



Australian Capital Territory

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The republished law

This is a republication of the *Canberra Institute of Technology Act 1987* effective 1 January 1997 to 9 June 1997.

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CANBERRA INSTITUTE OF TECHNOLOGY ACT 1987

This consolidation has been prepared by the ACT Parliamentary Counsel's Office

Updated as at 1 January 1997

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Australian Capital Territory

CANBERRA INSTITUTE OF TECHNOLOGY ACT 1987

An Act to establish the Canberra Institute of Technology

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Canberra Institute of Technology Act 1987*.¹

Commencement

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

Interpretation

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

“appoint” includes re-appoint;

“Chairperson” means the Chairperson of the Council;

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

“Deputy Chairperson” means the Deputy Chairperson of the Council;

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

“Institute” means the Canberra Institute of Technology;

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

“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 the Institute 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.

(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— CANBERRA INSTITUTE OF TECHNOLOGY

Division 1—Establishment and functions

Establishment

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

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;
- (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;
- (ea) to confer honorary awards;
- (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 3—Powers and limitations

Powers

9. (1) The Institute 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;
- (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 or any other person) and made available to the Institute;
- (d) make available, whether by way of lease or otherwise, any land or building to 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;
- (g) make charges for work done and services rendered by it;
- (h) engage persons as consultants;

- (i) provide consultative services to any person;
- (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 or the members of any joint venture it participates in;
- (m) appoint persons as agents and attorneys;
- (n) act as an agent for other persons;
- (o) obtain commercial sponsorship;
- (p) establish and conduct residential facilities for its staff or students 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 other bodies; and
- (r) do anything incidental to any of its powers.

(2) The Institute 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 the Institute may be exercised within or outside Australia.

(3A) Nothing in paragraph (1) (h) shall be read as conferring on the Institute a power to enter into a contract of employment.

(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.

Limitations on formation of companies etc.

10. (1) The Institute 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) Where the Institute holds a controlling interest in a company, the Institute shall endeavour to ensure that the audit arrangements for the company are acceptable to the auditor of the Institute and that the company does not do anything that the Institute itself is not empowered to do.

(5) Without limiting the generality of subsection (4), the Institute 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 *Financial Management Act 1996*; 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) The Institute shall not enter into a partnership except in accordance with the written approval of the Minister.

(2) An approval—

- (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, 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) Where the Institute is a member of a partnership and is able to control the things done by the partnership, the Institute shall endeavour to ensure that the audit arrangements for the partnership are acceptable to the auditor of the Institute and that the partnership does not do anything that the Institute itself is not empowered to do.

Limitations on participation in joint ventures

12. (1) The Institute 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 the Institute 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 Institute, the Minister ceases to be of that opinion.

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

(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.

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

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

Powers of Director

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 *Financial Management Act 1996* and any regulations and financial management guidelines made or issued 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).

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 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 Chairperson of the Vocational Education and Training Authority; and
 - (e) the remaining 6 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 VII—STAFF

Public servants

49. (1) The staff of the Institute shall be employed under the *Public Sector Management Act 1994*.

(2) The *Public Sector Management Act 1994* applies in relation to the management of the staff of the Institute.

Personnel management

51. (1) The powers of the Institute 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 Institute.

(2) Without limiting the generality of paragraph (1) (a), and subject to paragraph (1) (b), the powers of the Institute 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 Institute —

- (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 after consulting with each relevant staff organisation and such other persons as the Director considers appropriate—

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

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

(7) The Commissioner for Public Administration may, from time to time, by notice in writing given to the Director, 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 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 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 the Institute, means—

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

“equal employment opportunity program”, in relation to the Institute, 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 the Institute, means an organisation—

- (a) within the meaning of the *Industrial Relations Act 1988* of the Commonwealth;
- (b) in which persons employed by the Institute 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 the Institute or with a prescribed program.

PART VIII—FINANCE

Money to be appropriated by Legislative Assembly

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

(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 Institute.

(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.

(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).

Money of the Institute

55. The money of the Institute consists of—

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

Application of money

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

- (a) in payment or discharge of the expenses, charges, obligations and liabilities incurred or undertaken by the Institute 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 Institute.

Trust money and trust property

58. (1) The Institute shall pay trust money into a bank account maintained under section 55 of the *Financial Management Act 1996*.

(3) The Institute—

- (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 the Institute 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.

Application of Part VIII, Financial Management Act

60. Part VIII of the *Financial Management Act 1996* applies in relation to the Institute as if a reference in that Part to a financial year were a reference to a calendar year.

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 cause notice of the decision to be given to a person whose interests are affected by the decision.

(2) A notice under subsection (1) shall be in accordance with the requirements of the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

Review by Administrative Review 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).

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 the Institute 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)
<i>Public Sector Management (Consequential and Transitional Provisions) Act 1994</i>	38, 1994	30 June 1994	Ss. 1 and 2: 30 June 1994 Remainder: 1 July 1994 (see <i>Gazette</i> 1994, No. S142, p. 2)	Ss. 3, 5-12, 15 and 19
<i>Administrative Appeals (Consequential Amendments) Act 1994</i>	60, 1994	11 Oct 1994	Ss. 1 and 2: 11 Oct 1994 Remainder: 14 Nov 1994 (see s. 2 (2) and <i>Gazette</i> 1994, No. S250)	—
<i>Vocational Education and Training (Consequential Provisions) Act 1995</i>	38, 1995	31 Oct 1995	Ss. 1 and 2: 31 Oct 1995 Remainder: 1 Jan 1996 (see s. 2 (2) and <i>Gazette</i> 1995, No. S322)	—
<i>Statute Law Revision Act 1995</i>	46, 1995	18 Dec 1995	18 Dec 1995	—
<i>Remuneration Tribunal (Consequential and Transitional Provisions) Act 1995</i>	56, 1995	20 Dec 1995	21 Dec 1995 (see s. 2 and <i>Gazette</i> 1995, No. S315, p.2)	S. 3
(Reprinted as at 1 January 1996)				
<i>Financial Management and Audit (Consequential and Transitional Provisions) Act 1996</i>	26, 1996	1 July 1996	1 July 1996	—
<i>Canberra Institute of Technology (Amendment) Act 1996</i>	73, 1996	20 Dec 1996	1 Jan 1997 (see s. 2 and <i>Gazette</i> 1996, No. S347)	—

NOTE—continued**Table of Amendments**

The amendment history of the *Canberra Institute of Technology Act 1987* prior to renumbering by the *Canberra Institute of Technology (Amendment) Act 1994* (No. 13, 1994) appears in Table 1 below.

Table 1

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
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

NOTE—continued

Table of Amendments—continued

Table 1—continued

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

Provision	How affected
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
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

The amendment history of the *Canberra Institute of Technology Act 1987* after renumbering by the *Canberra Institute of Technology (Amendment) Act 1994* appears in Table 2 below.

Table 2

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

Provision	How affected
Title	am. No. 73, 1996
S. 3.....	am. No. 46, 1995; No. 73, 1996
Heading to Part II	rs. No. 73, 1996
Heading to Div. 1 of Part II	rs. No. 73, 1996

NOTE—continued**Table of Amendments—continued****Table 2—continued**

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

Provision	How affected
S. 5.....	am. No. 73, 1996
Div. 2 of Part II (ss. 6-8)	rep. No. 73, 1996
Ss. 6-8.....	rep. No. 73, 1996
Heading to Div. 3 of Part II	am. No. 73, 1996
S. 9.....	am. No. 38, 1994; No. 73, 1996
S. 10.....	am. No. 26, 1996; No. 73, 1996
Ss. 11, 12.....	am. No. 73, 1996
Ss. 14, 15.....	am. No. 73, 1996
S. 16.....	am. No. 26, 1996
S. 17.....	rep. No. 73, 1996
S.18.....	rep. No. 56, 1995
Part IV (ss. 23-27).....	rep. No. 73, 1996
Ss. 23-25.....	rep. No. 73, 1996
S. 26.....	am. No. 26, 1996 rep. No. 73, 1996
S. 27.....	rep. No. 73, 1996
S. 30.....	am. No. 38, 1995; No. 73, 1996
Part VI (ss. 36-48).....	rep. No. 73, 1996
Ss. 36-48.....	rep. No. 73, 1996
Heading to Part VII.....	am. No. 73, 1996
S. 49.....	rs. No. 38, 1994
S. 50.....	rep. No. 73, 1996
S. 51.....	am. No. 38, 1994; No. 73, 1996
Ss. 52, 53.....	am. No. 73, 1996
S. 54.....	rep. No. 26, 1996
S. 55.....	am. No. 73, 1996
S. 56.....	am. No. 26, 1996; No. 73, 1996
S. 57.....	rep. No. 26, 1996
S. 58.....	am. No. 26, 1996; No. 73, 1996
S. 59.....	am. No. 73, 1996
S. 60.....	rs. No. 26, 1996 am. No. 73, 1996
S. 61.....	rep. No. 26, 1996
S. 63.....	am. No. 60, 1994; No. 73, 1996
Ss. 64, 65.....	am. No. 73, 1996

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 6	Section 5	Part IIIB Section	Part V Section	Section 19	Section 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		

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.”