



Australian Capital Territory

# **Canberra Institute of Technology Act 1987 No 71**

## **Republication No 8**

Republication date: 10 July 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Canberra Institute of Technology Act 1987* as in force on 10 July 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### 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.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Canberra Institute of Technology Act 1987

## Contents

---

	Page	
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of Act	2
3	Interpretation for Act	2
<b>Part 2</b>	<b>Canberra Institute of Technology</b>	
<b>Division 2.1</b>	<b>Establishment and functions</b>	
4	Establishment	4
5	Functions	4
<b>Division 2.3</b>	<b>Powers and limitations</b>	
9	Powers	6
10	Limitations on formation of companies etc	7

---

## Contents

---

	Page
11	9
12	10
13	11
<b>Part 3</b>	<b>Director of institute</b>
14	12
15	12
16	12
22	14
<b>Part 5</b>	<b>Council of institute</b>
28	16
29	16
30	16
31	17
32	17
33	18
34	19
35	20
<b>Part 7</b>	<b>Staff</b>
49	21
51	21
<b>Part 8</b>	<b>Finance</b>
53	25
55	25
56	26
58	26
59	26
60	27
<b>Part 9</b>	<b>Miscellaneous</b>
62	28
63	28
64	28

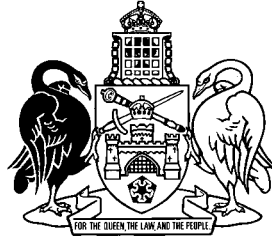
65	Regulation-making power	Page 29
----	-------------------------	------------

**Endnotes**

1	About the endnotes	30
2	Abbreviation key	30
3	Legislation history	31
4	Amendment history	34
5	Earlier republications	45
6	Renumbered provisions	45



Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Canberra Institute of Technology Act 1987

---

An Act to establish the Canberra Institute of Technology

---

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Canberra Institute of Technology Act 1987*.

### 3 Interpretation for Act

(1) In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***appoint*** includes reappoint.

***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 because of an appointment under section 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 that 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 way as the question whether a corporation is a subsidiary of another corporation is determined for the purposes of the Corporations Act.
- (3) For 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 2**                      **Canberra Institute of Technology**

### **Division 2.1**              **Establishment and functions**

#### **4**                      **Establishment**

- (1) There is established a body known as the Canberra Institute of Technology.
- (2) The institute—
  - (a) is a body corporate, with perpetual succession; and
  - (b) shall have a common seal; and
  - (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 the custody that 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 attached to a document and shall presume that it was duly attached.

#### **5**                      **Functions**

- (1) The functions of the institute are—
  - (a) to conduct, principally in the ACT, 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; and

- (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; and
  - (c) to support industry and commerce, and to assist the development of industry and commerce and the community, in the ACT; and
  - (d) to promote the development of community awareness and appreciation of technical and further education; and
  - (e) to confer awards to persons who have completed courses of studies at the institute; and
  - (f) to confer honorary awards; and
  - (g) to consult and cooperate with other institutions, and with persons, associations, organisations and authorities, in relation to the provision of education in technical and further education; and
  - (h) to make suitable financial arrangements with industry and commerce for the purposes of its functions under paragraphs (a) to (g); and
  - (i) to do anything incidental to its functions under paragraphs (a) to (h).
- (2) The functions referred to in subsections (1) (b), (c), (g) and (h), and anything incidental to those functions, may be exercised within or outside Australia.
- (3) The institute shall exercise its functions in accordance with any directions given by the Minister.
- (4) For this section—
- (a) a determination by the director, or a requirement by the Minister, under subsection (1) (a); and
  - (b) a direction given by the Minister under subsection (3);
- shall be in writing.

- (5) A direction under subsection (3) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

- (6) If the Minister gives a direction under subsection (3), a copy of the direction must be presented to the Legislative Assembly within 5 sitting days after the day the direction is given.

## **Division 2.3 Powers and limitations**

### **9 Powers**

- (1) The institute has power to do all things that are necessary or convenient to be done for or in connection with the exercise of its functions and, in particular, may—
- (a) subject to subsection (2), enter into contracts; and
  - (b) erect buildings and structures and carry out works; and
  - (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; and
  - (d) make available, whether by way of lease or otherwise, any land or building to any other person; and
  - (e) accept gifts, grants, devises and bequests, whether on trust or otherwise, and act as trustee of money or other property vested in it on trust; and
  - (f) provide scholarships and other like benefits; and
  - (g) make charges for work done and services rendered by it; and
  - (h) engage persons as consultants; and
  - (i) provide consultative services to any person; and
  - (j) form, or participate in the formation of, companies, enter into partnership or participate in joint ventures; and
  - (k) subscribe for or purchase shares in, or debentures or other securities of, a company; and

- (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; and
  - (m) appoint persons as agents and attorneys; and
  - (n) act as an agent for other persons; and
  - (o) obtain commercial sponsorship; and
  - (p) establish and conduct residential facilities for its staff or students either by itself or in association with other institutions or bodies; and
  - (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.
- (4) Nothing in subsection (1) (h) gives the institute a power to enter into a contract of employment.
- (5) The institute shall exercise its powers under subsection (1) (j) to raise revenue to be applied exclusively for the use of the institute.

## **10 Limitations on formation of companies etc**

- (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, on 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), if the institute subscribes for or purchases shares in, or debentures or other securities of, a company or if the institute participates in, forms or is interested in a company, the Minister shall—
  - (a) prepare a statement setting out particulars of, and the reasons for, the subscription or purchase or the participation, formation or interest; and
  - (b) present a copy of the statement to 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) If 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 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 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 be deemed to be a borrowing by that company.
- (9) Subsection (5) (b) does not apply to a raising of money if that money is raised by way of donation or gift or by bona fide payment for services rendered.

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

- (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), if the institute enters into a partnership, the Minister shall—
- (a) prepare a statement setting out particulars of, and the reasons for, the partnership; and
  - (b) present a copy of the statement to 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) If 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.

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

- (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), if the institute enters into an agreement for a joint venture, the Minister shall—



- (a) prepare a statement setting out particulars of, and the reasons for, the joint venture; and
  - (b) present a copy of the statement to 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) If 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.

### **13 Review of opinions**

The Minister shall, in relation to an opinion referred to in section 10 (3) (b) (ii), 11 (3) (b) (ii) or 12 (3) (b) (ii), within 12 months after the date when 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 3 Director of institute

### 14 Director

- (1) There shall be a director of the institute who shall be appointed in writing by the Minister.
- (2) A person who is over 65 years old shall not be appointed as director, and a person shall not be appointed as director for a period that extends beyond the day the person will reach 65 years old.
- (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 the terms and conditions (if any) in relation to matters not provided for by this Act that are determined in writing by the Minister.
- (5) A determination under subsection (4) shall not include a term or condition that could not be applicable to an executive employed under the *Public Sector Management Act 1994*, section 72.

### 15 Functions of director

- (1) The director shall manage the affairs of the institute.
- (2) In managing the affairs of the institute, the director shall have regard to any advice given by the council.
- (3) 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.

### 16 Powers of director

- (1) The director has the power to do all things that are necessary or convenient to be done for or in connection with the exercise 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; or
  - (b) the custody and use of the common seal; or
  - (c) the persons who are to constitute the teaching staff of the institute for this Act; or
  - (d) the persons who are to constitute the non-teaching staff of the institute for this Act; or
  - (e) the persons who are to constitute the students of the institute for this Act; or
  - (f) the provision of superannuation or similar benefits for, or in relation to, staff; or
  - (g) the admission of persons to courses of study or instruction of the institute or to examinations of the institute; or
  - (h) the awards (including honorary awards) that may be conferred by the institute and the requirements for their conferral; or
  - (i) the granting by the institute of scholarships, bursaries and prizes; or
  - (j) the review of progress of students; or
  - (k) the provision of loans to any student; or
  - (l) the provision and management of, and fees or other charges payable for, the use of amenities and services; or
  - (m) the association or affiliation with the institute of any authority, corporation, institution, body or person; or
  - (n) 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*, the director has the power to issue financial and accounting directions to a member of staff of the institute.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and guidelines (see *Legislation Act 2001*, s 104).

- (3) The director may, if a student of the institute contravenes a direction given in relation to a matter referred to in subsection (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).

## 22 Acting director

- (1) Subject to this section, the Minister may, in writing, appoint a person to act as 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 for any reason unable to exercise the functions of the office;on the terms and conditions determined by the Minister in writing.
- (2) A person appointed to act as the director during a vacancy in the office of director shall not so act continuously for more than 12 months.
- (3) A determination under subsection (1) shall not include a term or condition that could not be applicable to an executive employed under the *Public Sector Management Act 1994*, section 72.
- (4) Anything done by or in relation to a person purporting to act under an appointment under subsection (1) is not invalid on the ground that—

- (a) the appointment was ineffective or had ceased to have effect;  
or
- (b) the occasion to act had not arisen or had ceased.

## **Part 5 Council of institute**

### **28 Establishment of council**

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

### **29 Function and powers of council**

- (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; and
  - (b) the welfare of students at the institute and the management of the institute; and
  - (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 polices 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 exercise of its function.

### **30 Membership of council**

- (1) The council shall consist of—
  - (a) the chairperson; and
  - (b) the deputy chairperson; and

- (c) 10 other members.
- (2) Of the members referred to in subsection (1) (c)—
  - (a) 1 shall be a representative of an organisation which represents the teaching staff; and
  - (b) 1 shall be a representative of the student body; and
  - (c) 1 shall be a representative of industry and commerce; and
  - (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.

### **31 Resignation**

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

### **32 Termination of appointment**

- (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; or

- (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; or
- (c) the member is convicted in the ACT or in a State or another Territory of an offence punishable on conviction by imprisonment for 1 year or more; or
- (d) for a member of the kind referred to in section 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;
- (e) for the member referred to in section 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 education and training authority; or
- (f) the member fails, without reasonable excuse, to comply with section 35.

### **33 Acting members**

- (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 ACT or is, for any other reason, unable to exercise 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 section 30 (2) (a), (b), (c) or (e) unless the person is a person of that kind.



- (3) A person shall not be appointed to act as the member referred to in section 30 (2) (d) unless the person is a member of the vocational education and training authority.
- (4) The director shall not be appointed to act as a member.
- (5) A member of staff shall not be appointed to act as the chairperson or the deputy chairperson.
- (6) Anything done by or in relation to a person purporting to act under an appointment under this section is not invalid on the ground that—
  - (a) the occasion for the appointment had not arisen; or
  - (b) there is a defect or irregularity in connection with the appointment; or
  - (c) the appointment had ceased to have effect; or
  - (d) the occasion for the person to act had not arisen or had ceased.

### **34 Meetings**

- (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 call a meeting at any time; and
  - (b) shall call 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.

### **35 Disclosure of interests**

- (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 in relation to that matter; or
  - (b) take part in any decision of the council in relation 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 the determination.

## Part 7                      Staff

### 49      Public servants

- (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.

### 51      Personnel management

- (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 subsection (1) (a), and subject to subsection (1) (b), the powers of the institute in relation to employment shall be exercised in accordance with procedures that ensure that if 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 includes a reference to the making of a report or recommendation in relation to the exercise of that power.
- (4) For subsection (1) (b), the director shall on behalf of the institute after consulting with each relevant staff organisation and anyone else the director considers appropriate—
- (a) develop an equal employment opportunity program for the institute; and
  - (b) from time to time, review that program.
- (5) 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.
- (6) The commissioner for public administration may, from time to time, by written notice 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.
- (7) 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 (6).
- (8) The director in relation to the institute shall give to the Minister a written report relating to the operation of this section during each financial year.
- (9) 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 this definition.

***employment matter***, in relation to the institute, means—

- (a) the selection of persons by the institute for engagement or advancement; or
- (b) the transfer of employees to positions in the institute; or
- (c) training and staff development for employees of the institute; or
- (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 *Workplace Relations Act 1996* (Cwlth); and
- (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 relation to 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 8 Finance

### 53 Fees

- (1) There is payable to the institute the fees for attendance at courses and programs that the Minister may determine in writing.
- (2) The director may make a determination in relation to the institute in relation to—
  - (a) fees the payment of which is voluntary; or
  - (b) fees in relation to the provision of an administrative service; or
  - (c) fees in relation to the provision to students of amenities or services not of an academic nature; or
  - (d) fees in relation to an organisation of students or of students and other persons; or
  - (e) fees in relation to 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).
- (4) A determination under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### 55 Money of institute

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.

**56 Application of money**

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 exercise of its functions; and
- (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.

**58 Trust money and trust property**

- (1) The institute shall pay trust money into an account maintained under the *Financial Management Act 1996*, section 55.
- (2) 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 way in which it is authorised to invest the money by the terms of the trust; or
    - (ii) in a way in which trust money may be lawfully invested.

**59 Exemption from taxation**

- (1) Subject to this section, the income, property and transactions of the institute are not subject to taxation under any Territory law.
- (2) The regulations may provide that subsection (1) does not apply in relation to taxation under a specified law.



**60 Application of Financial Management Act, pt 8**

The *Financial Management Act 1996*, part 8 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 9 Miscellaneous

### 62 Delegation by director

- (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 functions under this Act, other than this power of delegation.
- (2) A function so delegated, when exercised by the delegate, shall, for this Act, be deemed to have been exercised by the director.
- (3) A delegation does not prevent the exercise of a function by the director.

### 63 Notification of decisions

- (1) If 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 section 16 (1) (g); or
  - (b) not to confer an award (not including an honorary award) on a person under section 16 (1) (h); or
  - (c) precluding a student from using facilities or attending a course, or part of a course, under section 16 (3);he or she shall give notice of the decision 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 the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

### 64 Review by administrative review tribunal

- (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 section 16 (1) (g); or
- (b) refusing to confer an award (not including an honorary award) on a person under section 16 (1) (h); or
- (c) precluding a student from using facilities or attending a course, or part of a course, under section 16 (3).

## **65 Regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (2) The regulations may make provision in relation to the use or parking of vehicles on land occupied by the institute in the ACT, including the authorisation of, and the effect of, signs and markings.
- (3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.

## Endnotes

1 About the endnotes

---

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *Canberra Institute of Technology Ordinance 1987* No 71 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former Commonwealth ordinances in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

As with most ordinances in force in the ACT, the name was changed from *Ordinance* to *Act* by the *Self-Government (Citation of Laws) Act 1989* No 21, s 5 on 11 May 1989 (self-government day).

It was renamed as the *Canberra Institute of Technology Act 1987* by the *Canberra Institute of Technology (Amendment) Act 1992* (see s 5).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before becoming Territory enactment

##### **Canberra Institute of Technology Act 1987 No 71**

notified 22 December 1987

commenced 4 January 1987 (s 2 and Cwlth Gaz 1987 No S365)

as amended by

##### **A.C.T. Institute of Technical and Further Education (Amendment) Ordinance 1988 No 82**

notified 21 December 1988

commenced 21 December 1988

##### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

#### Legislation after becoming Territory enactment

##### **Statutory Authorities (Audit Arrangements) Act 1990 No 25 pt 15**

notified 22 June 1990 (Gaz 1990 No S29)

s 1, s 2 commenced 22 June 1990 (s 2 (1))

pt 15 commenced 22 June 1990 (s 2 (2) and Gaz 1990 No S35)

## Endnotes

3 Legislation history

---

**Self-Government (Consequential Amendments) Act 1991 No 53 pt 2 div 1**

notified 2 October 1991 (Gaz 1991 No S98)  
commenced 2 October 1991

**A.C.T. Institute of Technical and Further Education (Amendment) Act 1992 No 11**

notified 2 June 1992 (Gaz 1992 No S62)  
commenced 2 June 1992

**Statute Law Revision (Miscellaneous Provisions) Act 1992 No 23 sch 1**

notified 4 June 1992 (Gaz 1992 No S71)  
commenced 4 June 1992

**Canberra Institute of Technology (Amendment) Act 1992 No 74**

notified 8 December 1992 (Gaz 1992 No S218)  
ss 1-3 commenced 8 December 1992 (s 2 (1))  
remainder commenced 1 January 1993 (s 2 (2))

**Canberra Institute of Technology (Amendment) Act 1994 No 13**

notified 6 May 1994 (Gaz 1994 No S74)  
s 1, s 2 commenced 6 May 1994 (s 2 (1))  
remainder commenced 6 May 1994 (s 2 (2) and Gaz 1994 No S82)

**Public Sector Management (Consequential and Transitional Provisions) Act 1994 No 38 sch 1 pt 11**

notified 30 June 1994 (Gaz 1994 No S121)  
s 1, s 2 commenced 30 June 1994 (s 2 (1))  
sch 1 pt 11 commenced 1 July 1994 (s 2 (2) and Gaz 1994 No S142)

**Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 1**

notified 11 October 1994 (Gaz 1994 No S197)  
s 1, s 2 commenced 11 October 1994 (s 2 (1))  
sch 1 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

**Vocational Education and Training (Consequential Provisions) Act 1995 No 38 s 5**

notified 31 October 1995 (Gaz 1995 No S266)  
s 1, s 2 commenced 31 October 1995 (s 2 (1))  
s 5 commenced 1 January 1996 (s 2 (2) and see Gaz 1995 No S322)

**Statute Law Revision Act 1995 No 46 sch**

notified 18 December 1995 (Gaz 1995 No S306)  
commenced 18 December 1995 (s 2)

**Remuneration Tribunal (Consequential and Transitional Provisions) Act 1995 No 56 sch**

notified 20 December 1995 (Gaz 1995 No S313)  
commenced 21 December 1995 (s 2 and see Gaz 1995 No S315)

**Financial Management and Audit (Consequential and Transitional Provisions) Act 1996 No 26 sch pt 3**

notified 1 July 1996 (Gaz 1996 No S130)  
commenced 1 July 1996 (s 2)

**Canberra Institute of Technology (Amendment) Act 1996 No 73**

notified 20 December 1996 (Gaz 1996 No S328)  
commenced 1 January 1997 (s 2 and see Gaz 1996 No S347)

**Canberra Institute of Technology (Amendment) Act 1997 No 11**

notified 16 May 1997 (Gaz 1997 No S131)  
ss 1-3 commenced 16 May 1997 (s 2 (1))  
remainder commenced 10 June 1997 (s 2 (2) and Gaz 1997 No S157)

**Financial Institutions (Removal of Discrimination) Act 1997 No 88 sch**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch commenced 31 December 1997 (s 2 (2) and Gaz 1997 No S442)

**Financial Management (Amendment) Act (No 2) 1997 No 102 s 15**

notified 24 December 1997 (Gaz 1997 No S420)  
ss 1-3 commenced 24 December 1997 (s 2 (1))  
s 15 commenced 14 January 1998 (s 2 (2) and Gaz 1998 No S24)

**Statute Law Revision (Penalties) Act 1998 No 54 sch**

notified 27 November 1998 (Gaz 1998 No S207)  
s 1, s 2 commenced 27 November 1998 (s 2 (1))  
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 51**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 51 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

## Endnotes

4 Amendment history

---

### 4 Amendment history

#### Title

title am 1992 No 74 s 4; 1994 No 13 s 4; 1996 No 73 s 4

#### Name of Act

s 1 am 1992 No 74 s 5

#### Commencement

s 2 om 2001 No 44 amdt 1.524

#### Interpretation for Act

s 3 am 1994 No 13 s 5; 1995 No 46 sch; 1996 No 73 s 5  
def **academic board** ins 1994 No 13 s 5  
om 1996 No 73 s 5  
def **chairperson** ins 1988 No 82 s 3  
sub 1992 No 74 s 6; 1994 No 13 s 5; 1996 No 73 s 5  
def **committee** ins 1988 No 82 s 3  
om 1992 No 74 s 6  
def **council** ins 1992 No 74 s 6  
def **dean** ins 1994 No 13 s 5  
om 1996 No 73 s 5  
def **deputy chairperson** ins 1988 No 82 s 3  
sub 1992 No 74 s 6; 1994 No 13 s 5; 1996 No 73 s 5  
def **director** sub 1994 No 13 s 5  
def **hotel school** ins 1994 No 13 s 5  
om 1996 No 73 s 5  
def **institute** sub 1992 No 74 s 6  
def **institution** ins 1994 No 13 s 5  
om 1996 No 73 s 5  
def **management advisory board** ins 1994 No 13 s 5  
om 1996 No 73 s 5  
def **member** ins 1988 No 82 s 3  
sub 1992 No 74 s 6

#### Canberra Institute of Technology

pt 2 hdg sub 1992 No 74 s 7; 1994 No 13 s 6; 1996 No 73 s 6

#### Establishment and functions

div 2.1 hdg (prev pt 2 div 1 hdg) ins 1994 No 13 s 6  
sub 1996 No 73 s 6  
renum R8 LA

#### Establishment

s 4 hdg am 1996 No 73 notes  
s 4 am 1992 No 74 s 8

#### Functions

s 5 orig s 5 am 1988 No 82 s 4  
om 1992 No 74 s 9  
(prev s 6) am 1988 No 82 s 5; 1989 No 38 sch 1; 1994 No 13  
s 7



renum 1994 No 13 s 37  
 am 1996 No 73 s 7; 2001 No 44 amdt 1.525; ss renum R8 LA  
 (see 2001 No 44 amdt 1.526); pars renum R8 LA

**Australian International Hotel School**

pt 2 div 2 hdg ins 1994 No 13 s 8  
 om 1996 No 73 s 8

**Powers of institute**

s 6 orig s 6 renum as s 5  
 (prev s 7) am 1988 No 82 s 6; 1989 No 38 sch 1; 1992 No 74  
 s 10  
 sub 1994 No 13 s 8  
 renum 1994 No 13 s 37  
 om 1996 No 73 s 8

**Objective of hotel school**

s 7 orig s 7 renum as s 6  
 (prev s 7A) ins 1994 No 13 s 8  
 renum 1994 No 13 s 37  
 om 1996 No 73 s 8

**Objective of hotel school**

s 7A renum as s 7

**Functions of hotel school**

s 7B renum as s 8

**Powers**

s 7C renum as s 9

**Functions of hotel school**

s 8 orig s 8 renum as s 10  
 (prev s 7B) ins 1994 No 13 s 8  
 renum 1994 No 13 s 37  
 om 1996 No 73 s 8

**Powers and limitations**

div 2.3 hdg (prev pt 2 div 3 hdg) ins 1994 No 13 s 8  
 am 1996 No 73 sch  
 renum R8 LA

**Powers**

s 9 orig s 9 renum as s 11  
 (prev s 7C) ins 1994 No 13 s 8  
 renum 1994 No 13 s 37  
 am 1994 No 38 sch 1 pt 11; 1996 No 73 s 9, sch; ss renum R8  
 LA

**Limitations on formation of companies etc**

s 10 orig s 10 renum as s 12  
 (prev s 8) am 1989 No 38 sch 1; 1994 No 13 s 9  
 renum 1994 No 13 s 37  
 am 1996 No 26 sch pt 3; 1996 No 73 sch

## Endnotes

### 4 Amendment history

---

#### **Review of opinions**

s 10A renum as s 13

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

s 11 orig s 11 renum as s 14  
(prev s 9) am 1989 No 38 sch 1; 1994 No 13 s 10  
renum 1994 No 13 s 37  
am 1996 No 73 sch

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

s 12 orig s 12 renum as s 15  
(prev s 10) am 1989 No 38 sch 1; 1994 No 13 s 11  
renum 1994 No 13 s 37  
am 1996 No 73 sch

#### **Review of opinions**

s 13 orig s 13 renum as s 16  
(prev s 10A) ins 1988 No 82 s 7  
renum 1994 No 13 s 37

#### **Director of institute**

pt 3 hdg am 1988 No 82 s 8  
sub 1992 No 74 s 11  
am 1994 No 13 s 12

#### **Powers of director in relation to hotel school**

s 13A renum as s 17

#### **Director**

s 14 orig s 14 renum as s 18  
(prev s 11) am 1988 No 82 s 9; 1994 No 13 s 13  
renum 1994 No 13 s 37  
am 1996 No 73 s 10; 1997 No 11 s 4

#### **Functions of director**

s 15 orig s 15 renum as s 19  
(prev s 12) am 1988 No 82 s 10; 1992 No 74 s 17; 1994 No 13  
s 14  
renum 1994 No 13 s 37  
am 1996 No 73 s 11; ss renum R8 LA

#### **Powers of director**

s 16 hdg am 1996 No 73 notes  
s 16 orig s 16 renum as s 20  
(prev s 13) am 1988 No 82 s 11; 1991 No 53 s 2; 1994 No 13  
s 15  
renum 1994 No 13 s 37  
am 1996 No 26 sch pt 3; 2001 No 44 amdt 1.527, amdt 1.528;  
pars renum R8 LA

#### **Termination of appointment**

s 16A renum as s 21

**Powers of director in relation to hotel school**

s 17 orig s 17 renum as s 22  
(prev s 13A) ins 1994 No 13 s 16  
renum 1994 No 13 s 37  
om 1996 No 73 s 12

**Dean of hotel school**

pt 3A hdg renum as pt 4

**Dean**

s 17A renum as s 23

**Tenure of office of dean**

s 17B renum as s 24

**Functions of dean**

s 17C renum as s 25

**Powers of dean**

s 17D renum as s 26

**Acting dean**

s 17E renum as s 27

**Council of institute**

pt 3B hdg renum as pt 5

**Remuneration and allowances**

s 18 orig s 18 renum as s 28  
(prev s 14) am 1994 No 13 s 17  
renum 1994 No 13 s 37  
om 1995 No 56 sch

**Function and power of council**

s 18A renum as s 29

**Membership of council**

s 18B renum as s 30

**Resignation**

s 18C renum as s 31

**Termination of appointment**

s 18D renum as s 32

**Acting members**

s 18E renum as s 33

**Meetings**

s 18F renum as s 34

**Disclosure of interests**

s 18G renum as s 35

**Management advisory board and academic board**

pt 3C renum as pt 6

## Endnotes

### 4 Amendment history

---

#### **Establishment of management advisory board**

s 18H renum as s 36

#### **Function of management advisory board**

s 18I renum as s 37

#### **Membership of management advisory board**

s 18J renum as s 38

#### **Resignation**

s 18K renum as s 39

#### **Termination of appointment**

s 18L renum as s 40

#### **Acting members**

s 18M renum as s 41

#### **Meetings**

s 18N renum as s 42

#### **Disclosure of interests**

s 18O renum as s 43

#### **Establishment of academic board**

s 18P renum as s 44

#### **Function of academic board**

s 18Q renum as s 45

#### **Membership of academic board**

s 18R renum as s 46

#### **Chairperson of academic board**

s 18S renum as s 47

#### **Procedures of academic board**

s 18T renum as s 48

#### **Staff**

pt 3D hdg renum as pt 7

#### **Leave of absence**

s 19 orig s 19 renum as s 49  
(prev s 15) am 1988 No 82 s 12  
renum 1994 No 13 s 37  
om 1997 No 11 s 5

#### **Staff of hotel school**

s 19AA renum as s 50

#### **Personnel management**

s 19A renum as s 51

**Resignation**

s 20 orig s 20 renum as s 52  
(prev s 16) renum 1994 No 13 s 37  
renum 1994 No 13 s 37  
om 1997 No 11 s 5

**Termination of appointment**

s 21 orig s 21 renum as s 53  
(prev s 16A) ins 1988 No 82 s 13  
renum 1994 No 13 s 37  
om 1997 No 11 s 5

**Acting director**

s 22 orig s 22 renum as s 54  
(prev s 17) am 1988 No 82 s 14  
renum 1994 No 13 s 37  
sub 1997 No 11 s 5

**Dean of hotel school**

pt 4 hdg orig pt 4 hdg renum as pt 8  
(prev pt IIIA hdg) ins 1994 No 13 s 18  
renum 1994 No 13 s 37  
om 1996 No 73 s 13

**Dean**

s 23 orig s 23 renum as s 55  
(prev s 17A) ins 1994 No 13 s 18  
renum 1994 No 13 s 37  
om 1996 No 73 s 13

**Tenure of office of dean**

s 24 orig s 24 renum as s 56  
(prev s 17B) ins 1994 No 13 s 18  
renum 1994 No 13 s 37  
om 1996 No 73 s 13

**Functions of dean**

s 25 orig s 25 sub 1989 No 38 sch 1  
om 1994 No 13 s 28  
(prev s 17C) ins 1994 No 13 s 18  
renum 1994 No 13 s 37  
om 1996 No 73 s 13

**Powers of dean**

s 26 orig s 26 om 1989 No 38 sch 1  
(prev s 17D) ins 1994 No 13 s 18  
renum 1994 No 13 s 37  
am 1996 No 26 sch pt 3  
om 1996 No 73 s 13

## Endnotes

### 4 Amendment history

---

#### **Acting dean**

s 27 orig s 27 om 1989 No 38 sch 1  
(prev s 17E) ins 1994 No 13 s 18  
renum 1994 No 13 s 37  
om 1996 No 73 s 13

#### **Council of institute**

pt 5 hdg (prev pt IIIB hdg) ins 1994 No 13 s 18  
renum 1994 No 13 s 37

#### **Establishment of council**

s 28 orig s 28 renum as s 57  
(prev s 18) sub 1988 No 82 s 15  
am 1992 No 74 s 12  
renum 1994 No 13 s 37

#### **Function and powers of council**

s 29 hdg orig s 29 hdg om 1989 No 38 sch 1  
(prev s 18A hdg) sub 1992 No 74 notes  
s 29 orig s 29 om 1989 No 38 sch 1  
(prev s 18A) ins 1988 No 82 s 15  
am 1992 No 74 s 17  
renum 1994 No 13 s 37

#### **Membership of council**

s 30 orig s 30 renum as s 58  
(prev s 18B) ins 1988 No 82 s 15  
am 1992 No 74 s 13, s 17; 1994 No 13 s 19  
renum 1994 No 13 s 37  
am 1995 No 38 s 5; 1996 No 73 s 14

#### **Resignation**

s 31 orig s 31 renum as s 59  
(prev s 18C) ins 1988 No 82 s 15  
renum 1994 No 13 s 37

#### **Application of Financial Management Act, pt 8**

s 31A renum as s 60

#### **Financial reporting and audit**

s 31B renum as s 61

#### **Miscellaneous**

pt 5 hdg renum as pt 9

#### **Termination of appointment**

s 32 orig s 32 renum as s 62  
(prev s 18D) ins 1988 No 82 s 15  
am 1992 No 74 s 14, s 17  
renum 1994 No 13 s 37  
pars renum R8 LA

**Acting members**

s 33 orig s 33 renum as s 63  
(prev s 18E) ins 1988 No 82 s 15  
am 1992 No 74 s 15  
renum 1994 No 13 s 37  
ss renum R8 LA

**Meetings**

s 34 orig s 34 renum as s 64  
(prev s 18F) ins 1988 No 82 s 15  
am 1992 No 74 s 17  
renum 1994 No 13 s 37

**Disclosure of interests**

s 35 orig s 35 renum as s 65  
(prev s 18G) ins 1988 No 82 s 15  
am 1992 No 74 s 17  
renum 1994 No 13 s 37

**Management advisory board and academic board**

pt 6 hdg (prev pt IIIC hdg) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

**Management advisory board**

pt 6 div 1 hdg ins 1994 No 13 s 20  
om 1996 No 73 s 15

**Establishment of management advisory board**

s 36 (prev s 18H) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

**Function of management advisory board**

s 37 (prev s 18I) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

**Membership of management advisory board**

s 38 (prev s 18J) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

**Resignation**

s 39 (prev s 18K) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

**Termination of appointment**

s 40 (prev s 18L) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

## Endnotes

### 4 Amendment history

---

#### **Acting members**

s 41 (prev s 18M) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

#### **Meetings**

s 42 (prev s 18N) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

#### **Disclosure of interests**

s 43 (prev s 18O) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

#### **Academic board**

pt 6 div 2 hdg ins 1994 No 13 s 20  
om 1996 No 73 s 15

#### **Establishment of academic board**

s 44 (prev s 18P) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

#### **Function of academic board**

s 45 (prev s 18Q) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

#### **Membership of academic board**

s 46 (prev s 18R) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

#### **Chairperson of academic board**

s 47 (prev s 18S) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

#### **Procedures of academic board**

s 48 (prev s 18T) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15

#### **Staff**

pt 7 hdg (prev pt IIID hdg) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
am 1996 No 73 sch

#### **Public servants**

s 49 hdg sub 1996 No 73 notes  
s 49 (prev s 19) am 1989 No 38 sch 1  
renum 1994 No 13 s 37  
sub 1994 No 38 sch 1 pt 11



**Staff of hotel school**

s 50 (prev s 19AA) ins 1994 No 13 s 21  
renum 1994 No 13 s 37  
om 1996 No 73 s 16

**Personnel management**

s 51 (prev s 19A) ins 1992 No 11 s 3  
am 1994 No 13 s 22  
renum 1994 No 13 s 37  
am 1994 No 38 sch 1 pt 11; 1996 No 73 s 17, sch; ss renum R8  
LA

**Finance**

pt 8 hdg (prev pt 4 hdg) renum 1994 No 13 s 37

**Money to be appropriated by Legislative Assembly**

s 52 hdg am 1994 No 13 s 23  
s 52 (prev s 20) am 1988 No 82 s 16; 1989 No 38 sch 1; 1994 No 13  
s 23  
renum 1994 No 13 s 37  
am 1996 No 73 sch  
om 1997 No 102 s 15

**Fees**

s 53 (prev s 21) am 1994 No 13 s 24  
renum 1994 No 13 s 37  
am 1996 No 73 s 18; 2001 No 44 amdt 1.529, amdt 1.530

**Estimates**

s 54 (prev s 22) am 1988 No 82 s 17; 1994 No 13 s 25  
renum 1994 No 13 s 37  
om 1996 No 26 sch pt 3

**Money of institute**

s 55 hdg am 1996 No 73 notes  
s 55 (prev s 23) am 1994 No 13 s 26  
renum 1994 No 13 s 37  
am 1996 No 73 sch

**Application of money**

s 56 (prev s 24) am 1988 No 82 s 18; 1989 No 38 sch 1; 1994 No 13  
s 27  
renum 1994 No 13 s 37  
am 1996 No 26 sch pt 3; 1996 No 73 s 19, sch

**Security**

s 57 (prev s 28) am 1989 No 38 sch 1; 1994 No 13 s 29  
renum 1994 No 13 s 37  
om 1996 No 26 sch pt 3

## Endnotes

### 4 Amendment history

---

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

s 58 (prev s 30) sub 1994 No 13 s 30  
renum 1994 No 13 s 37  
am 1996 No 26 sch pt 3; 1996 No 73 s 20, sch; 1997 No 88  
sch; ss renum R8 LA

#### **Exemption from taxation**

s 59 (prev s 31) am 1994 No 13 s 31  
renum 1994 No 13 s 37  
am 1996 No 73 s 21, sch

#### **Application of Financial Management Act, pt 8**

s 60 (prev s 31A) ins 1990 No 25 s 18  
am 1994 No 13 s 32  
renum 1994 No 13 s 37  
sub 1996 No 26 sch pt 3  
am 1996 No 73 s 22

#### **Financial reporting and audit**

s 61 hdg am 1992 No 76 s 16  
s 61 (prev s 31B) ins 1990 No 25 s 18  
am 1992 No 74 s 16; 1994 No 13 s 33  
renum 1994 No 13 s 37  
om 1996 No 26 sch pt 3

#### **Miscellaneous**

pt 9 hdg (prev pt 5 hdg) renum 1994 No 13 s 37

#### **Delegation by director**

s 62 (prev s 32) renum 1994 No 13 s 37

#### **Notification of decisions**

s 63 (prev s 33) am 1988 No 82 s 19; 1989 No 38 sch 1; 1994 No 13  
s 34  
renum 1994 No 13 s 37  
am 1994 No 60 sch 1; 1996 No 73 s 23

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

s 64 (prev s 34) am 1988 No 82 s 20; 1992 No 23 sch 1; 1994 No 13  
s 35  
renum 1994 No 13 s 37  
am 1996 No 73 s 24

#### **Regulation-making power**

s 65 (prev s 35) am 1988 No 82 s 21; 1989 No 38 sch 1; 1994 No 13  
s 36  
renum 1994 No 13 s 37  
am 1996 No 73 sch; 1998 No 54 sch  
sub 2001 No 44 amdt 1.531

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1990 No 25	28 February 1991
2	Act 1992 No 23	31 August 1992
3	Act 1992 No 74	28 February 1993
4	Act 1994 No 13	6 May 1994
5	Act 1995 No 56	1 January 1996
6	Act 1997 No 11	10 June 1997
7	Act 1998 No 54	31 January 1999

## 6 Renumbered provisions

as made by 1994 No 13 s 37

previous number	provision heading	renumbered or inserted as
6	Functions	5
7	Powers of institute	6
7A	Objective of hotel school	7
7B	Functions of hotel school	8
7C	Powers	9
8	Limitations on formation of companies etc	10
9	Limitations on formation of partnerships	11
10	Limitations on participation in joint ventures	12
10A	Review of opinions	13
11	Director	14
12	Functions of director	15

## Endnotes

6 Renumbered provisions

---

<b>previous number</b>	<b>provision heading</b>	<b>renumbered or inserted as</b>
13	Powers of director	16
13A	Powers of director in relation to hotel school	17
14	Remuneration and allowances	18
15	Leave of absence	19
16	Resignation	20
16A	Termination of appointment	21
17	Acting director	22
<b>part 3A</b>	<b>Dean of hotel school</b>	<b>part 4</b>
17A	Dean	23
17B	Tenure of office of dean	24
17C	Functions of dean	25
17D	Powers of dean	26
17E	Acting dean	27
<b>part 3B</b>	<b>Council of institute</b>	<b>part 5</b>
18	Establishment of council	28
18A	Function and powers of council	29
18B	Membership of council	30
18C	Resignation	31
18D	Termination of appointment	32
18E	Acting members	33
18F	Meetings	34
18G	Disclosure of interests	35
<b>part 3C</b>	<b>Management advisory board and academic board</b>	<b>part 6</b>
18H	Establishment of management advisory board	36
18I	Function of management advisory board	37
18J	Membership of management advisory board	38
18K	Resignation	39
18L	Termination of appointment	40
18M	Acting members	41
18N	Meetings	42

previous number	provision heading	renumbered or inserted as
18O	Disclosure of interests	43
18P	Establishment of academic board	44
18Q	Function of academic board	45
18R	Membership of academic board	46
18S	Chairperson of academic board	47
18T	Procedures of academic board	48
<b>part 3D</b>	<b>Staff</b>	<b>part 7</b>
19	Public servants	49
19AA	Staff of hotel school	50
19A	Personnel management	51
<b>part 4</b>	<b>Finance</b>	<b>part 8</b>
20	Money to be appropriated by Legislative Assembly	52
21	Fees	53
22	Estimates	54
23	Money of institute	55
24	Application of money	56
28	Security	57
30	Trust money and trust property	58
31	Exemption from taxation	59
31A	Application of Financial Management Act, pt 8	60
31B	Financial reporting and audit	61
<b>part 5</b>	<b>Miscellaneous</b>	<b>part 9</b>
32	Delegation by director	62
33	Notification of decisions	63
34	Review by administrative review tribunal	64
35	Regulation-making power	65

Authorised by the ACT Parliamentary Counsel—also accessible at  
[www.legislation.act.gov.au](http://www.legislation.act.gov.au)

© Australian Capital Territory 2002