichever first happens.

(4A) For the purposes of this section—

- (a) an appointment under subsection (1);
- (b) a determination of the terms and conditions of appointment, or the termination of an appointment, under subsection (3); and
- (c) a direction under paragraph (4) (a);

shall be in writing.

(5) A person may resign an appointment under this section by delivering to the Minister a signed notice of resignation.

(6) While a person is acting under this section, the person has all the powers, and shall perform all the functions, of the Director.

(7) An act done by or in relation to a person purporting to act under this section is not invalid only because—

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

#### **PART IV—DEAN OF HOTEL SCHOOL**

##### **Dean**

**23.** 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**

**24.** 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**

**25. (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.

**(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**

**26. (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:

- (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;
- (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;
- (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;
- (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;
- (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.

(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—

- (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**

**27. (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;

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—

- (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.

## **PART V—COUNCIL OF THE INSTITUTE**

### **Establishment of Council**

28. There is established by this section a Council by the name of the Canberra Institute of Technology Advisory Council.

### **Function and powers of Council**

29. (1) The function of the Council is to advise the Director with respect to matters relating to the functions of the Institute and, in particular, in relation to—

- (a) the educational policies to be implemented in the Institute;
- (b) the welfare of students at the Institute and the management of the Institute;
- (c) the development of relationships between the Institute and the community; and
- (d) the planning and programming of educational services to be provided by the Institute and the financial policies for the Institute.

(2) Advice given by the Council shall be in writing.

(3) The Council may report in writing to the Minister on any matter relating to the functions of the Institute.

(4) The Council has power to do all things necessary or convenient to be done in connection with the performance of its function.

### **Membership of Council**

30. (1) The Council shall consist of—

- (a) the Chairperson;

- (b) the Deputy Chairperson; and
  - (c) 10 other members.
- (2) Of the members referred to in paragraph (1) (c)—
- (a) 1 shall be a representative of an organisation which represents the teaching staff;
  - (b) 1 shall be a representative of the student body;
  - (c) 1 shall be a representative of industry and commerce;
  - (d) 1 shall be the person appointed as Chairperson of the Vocational Training Authority under section 15 of the *Vocational Training Act 1989* or the person appointed to act as the Chairperson under section 21 of that Act;
  - (da) 1 shall be a representative of the Management Advisory Board; and
  - (e) the remaining 5 members shall be persons possessing expertise relevant to the management and operation of the Institute.
- (3) The Director shall not be appointed as a member.
- (4) A member of staff shall not be appointed as the Chairperson or the Deputy Chairperson.
- (5) The members shall be appointed in writing by the Minister.
- (6) Subject to this Act, a member holds office for the period, not exceeding 3 years, and on the terms and conditions, specified in the instrument of appointment.

### **Resignation**

**31.** A member may resign in writing signed by the member and delivered to the Minister.

### **Termination of appointment**

**32. (1)** The Minister may terminate the appointment of a member for misbehaviour or physical or mental incapacity.

- (2) The Minister shall terminate the appointment of a member if—
- (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;

- (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 Council;
- (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;
- (d) in the case of a member of the kind referred to in paragraph 30 (2) (a), (b), (c) or (e)—the Minister has reasonable grounds for believing that the member has ceased to be a person of that kind;
- (da) in the case of the member referred to in paragraph 30 (2) (d)—the Minister has reasonable grounds for believing that the member has ceased to be the Chairperson, or to act as the Chairperson, as the case may be, of the Vocational Training Authority; or
- (e) the member fails, without reasonable excuse, to comply with section 35.

### **Acting members**

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

- (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;

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

**(2)** A person shall not be appointed to act as a member of the kind referred to in paragraph 30 (2) (a), (b), (c) or (e) unless the person is a person of that kind.

**(2A)** A person shall not be appointed to act as the member referred to in paragraph 30 (2) (d) unless the person is a member of the Vocational Training Authority.

**(3)** The Director shall not be appointed to act as a member.

(4) A member of staff shall not be appointed to act as the Chairperson or the Deputy Chairperson.

(5) 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.

### **Meetings**

**34. (1)** The Council shall hold at least 6 meetings in each year, but so that a period of not more than 3 months elapses between each meeting.

(2) The Chairperson—

- (a) may convene a meeting at any time; and
- (b) shall convene a meeting on receipt of a written request signed by—
  - (i) the Minister; 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.

(5) If the Chairperson is absent from a meeting, the Deputy Chairperson shall preside.

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

(7) The Council 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.

### **Disclosure of interests**

**35. (1)** A member 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 member's knowledge, disclose the nature of the interest at a Council meeting.

**(2)** A disclosure shall be recorded in the minutes of the meeting and, unless the Council otherwise determines, 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.

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

- (a) be present during any deliberation of the Council 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 Council of such a determination.

## **PART VI—MANAGEMENT ADVISORY BOARD AND ACADEMIC BOARD**

### ***Division 1—Management Advisory Board***

#### **Establishment of Management Advisory Board**

**36.** 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**

**37. (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;
- (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;
  - (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
  - (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.

### **Membership of Management Advisory Board**

**38. (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
- (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.

(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**

**39.** An appointed member may resign by signed writing delivered to the Minister.

#### **Termination of appointment**

**40. (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—

- (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;
- (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
- (d) the member fails, without reasonable excuse, to comply with section 43.

#### **Acting members**

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

- (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;

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—

- (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**

**42. (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—

- (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.

**(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.

**(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.

### **Disclosure of interests**

**43. (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—

- (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—

- (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*

#### **Establishment of Academic Board**

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

#### **Function of Academic Board**

45. 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**

46. (1) The Academic Board shall consist of—

- (a) the Dean or a person appointed by the Dean to represent the Dean;
- (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 38 (1) (e); and
- (d) such other members, not exceeding 5, appointed by the Dean.

(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.

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

### **Chairperson of Academic Board**

**47. (1)** The Chairperson of the Academic Board shall be appointed by the Management Advisory Board from among the members of the Academic Board.

(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 38 (1) (e).

(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.

(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**

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

(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.

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

## PART VII—STAFF OF THE INSTITUTIONS

### Staff of the Institute

**49. (1)** The staff of the Institute shall consist of—

- (a) such persons employed by the Director, on behalf of the Institute, as the Director thinks necessary for the purposes of this Act; and
- (b) persons made available to the Institute under the *Teaching Service Act 1972*.

**(2)** Paragraph (1) (b) shall cease to have effect on such date as is fixed by the Minister by notice in the *Gazette*.

### Staff of Hotel School

**50. (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.

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

### Personnel management

**51. (1)** The powers of an Institution in relation to employment matters shall be exercised—

- (a) without patronage, favouritism or unjustified discrimination; and
- (b) with regard to the equal employment opportunity program for the Institution.

**(2)** Without limiting the generality of paragraph (1) (a), and subject to paragraph (1) (b), the powers of an Institution in relation to employment shall be exercised in accordance with procedures that ensure that where a person is to be selected for engagement for a period exceeding 3 months, or for advancement, by the Institution—

- (a) all persons who are eligible have, so far as practicable, a reasonable opportunity to apply for selection; and
- (b) the selection is made on the basis of an assessment of the relative suitability of the applicants having regard to—
  - (i) the nature of the duties to be performed; and

- (ii) the abilities, qualifications, experience, personal qualities and potential for development of each applicant that are relevant to the performance of the duties.

(3) A reference in this section to the exercise of a power shall be read as including a reference to the making of a report or recommendation in relation to the exercise of that power.

(4) For the purposes of paragraph (1) (b), the Director shall on behalf of the Institute, and the Dean shall on behalf of the Hotel School, after consulting with each relevant staff organisation and such other persons as the Director or Dean (as the case requires) considers appropriate—

- (a) develop an equal employment opportunity program for the Institute; and
- (b) from time to time, review that program.

(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*.

(6) As soon as practicable after the development or review of an equal employment opportunity program in accordance with subsection (4), the Director or Dean (as the case requires) shall provide the Head of Administration with written particulars of the program.

(7) The Head of Administration may, from time to time, by notice in writing given to the Director or the Dean, issue guidelines to him or her on the provisions to be made by the equal employment opportunity program, and on the development, implementation or review of the program.

(8) The Director or the Dean (as the case requires) shall take any action necessary to give effect to the equal employment opportunity program and to comply with any guidelines issued under subsection (7).

(9) The Director in relation to the Institute and the Dean in relation to the Hotel School shall furnish to the Minister a written report relating to the operation of this section during each financial year.

(10) In this section—

“advancement” means movement within the Institute resulting in an employee undertaking work, and being remunerated, at a higher level than previously;

“designated group” means any of the following classes of persons:

- (a) members of the Aboriginal race of Australia or persons who are descendants of indigenous inhabitants of the Torres Strait Islands;
- (b) persons who have migrated to Australia and whose first language is a language other than English, and the children of such persons;
- (c) persons with physical or mental disabilities;
- (d) any other class of persons declared by the regulations to be a designated group for the purposes of this definition;

“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;
- (c) training and staff development for employees of the Institution;
- (d) the conditions of service of employees of the Institution; or
- (e) any other matter related to the employment of persons by the Institution;

“equal employment opportunity program”, in relation to an Institution, means a program designed to ensure that—

- (a) appropriate action is taken to eliminate unjustified discrimination against women and persons in designated groups in relation to employment matters; and
- (b) measures are taken to enable employees who are women or persons in designated groups—
  - (i) to compete for engagement, transfer and advancement; and
  - (ii) to pursue careers;

as effectively as other persons and to have equal opportunities with others in relation to other employment matters;

“relevant staff organisation”, in relation to an Institution, means an organisation—

- (a) within the meaning of the *Industrial Relations Act 1988* of the Commonwealth;
- (b) in which persons employed by an Institution would be eligible for membership; and
- (c) that is a party to an industrial award that applies in relation to the salary payable in respect of that employment;

“unjustified discrimination” includes—

- (a) discrimination that is unlawful under the *Discrimination Act 1991*; and
- (b) unjustified discrimination on the ground of age or social origin;

but does not include—

- (c) discrimination that is essential for the effective performance of the relevant duties, is not unlawful under the *Discrimination Act 1991* and is prescribed; or
- (d) discrimination that is not unlawful under the *Discrimination Act 1991* and is in accordance with the equal employment opportunity program for an Institution or with a prescribed program.

## PART VIII—FINANCE

### Money to be appropriated by Legislative Assembly

**52. (1)** There is payable to an Institution such money as is appropriated by the Legislative Assembly for the purposes of the Institution.

**(2)** The Minister may give directions as to the amounts in which, and the times at which, money referred to in subsection (1) is to be paid to the Institution.

**(3)** A direction shall be in writing.

### Fees

**53. (1)** There is payable to the Institute such fees for attendance at courses and programs as the Minister may determine by notice in the *Gazette*.

**(2)** The Director may make a determination in respect of the Institute in relation to—

- (a)** fees the payment of which is voluntary;
- (b)** fees in respect of the provision of an administrative service;
- (c)** fees in respect of the provision to students of amenities or services not of an academic nature;
- (d)** fees in respect of an organisation of students or of students and other persons; or
- (e)** fees in respect of residential accommodation.

**(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*.

**(3)** A fee is not payable by a person or class of persons exempted from payment of the fee by a determination of the Minister under subsection (1) or the Director under subsection (2) or (2A).

### Estimates

**54. (1)** An Institution shall—

- (a)** prepare estimates of the receipts and expenditure of the Institution in such form as the Minister, in writing, directs for—
  - (i)** each financial year; and

- (ii) any other period specified by the Minister; and
- (b) lodge estimates with the Minister within such time as the Minister, in writing, directs.

(2) Estimates under subsection (1) shall not include estimates of receipts or expenditure of trust money.

### **Money of Institutions**

**55.** The money of an Institution consists of—

- (a) money paid to the Institution under section 52; and
- (b) any other money, other than trust money, paid to the Institution.

### **Application of money**

**56. (1)** Subject to this section, the money of an Institution shall be applied only—

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Institution in the performance of its functions and the exercise of its powers;
- (b) in payment of any remuneration or allowance payable to any person under this Act; and
- (c) in making any other payments required or permitted to be made by the Institution.

(2) Subject to this section, the money of an Institution, other than trust money, shall be expended only in accordance with estimates approved in writing by the Minister.

(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.

(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.



(3) Money of an Institution not immediately required for the purposes of the Institution may be invested—

- (a) on deposit with the Reserve Bank of Australia or any other bank approved in writing by the Minister for the time being administering the *Audit Act 1989*;
- (b) in securities of the Territory or Commonwealth;
- (c) on loan to an authorised dealer;
- (d) in clean bills of exchange; or
- (e) in any other manner approved in writing by the Minister for the time being administering the *Audit Act 1989*.

(4) In subsection (3)—

“authorised dealer” means a corporation that is an authorised dealer in the short-term money market as defined by subregulation 5 (1) of the Banking (Savings Banks) Regulations as amended and in force from time to time under the *Banking Act 1959* of the Commonwealth;

“clean bill of exchange” means a bill of exchange that—

- (a) has been accepted by a trading bank;
- (b) has been indorsed by a trading bank or trading banks; and
- (c) has not been indorsed by any person other than a trading bank.

### **Security**

**57.** An Institution may give security over the whole or any part of its assets for—

- (a) the payment of money borrowed;
- (b) the payment of any money (without interest) that the Institution is liable to pay in respect of those borrowings; and
- (c) the payment of money (including interest) that the Institution is liable to pay in respect of dealings with securities.

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

**58. (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*.

(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.

### **Exemption from taxation**

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

(2) The regulations may provide that subsection (1) does not apply in relation to taxation under a specified law.

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

### **Audit Act to apply**

**60. (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.

(2) For the purposes of this Part, in sections 91, 92, 95 and 96 of the *Audit Act 1989*—

- (a) a reference to moneys includes a reference to trust moneys;
- (b) a reference to transactions and affairs includes a reference to transactions and affairs relating to trust moneys or trust property; and
- (c) a reference to assets includes a reference to trust property.

## **Financial reporting and audit**

### **61.**

(2) Subsection 97 (1) of the *Audit Act 1989* has effect in respect of its operation in relation to the Institute as if, for “30 June”, there were substituted “31 December”.

(5) The Institute shall include in reports of its operations, submitted in accordance with section 97 of the *Audit Act 1989*, details of any direction given under subsection 5 (3), and the number of approvals given under each of subsections 10 (1), 11 (1) and 12 (1), in respect of which approvals the Minister has not caused a copy of a statement to be laid before the Legislative Assembly.

(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 8 (3).

## **PART IX—MISCELLANEOUS**

### **Delegation by Director**

**62. (1)** The Director may, either generally or as otherwise provided by the instrument of delegation, by instrument in writing delegate to any person all or any of the Director’s powers and functions under this Act, other than this power of delegation.

(2) A power or function so delegated, when exercised or performed by the delegate, shall, for the purposes of this Act, be deemed to have been exercised or performed by the Director.

(3) A delegation does not prevent the exercise of a power or performance of a function by the Director.

### **Notification of decisions**

**63. (1)** Where the Director makes a decision—

- (a) not to admit a person to a course of study or instruction of the Institute or to an examination of the Institute under paragraph 16 (1) (g);
- (b) not to confer an award (not including an honorary award) on a person under paragraph 16 (1) (h); or
- (c) precluding a student from using facilities or attending a course, or part of a course, under subsection 16 (3);

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.

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

- (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 26 (1) (g);
- (b) not to confer an award (other than an honorary award) on a person under paragraph 26 (1) (h); or
- (c) precluding a student from using facilities or attending a course, or part of a course, under subsection 26 (3);

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.

**(2)** A notice under subsection (1) or (1A) shall—

- (a) include a statement to the effect that, subject to the *Administrative Appeals Tribunal Act 1989*, an application may be made to the Australian Capital Territory Administrative Appeals Tribunal for a review of the decision to which the notice relates; and
- (b) except where subsection 26 (11) of that Act applies—include a statement to the effect that a person whose interests are affected by the decision may request a statement pursuant to section 26 of that Act.

**(3)** The validity of a decision to which a notice under subsection (1) or (1A) relates shall not be taken to be affected by a failure to comply with subsection (2).

### **Review by Administrative Appeals Tribunal**

**64. (1)** Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Director—

- (a) refusing to admit a person to a course of study or instruction of the Institute or to an examination of the Institute under paragraph 16 (1) (g);
- (b) refusing to confer an award (not including an honorary award) on a person under paragraph 16 (1) (h); or
- (c) precluding a student from using facilities or attending a course, or part of a course, under subsection 16 (3).

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

- (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 26 (1) (g);
- (b) refusing to confer an award (not including an honorary award) on a person under paragraph 26 (1) (h); or
- (c) precluding a student from using facilities or attending a course, or part of a course, under subsection 26 (3).

### **Regulations**

**65. (1)** The Executive may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed by regulations; or
- (b) necessary or convenient to be prescribed by regulations for carrying out or giving effect to this Act.

**(2)** Without limiting the generality of subsection (1), regulations made under that subsection may make provisions for and in relation to—

- (a) the use or parking of vehicles on land occupied by an Institution in the Territory, including the authorisation of, and the provision for the effect of, signs and marking; or
- (b) the punishment, on summary conviction, by a fine not exceeding \$50, of offences against a regulation made under paragraph (a).



**NOTE**

1. The *Canberra Institute of Technology Act 1987* as shown in this reprint comprises Act No. 71, 1987 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

**Table of Ordinances**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>A.C.T. Institute of Technical and Further Education Ordinance 1987</i>	71, 1987	22 Dec 1987	4 Jan 1987 (see <i>Gazette</i> 1987, No. S365)	
<i>A.C.T. Institute of Technical and Further Education (Amendment) Ordinance 1988</i>	82, 1988	21 Dec 1988	21 Dec 1988	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

**Self-Government day 11 May 1989**

Table 2

**Table of Acts**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Statutory Authorities (Audit Arrangements) Act 1990</i>	25, 1990	22 June 1990	Ss. 1 and 2: 22 June 1990 Remainder: 22 June 1990 (see <i>Gazette</i> 1990, No. S35)	Ss. 19 and 20
<i>Self-Government (Consequential Amendments) Act 1991</i>	53, 1991	2 Oct 1991	2 Oct 1991	—
<i>A.C.T. Institute of Technical and Further Education (Amendment) Act 1992</i>	11, 1992	2 June 1992	2 June 1992	—

**NOTE—continued****Table of Acts—continued**

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Statute Law Revision (Miscellaneous Provisions) Act 1992</i>	23, 1992	4 June 1992	4 June 1992	—
<i>Canberra Institute of Technology (Amendment) Act 1992</i>	74, 1992	8 Dec 1992	Ss. 1-3: 8 Dec 1992 Remainder: 1 Jan 1993	—
<i>Canberra Institute of Technology (Amendment) Act 1994</i>	13, 1994	6 May 1994	Ss. 1 and 2: 6 May 1994 Remainder: 6 May 1994 (see <i>Gazette</i> 1994, No. S82)	S. 10 (2)

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
Title .....	am. Act No. 74, 1992; No. 13, 1994
S. 1 .....	am. Act No. 74, 1992
S. 3 .....	am. No. 82, 1988; Act No. 74, 1992; No. 13, 1994
Heading to Part II.....	rs. Act No. 74, 1992; No. 13, 1994
Heading to Div. 1 of Part II	ad. Act No. 13, 1994
S. 4 .....	am. Act No. 74, 1992
S. 5 .....	am. No. 82, 1988 rep. Act No. 74, 1992
S. 6 .....	am. No. 82, 1988; No. 38, 1989; Act No. 13, 1994
S. 7 .....	am. No. 82, 1988; No. 38, 1989; Act No. 74, 1992 rep. No. 13, 1994
Div. 2 of Part II (ss. 7, 7A, 7B)	ad. Act No. 13, 1994
S. 7 .....	rs. Act No. 13, 1994
Ss. 7A, 7B.....	ad. Act No. 13, 1994
Heading to Div. 3 of Part II	ad. Act No. 13, 1994
S. 7C.....	ad. Act No. 13, 1994
Ss. 8-10 .....	am. No. 38, 1989; Act No. 13, 1994
S. 10A.....	ad. No. 82, 1988
Heading to Part III.....	am. No. 82, 1988 rs. Act No. 74, 1992 am. No. 13, 1994
S. 11 .....	am. No. 82, 1988; Act No. 13, 1994



**NOTE—continued**

**Table of Amendments—continued**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 12 .....	am. No. 82, 1988; Act No. 74, 1992; No. 13, 1994
S. 13 .....	am. No. 82, 1988; Act No. 53, 1991; No. 13, 1994
S. 13A .....	ad. Act No. 13, 1994
S. 14 .....	am. Act No. 13, 1994
S. 15 .....	am. No. 82, 1988
S. 16A .....	ad. No. 82, 1988
S. 17 .....	am. No. 82, 1988
Part IIIA (ss. 17A-17E) .....	ad. Act No. 13, 1994
Ss. 17A-17E .....	ad. Act No. 13, 1994
Heading to Part IIIB .....	ad. Act No. 13, 1994
S. 18 .....	rs.No. 82, 1988
	am. Act No. 74, 1992
S. 18A .....	ad. No. 82, 1988
	am. Act No. 74, 1992
S. 18B .....	ad. No. 82, 1988
	am. Act No. 74, 1992; No. 13, 1994
Ss. 18C .....	ad. No. 82, 1988
Ss. 18D-18G .....	ad. No. 82, 1988
	am. Act No. 74, 1992
Part IIIC (ss. 18H-18T) .....	ad. Act No. 13, 1994
Ss. 18H-18T .....	ad. Act No. 13, 1994
Heading to Part IIID .....	ad. Act No. 13, 1994
S.19 .....	am. No. 38, 1989
S. 19AA .....	ad. Act No. 13, 1994
S. 19A .....	ad. Act No. 11, 1992
	am. No. 13, 1994
S. 20 .....	am. No. 82, 1988; No. 38, 1989; Act No. 13, 1994
S. 21 .....	am. Act No. 13, 1994
S. 22 .....	am. No. 82, 1988; Act No. 13, 1994
S. 23 .....	am. Act No. 13, 1994
S. 24 .....	am. No. 82, 1988; No. 38, 1989; Act No. 13, 1994
S. 25 .....	rs. No. 38, 1989
	rep. Act No. 13, 1994
Ss. 26, 27 .....	rep. No. 38, 1989
S. 28 .....	am. No. 38, 1989; Act No. 13, 1994
S. 29 .....	rep. No. 38, 1989
S. 30 .....	rs. Act No. 13, 1994
S. 31 .....	am. Act No. 13, 1994
S. 31A .....	ad. Act No. 25, 1990
	am. No. 13, 1994
S. 31B .....	ad. Act No. 25, 1990
	am. No. 74, 1992; No. 13, 1994

**NOTE—continued****Table of Amendments—continued**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision	How affected
S. 33 .....	am. No. 82, 1988; No. 38, 1989; Act No. 13, 1994
S. 34 .....	am. No. 82, 1988; Act No. 23, 1992; No. 13, 1994
S. 35 .....	am. No. 82, 1988; No. 38, 1989; Act No. 13, 1994

TABLE SHOWING NEW PART AND SECTION NUMBERS OF THE *CANBERRA INSTITUTE OF TECHNOLOGY ACT 1987* AFTER RENUMBERING BY THE *CANBERRA INSTITUTE OF TECHNOLOGY (AMENDMENT) ACT 1994* (NO. 13, 1994)

**NOTE—This Table does not form part of the *Canberra Institute of Technology Act 1987* and is printed for convenience of reference only.**

Old number	New number	Old number	New number	Old number	New number
Section	Section	Part IIIB	Part V	Section	Section
6	5	Section	Section	19	49
7	6	18	28	19AA	50
7A	7	18A	29	19A	51
7B	8	18B	30	Part IV	Part VIII
7C	9	18C	31	Section	Section
8	10	18D	32	20	52
9	11	18E	33	21	53
10	12	18F	34	22	54
10A	13	18G	35	23	55
11	14	Part IIIC	Part VI	24	56
12	15	Section	Section	28	57
13	16	18H	36	30	58
13A	17	18I	37	31	59
14	18	18J	38	31A	60
15	19	18K	39	31B	61
16	20	18L	40	Part V	Part IX
16A	21	18M	41	Section	Section
17	22	18N	42	32	62
Part IIIA	Part IV	18O	43	33	63
Section	Section	18P	44	34	64
17A	23	18Q	45	35	65
17B	24	18R	46		
17C	25	18S	47		
17D	26	18T	48		
17E	27	Part IIID	Part VII		

**NOTE**—continued

Subsection 10 (2) of Act No. 13, 1994 provides as follows:

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

© Australian Capital Territory 2012