



Australian Capital Territory

# **Canberra Institute of Technology Act 1987**

**A1987-71**

**Republication No 16**

**Effective: 1 March 2011 – 30 June 2011**

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Last amendment made by A2011-3

## About this republication

### The republished law

This is a republication of the *Canberra Institute of Technology Act 1987* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 March 2011. It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 March 2011.

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 does not include 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

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Canberra Institute of Technology Act 1987

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Canberra Institute of Technology Act 1987  
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Australian Capital Territory

# Canberra Institute of Technology Act 1987

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An Act to establish the Canberra Institute of Technology

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## Part 1 Preliminary

### 1 Name of Act

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

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.



## Part 2

# Establishment, functions and powers of institute

### *Note for pt 2*

The governance of territory authorities, including the institute, is regulated by the *Financial Management Act 1996* (the *FMA*), pt 9 as well as the Act that establishes them.

The FMA, pt 9 deals, for example, with the corporate status of territory authorities and their powers.

## 4 Establishment of institute

The Canberra Institute of Technology is established.

*Note* The Legislation Act, dict, pt 1, defines *establish* as including continue in existence.

## 5 Functions

- (1) The functions of the institute are—
- (a) to conduct, mainly in the ACT, an educational institution to foster excellence in study in the fields of technical and further education that the director, with the Minister's written approval, decides 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 people who have completed courses of studies at the institute; and
  - (f) to confer honorary awards; and

- (g) to consult and cooperate with other entities in relation to the provision of 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) A decision of the director, or a requirement of the Minister, under subsection (1) (a) must be in writing.

## **6 Minister's directions**

- (1) The Minister may give a direction to the director in relation to the exercise of the institute's functions.
- (2) The institute must comply with any direction of the Minister.
- (3) A direction is a notifiable instrument.

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

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

## **9 Institute's powers**

The institute has the following powers:

- (a) erecting buildings and structures and carrying out works;
- (b) occupying, using and controlling any land or building owned or leased (whether from the Territory or anyone else) and made available to the institute;
- (c) making available, by lease or otherwise, any land or building to anyone else;

- (d) accepting gifts, grants, devises and bequests, whether on trust or otherwise, and acting as trustee of property vested in it on trust;
- (e) providing scholarships and other similar benefits;
- (f) charging for work done and services provided;
- (g) providing consultative services;
- (h) investing in shares in, or debentures or other securities of, a company;
- (i) providing services, facilities or resources to—
  - (i) any company in which it holds shares; or
  - (ii) a member of any partnership it has entered into; or
  - (iii) a member of any joint venture it participates in;
- (j) acting as an agent for other people;
- (k) getting commercial sponsorship;
- (l) establishing and conducting residential facilities for its staff or students either by itself or in association with other entities;
- (m) establishing and maintaining library, museum, art and other collections either by itself or in association with other entities.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

## Part 3 Director of institute

### 14 Director

- (1) The Minister must appoint a person as the Director of the institute.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) The director must not be appointed for a term of longer than 5 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

- (3) The conditions of appointment of the director are the conditions agreed between the director and the Minister, subject to any determination under the *Remuneration Tribunal Act 1995*.

### 15 Ending director's appointment

The Minister may end the director's appointment—

- (a) if the director contravenes a territory law; or
- (b) for misbehaviour; or
- (c) if the director becomes bankrupt or personally insolvent; or
- (d) if the director is convicted, or found guilty, in Australia of an offence punishable by imprisonment for at least 1 year; or
- (e) if the director is convicted, or found guilty, outside Australia of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year; or

- (f) if the director exercises the director's functions other than in accordance with section 16 (Honesty, care and diligence of director); or
- (g) if the director fails to take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the director's functions; or
- (h) if the director contravenes section 18 (Disclosure of interests by director); or
- (i) for physical or mental incapacity, if the incapacity substantially affects the exercise of the director's functions.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

## **16 Honesty, care and diligence of director**

In exercising the functions of director, the director must exercise the degree of honesty, care and diligence required to be exercised by a director of a corporation in relation to the affairs of the corporation.

## **17 Conflict of interest**

The director must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the director's functions.

## **18 Disclosure of interests by director**

- (1) If the director has a material interest in an issue being considered, or about to be considered, by the director, the director must disclose the nature of the interest to the Minister as soon as practicable after the relevant facts come to the director's knowledge.

*Note* **Material interest** is defined in s (2). The definition of **indirect interest** in s (2) applies to the definition of **material interest**.

(2) In this section:

**associate**, of the director, means—

- (a) the director's business partner; or
- (b) a close friend of the director; or
- (c) a family member of the director.

**executive officer**, of a corporation, means a person (however described) who is concerned with, or takes part in, the corporation's management, whether or not the person is a director of the corporation.

**indirect interest**—without limiting the kinds of indirect interests the director may have, the director has an **indirect interest** in an issue if any of the following has an interest in the issue:

- (a) an associate of the director;
- (b) a corporation if the corporation has not more than 100 members and the director, or an associate of the director, is a member of the corporation;
- (c) a subsidiary of a corporation mentioned in paragraph (b);
- (d) a corporation if the director, or an associate of the director, is an executive officer of the corporation;
- (e) the trustee of a trust if the director, or an associate of the director, is a beneficiary of the trust;
- (f) a member of a firm or partnership if the director, or an associate of the director, is a member of the firm or partnership;
- (g) someone else carrying on a business if the director, or an associate of the director, has a direct or indirect right to participate in the profits of the business.

***material interest***—the director has a ***material interest*** in an issue if the director has—

- (a) a direct or indirect financial interest in the issue; or
- (b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the director's functions in relation to the Minister's consideration of the issue.

## 19 Powers of director

In exercising the director's functions, the director has power to make administrative arrangements or give directions to a member of staff or a student in relation to the following:

- (a) the management, good government and discipline of the institute;
- (b) the custody and use of the institute's seal;
- (c) the admission of people to courses of study or instruction of the institute or to examinations of the institute;
- (d) the awards (including honorary awards) that may be conferred by the institute and the requirements for their conferral;
- (e) the granting by the institute of scholarships, bursaries and prizes;
- (f) the review of progress of students;
- (g) the provision of loans to any student;
- (h) the provision and management of, and fees or other charges payable for, the use of amenities and services;
- (i) the association or affiliation with the institute of any other entity.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def ***entity***).

**20 Protection of director from liability**

- (1) The director is not civilly liable for anything done or omitted to be done honestly and without recklessness—
  - (a) in the exercise of a function under a territory law; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a function under a territory law.
- (2) Any liability that would, apart from this section, attach to the director attaches instead to the Territory.



## 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 in relation 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 policies for the institute.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def *entity*).

- (2) Advice given by the council must be in writing.
- (3) The council may report in writing to the Minister on any matter relating to the functions of the institute.

### 30 Council members

The council has 12 members.

### 31 Appointment of council members

- (1) The Minister may appoint the council members.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) The Minister must ensure that there is always—

- (a) 1 member who represents an organisation that represents the teaching staff; and
- (b) 1 member who represents the student body; and
- (c) 7 members who represent the interests of industry and commerce; and
- (d) 2 members, not representing the interests of industry or commerce, who have experience and knowledge relevant to the functions of the council; and
- (e) 1 member who has skills in and knowledge of vocational education and training.

- (3) The Minister must not appoint the director as a member.

- (4) In deciding whether to appoint a person as a member, the Minister must have regard to the desirability of ensuring that there is a balance of skills, expertise and gender among the council members.

- (5) The Minister must not appoint a member for longer than 3 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

- (6) The conditions of appointment of a member are the conditions agreed between the Minister and the member subject to any determination under the *Remuneration Tribunal Act 1995*.

### **32 Appointment of chair and deputy chair**

- (1) The Minister may appoint a council member as chair of the council and another member as deputy chair of the council.
- (2) However, the Minister must not appoint a member of staff as chair or deputy chair.
- (3) The Minister must try to ensure that the council always has a chair and a deputy chair.

### **33 Ending council member appointments**

- (1) The Minister may end a member's appointment—
- (a) if the member contravenes a territory law; or
  - (b) for misbehaviour; or
  - (c) if the member becomes bankrupt or personally insolvent; or
  - (d) if the member is convicted, or found guilty, in Australia of an offence punishable by imprisonment for at least 1 year; or
  - (e) if the member is convicted, or found guilty, outside Australia of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year; or
  - (f) if the member exercises the member's functions other than in accordance with section 34 (Honesty, care and diligence of council members); or
  - (g) if the member fails to take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the member's functions; or

- (h) if the member contravenes section 37 (Disclosure of interests by council members); or
- (i) if the member is absent from 3 consecutive meetings of the council, otherwise than on approved leave; or
- (j) for physical or mental incapacity, if the incapacity substantially affects the exercise of the member's functions.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

- (2) The Minister may also end the appointment of the member (the *member concerned*) if the council tells the Minister in writing that it has resolved, by a majority of at least  $\frac{2}{3}$  of the members, to recommend to the Minister that the member's appointment be ended.
- (3) The council may pass a resolution mentioned in subsection (2) only if—
  - (a) at least 3 weeks written notice of the intention to consider the proposed resolution has been given to the member concerned; and
  - (b) the member concerned has been given an opportunity to make submissions and present documents to a meeting of the council; and
  - (c) if the member concerned has used the opportunity mentioned in paragraph (b)—a summary of the member's submissions is recorded in the minutes of the council and a copy of any documents presented is included in the minutes.

### 34 Honesty, care and diligence of council members

In exercising the functions of a council member, a member must exercise the degree of honesty, care and diligence required to be exercised by a director of a corporation in relation to the affairs of the corporation.

**35 Conflict of interest**

A council member must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the member's functions.

**36 Agenda to require disclosure of interest item**

The agenda for each meeting of the council must include an item requiring any material interest in an issue to be considered at the meeting to be disclosed to the meeting.

**37 Disclosure of interests by council members**

- (1) If a council member has a material interest in an issue being considered, or about to be considered, by the council, the member must disclose the nature of the interest at a council meeting as soon as practicable after the relevant facts come to the member's knowledge.

*Note* **Material interest** is defined in s (4). The definition of **indirect interest** in s (4) applies to the definition of **material interest**.

- (2) The disclosure must be recorded in the council's minutes and, unless the council otherwise decides, the member must not—
  - (a) be present when the council considers the issue; or
  - (b) take part in a decision of the council on the issue.

**Example**

Derek, Ellen and Frank are members of the council. They have an interest in an issue being considered at a council meeting and they disclose the interest as soon as they become aware of it. Derek's and Ellen's interests are minor but Frank has a direct financial interest in the issue.

The council considers the disclosures and decides that because of the nature of the interests:

- Derek may be present when the council considers the issue but not take part in the decision
- Ellen may be present for the consideration and take part in the decision.

The council does not make a decision allowing Frank to be present or take part in the council's decision. Accordingly, since Frank has a material interest he cannot be present for the consideration of the issue or take part in the decision.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) Any other council member who also has a material interest in the issue must not be present when the council is considering its decision under subsection (2).
- (4) In this section:

***associate***, of a person, means—

- (a) the person's business partner; or
- (b) a close friend of the person; or
- (c) a family member of the person.

***executive officer***, of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

***indirect interest***—without limiting the kinds of indirect interests a person may have, a person has an ***indirect interest*** in an issue if any of the following has an interest in the issue:

- (a) an associate of the person;
- (b) a corporation if the corporation has not more than 100 members and the person, or an associate of the person, is a member of the corporation;
- (c) a subsidiary of a corporation mentioned in paragraph (b);
- (d) a corporation if the person, or an associate of the person, is an executive officer of the corporation;

- (e) the trustee of a trust if the person, or an associate of the person, is a beneficiary of the trust;
- (f) a member of a firm or partnership if the person, or an associate of the person, is a member of the firm or partnership;
- (g) someone else carrying on a business if the person, or an associate of the person, has a direct or indirect right to participate in the profits of the business.

**material interest**—a council member has a **material interest** in an issue if the member has—

- (a) a direct or indirect financial interest in the issue; or
- (b) a direct or indirect interest of any other kind if the interest could conflict with the proper exercise of the member's functions in relation to the council's consideration of the issue.

### **38 Reporting of disclosed interests to Minister**

- (1) Within 3 months after the day a material interest is disclosed under section 43 (1), the chair of the council must report to the Minister in writing about—
  - (a) the disclosure; and
  - (b) the nature of the interest disclosed; and
  - (c) any decision by the council under section 43 (2).
- (2) The chair must also give the Minister, not later than 31 days after the end of each financial year, a statement that sets out the information given to the Minister in reports under subsection (1) that relate to disclosures made during the previous financial year.
- (3) The Minister must give a copy of the statement to the relevant committee of the Legislative Assembly within 31 days after the day the Minister receives the statement.

- (4) In this section:

*relevant committee* means—

- (a) a standing committee of the Legislative Assembly nominated by the Speaker for subsection (3); or
- (b) if no nomination under paragraph (a) is in effect—the standing committee of the Legislative Assembly responsible for public accounts.

**39 Protection of council members from liability**

- (1) A council member is not civilly liable for anything done or omitted to be done honestly and without recklessness—
  - (a) in the exercise of a function under a territory law; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a function under a territory law.
- (2) Any liability that would, apart from this section, attach to a council member attaches instead to the institute.

**40 Time and place of council meetings**

- (1) Meetings of the council are to be held when and where it decides.
- (2) However, the council must meet—
  - (a) at least 6 times each year; and
  - (b) at least once every 3 months.
- (3) The chair—
  - (a) may at any time call a meeting of the council; and
  - (b) must call a meeting if asked by the Minister or at least 2 members.
- (4) The chair must give the other members reasonable notice of the time and place of a meeting called by the chair.



**41 Presiding member at meetings**

- (1) The chair presides at all meetings at which the chair is present.
- (2) If the chair is absent and the council has a deputy chair, the deputy chair presides.
- (3) If the chair and the deputy chair are absent or the chair is absent and there is no deputy chair, the member chosen by the members present presides.

**42 Quorum at meetings**

Business may be carried on at a meeting of the council only if at least  $\frac{1}{2}$  the number of members appointed are present.

**43 Voting at meetings**

- (1) At a meeting of the council each member has a vote on each question to be decided.
- (2) A question is decided by a majority of the votes of the members present and voting but, if the votes are equal, the member presiding has a deciding vote.

**44 Conduct of meetings etc**

- (1) The council may conduct its proceedings (including its meetings) as it considers appropriate.
- (2) A meeting may be held using a method of communication, or a combination of methods of communication, that allows a council member taking part to hear what each other member taking part says without the members being in each other's presence.

**Examples**

a phone link, a satellite link, an internet or intranet link

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) A council member who takes part in a meeting conducted under subsection (2) is taken, for all purposes, to be present at the meeting.
- (4) A resolution is a valid resolution of the council, even if it is not passed at a meeting of the board, if all members agree to the proposed resolution in writing or by electronic communication.

**Example of electronic communication**

email

- (5) The council must keep minutes of its meetings.

## Part 7                      Staff and consultants

### 49                      Staff of institute

The institute staff must be employed under the *Public Sector Management Act 1994*.

*Note*                      The *Public Sector Management Act 1994*, s 24 provides that the chief executive officer of a territory instrumentality has all the powers of a chief executive under the Act in relation to the instrumentality staff to be employed under that Act (including, for example, in relation to the appointment of people to, or the employment of people for, that staff). Under that Act, dict, def *chief executive officer*, the chief executive officer of an instrumentality is the person who has responsibility for managing its affairs.

### 50                      Consultants of institute

- (1) The institute may engage consultants.
- (2) Consultants are to be engaged on terms decided by the institute.
- (3) However, this section does not give the institute a power to enter into a contract of employment.

## 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 people; or
  - (e) fees in relation to residential accommodation.
- (3) A fee is not payable by a person or class of people 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.

### 58 Trust money and trust property

- (1) The institute must pay trust money into a banking account kept under the *Financial Management Act 1996*, section 57.
- (2) The institute—
  - (a) must 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) A regulation 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 Notification and review of decisions

### 61 Meaning of *reviewable decision*—pt 9

In this part:

*reviewable decision* means a decision mentioned in table 61, column 3, under a provision of this Act mentioned in column 2 in relation to the decision.

**Table 61 Reviewable decisions**

column 1 item	column 2 section	column 3 decision	column 4 entity
1	19 (c)	refuse to admit person to course of study or instruction of institute or examination the institute	person refused admission
2	19 (d)	refuse to confer award (other than honorary award) on person	person refused award

### 62 Reviewable decision notices

If the director makes a reviewable decision, the director must give a reviewable decision notice to each entity mentioned in table 61, column 4 in relation to the decision.

*Note 1* The director must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

**63 Applications for review**

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity mentioned in table 61, column 4 in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.

## Part 10 Miscellaneous

### 64 Delegation by director

The director may delegate the director's functions to someone else.

*Note* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

### 65 Regulation-making power

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

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

- (2) A regulation 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) A regulation may also prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 10 penalty units for offences against a regulation.



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## Dictionary

(see s 2)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACAT
- bankrupt or personally insolvent
- calendar year
- corporation
- entity
- establish
- exercise
- reviewable decision notice.

***chair*** means the chair of the council appointed under section 32.

***council*** means the Canberra Institute of Technology Advisory Council established by section 28.

***deputy chair*** means the deputy chair of the council appointed under section 32.

***director*** means the director of the institute.

***institute*** means the Canberra Institute of Technology.

***member*** means a member of the council.

***para-professional training*** means training that leads to the award of an associate diploma.

***reviewable decision***, for part 9 (Notification and review of decisions)—see section 61.

***staff***, in relation to the institute, means people 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.

## 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.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth ordinance—the *A.C.T. Institute of Technical and Further Education 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).

Before 11 May 1989, ordinances commenced on their notification day unless otherwise stated (see *Seat of Government (Administration) Act 1910* (Cwlth), s 12). 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 (Cwlth Gaz 1987 No S353)

commenced 4 January 1988 (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 (Cwlth Gaz 1988 No GN48)

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)

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**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)

**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)

## Endnotes

3 Legislation history

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**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 see Gaz 2001 No S65)

**Financial Management Legislation Amendment Act 2005 A2005-52  
sch 1 pt 1.4**

notified LR 26 October 2005  
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))  
sch 1 pt 1.4 commenced 1 January 2006 (s 2 (2))

**Statute Law Amendment Act 2006 A2006-42 sch 3 pt 3.3**

notified LR 26 October 2006  
s 1, s 2 taken to have commenced 12 November 2005 (LA s 75 (2))  
sch 3 pt 3.3 commenced 16 November 2006 (s 2 (1))

**Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.15**

notified LR 22 March 2007  
s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))  
sch 3 pt 3.15 commenced 12 April 2007 (s 2 (1))

**Training and Tertiary Education Legislation Amendment Act 2007  
A2007-12 sch 1 pt 1.5**

notified LR 13 June 2007  
s 1, s 2 commenced 13 June 2007 (LA s 75 (1))  
sch 1 pt 1.5 commenced 1 July 2007 (s 2 and CN2007-3)

**Canberra Institute of Technology Amendment Act 2007 A2007-32**

notified LR 24 October 2007  
s 1, s 2 commenced 24 October 2007 (LA s 75 (1))  
remainder commenced 25 October 2007 (s 2)

## Endnotes

4 Amendment history

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### **Statute Law Amendment Act 2008 A2008-28 sch 3 pt 3.9**

notified LR 12 August 2008

s 1, s 2 commenced 12 August 2008 (LA s 75 (1))

sch 3 pt 3.9 commenced 26 August 2008 (s 2)

### **ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 (No 2) A2008-37 sch 1 pt 1.15**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.15 commenced 2 February 2009 (s 2 (1) and see ACT Civil and Administrative Tribunal Act 2008 A2008-35, s 2 (1) and CN2009-2)

### **Statute Law Amendment Act 2011 A2011-3 sch 1 pt 1.1**

notified LR 22 February 2011

s 1, s 2 commenced 22 February 2011 (LA s 75 (1))

sch 1 pt 1.1 commenced 1 March 2011 (s 2)

## 4 Amendment history

### **Long title**

long 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

### **Dictionary**

s 2 om 2001 No 44 amdt 1.524  
ins A2005-52 amdt 1.50

### **Notes**

s 3 am 1994 No 13 s 5; 1995 No 46 sch; 1996 No 73 s 5  
defs reloc to dict A2005-52 amdt 1.49  
sub A2005-52 amdt 1.50  
def **academic board** ins 1994 No 13 s 5  
om 1996 No 73 s 5  
def **appoint** om A2005-52 amdt 1.48  
def **committee** ins 1988 No 82 s 3  
om 1992 No 74 s 6  
def **dean** ins 1994 No 13 s 5  
om 1996 No 73 s 5  
def **director** sub 1994 No 13 s 5  
om A2005-52 amdt 1.48  
def **hotel school** ins 1994 No 13 s 5  
om 1996 No 73 s 5  
def **institution** ins 1994 No 13 s 5  
om 1996 No 73 s 5



def *joint venture* om A2005-52 amdt 1.48  
 def *management advisory board* ins 1994 No 13 s 5  
 om 1996 No 73 s 5  
 def *securities* om A2005-52 amdt 1.48  
 def *share* om A2005-52 amdt 1.48

#### **Establishment, functions and powers of institute**

pt 2 hdg sub 1992 No 74 s 7; 1994 No 13 s 6; 1996 No 73 s 6;  
 A2005-52 amdt 1.51

#### **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  
 om A2005-52 amdt 1.52

#### **Australian International Hotel School**

pt 2 div 2 hdg ins 1994 No 13 s 8  
 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  
 om A2005-52 amdt 1.59

#### **Establishment of institute**

s 4 hdg am 1996 No 73 notes  
 s 4 am 1992 No 74 s 8  
 sub A2005-52 amdt 1.53

#### **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; A2005-52  
 amdts 1.54-1.57; A2006-42 amdt 3.5

#### **Minister's directions**

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  
 ins A2005-52 amdt 1.58  
 am A2006-42 amdt 3.6, amdt 3.7

## Endnotes

### 4 Amendment history

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#### **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

#### **Institute's 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  
sub A2005-52 amdt 1.59

#### **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  
om A2005-52 amdt 1.59

#### **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  
om A2005-52 amdt 1.59

**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  
 om A2005-52 amdt 1.59

**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  
 om A2005-52 amdt 1.59

**Director of institute**

pt 3 hdg am 1988 No 82 s 8  
 sub 1992 No 74 s 11  
 am 1994 No 13 s 12  
 sub A2005-52 amdt 1.60

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

s 13A renum as s 17  
 om A2005-52 amdt 1.60

**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  
 sub A2005-52 amdt 1.60

**Ending director's appointment**

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  
 sub A2005-52 amdt 1.60  
 am A2011-3 amdt 1.1

**Honesty, care and diligence 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  
 sub A2005-52 amdt 1.60

## Endnotes

### 4 Amendment history

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#### **Termination of appointment**

s 16A renum as s 21  
om A2005-52 amdt 1.60

#### **Conflict of interest**

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  
ins A2005-52 amdt 1.60

#### **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

#### **Disclosure of interests by director**

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  
ins A2005-52 amdt 1.60

#### **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

**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

## Endnotes

### 4 Amendment history

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#### **Powers of director**

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  
ins A2005-52 amdt 1.60

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

s 19AA renum as s 50

#### **Personnel management**

s 19A renum as s 51

#### **Protection of director from liability**

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  
ins A2005-52 amdt 1.60

#### **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

**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 as pt 9 hdg 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  
am A2005-52 amdt 1.61, amdt 1.62

**Council members**

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; A2006-42 amdt 3.8;  
A2007-12 amdt 1.8  
sub A2007-32 s 4

## Endnotes

4 Amendment history

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### **Appointment of council members**

s 31 orig s 31 renum as s 59  
(prev s 18C) ins 1988 No 82 s 15  
renum 1994 No 13 s 37  
om A2005-52 amdt 1.63  
ins A2007-32 s 4

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

s 31A renum as s 60

### **Financial reporting and audit**

s 31B renum as s 61

### **Appointment of chair and deputy chair**

s 32 **orig s 32**  
renum as s 62  
**prev s 32**  
(prev s 18D) renum as s 32 and then as s 33  
**pres s 32**  
ins A2007-32 s 4

### **Acting members**

s 33 **orig s 33**  
renum as s 63  
**prev s 33**  
(prev s 18E) ins 1988 No 82 s 15  
am 1992 No 74 s 15  
renum as s 33 1994 No 13 s 37  
ss renum R8 LA  
om A2005-52 amdt 1.65  
**pres s 33**  
(prev s 18D) ins 1988 No 82 s 15  
am 1992 No 74 s 14, s 17  
renum as s 32 1994 No 13 s 37  
pars renum R8 LA  
sub A2005-52 amdt 1.64  
renum as s 33 A2007-32 s 5  
am A2011-3 amdt 1.2

### **Honesty, care and diligence of council members**

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  
sub A2005-52 amdt 1.66



**Conflict of interest**

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  
sub A2005-52 amdt 1.66

**Agenda to require disclosure of interest item**

s 36 (prev s 18H) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66

**Disclosure of interests by council members**

s 37 (prev s 18I) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66

**Reporting of disclosed interests to Minister**

s 38 (prev s 18J) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66  
am A2007-32 s 13

**Protection of council members from liability**

s 39 (prev s 18K) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66

**Time and place of council meetings**

s 40 (prev s 18L) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66  
am A2007-32 s 13

**Presiding member at meetings**

s 41 (prev s 18M) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66  
am A2007-32 s 13

## Endnotes

### 4 Amendment history

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#### **Quorum at meetings**

s 42 (prev s 18N) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66

#### **Voting at meetings**

s 43 (prev s 18O) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66

#### **Conduct of meetings etc**

s 44 (prev s 18P) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
om 1996 No 73 s 15  
ins A2005-52 amdt 1.66  
am A2008-28 amdt 3.39

#### **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

#### **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

#### **Academic board**

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

**Staff and consultants**

pt 7 hdg (prev pt IIID hdg) ins 1994 No 13 s 20  
renum 1994 No 13 s 37  
am 1996 No 73 sch  
sub A2005-52 amdt 1.67

**Staff of institute**

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; A2005-52 amdt 1.68  
am A2007-3 amdt 3.65

**Consultants of institute**

s 50 (prev s 19AA) ins 1994 No 13 s 21  
renum 1994 No 13 s 37  
om 1996 No 73 s 16  
ins A2005-52 amdt 1.68

**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  
om A2006-42 amdt 3.9

**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

## Endnotes

### 4 Amendment history

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#### **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  
om A2005-52 amdt 1.69

#### **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  
om A2005-52 amdt 1.69

#### **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

#### **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; A2005-52 amdt 1.70

#### **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

#### **Notification and review of decisions**

pt 9 hdg **orig pt 9 hdg**  
(prev pt 5 hdg) renum as pt 9 hdg and then as pt 10 hdg  
**pres pt 9 hdg**  
ins A2007-32 s 6  
sub A2008-37 amdt 1.52

**Meaning of *reviewable decision*—pt 9**

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  
ins A2007-32 s 6  
sub A2008-37 amdt 1.52

**Reviewable decision notices**

s 62 **orig s 62**  
(prev s 32) renum as s 62 and then as s 64  
**pres s 62**  
ins A2007-32 s 6  
sub A2008-37 amdt 1.52

**Applications for review**

s 63 **orig s 63**  
(prev s 33) am 1988 No 82 s 19; 1989 No 38 sch 1; 1994  
No 13 s 34  
renum as s 63 1994 No 13 s 37  
am 1994 No 60 sch 1; 1996 No 73 s 23; A2007-3 amdt 3.66  
om A2007-32 s 9  
**pres s 63**  
ins A2007-32 s 6  
sub A2008-37 amdt 1.52

**Miscellaneous**

pt 10 hdg (prev pt 5 hdg) renum as pt 9 hdg 1994 No 13 s 37  
renum as pt 10 hdg A2007-32 s 7

**Delegation by director**

s 64 **orig s 64**  
(prev s 34) am 1988 No 82 s 20; 1992 No 23 sch 1; 1994  
No 13 s 35  
renum as s 64 1994 No 13 s 37  
am 1996 No 73 s 24  
sub A2007-3 amdt 3.67  
om A2007-32 s 9  
**pres s 64**  
(prev s 32) renum as s 62 1994 No 13 s 37  
sub A2005-52 amdt 1.71  
renum as s 64 A2007-32 s 8

## Endnotes

### 4 Amendment history

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#### **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

#### **Dictionary**

dict ins A2005-52 amdt 1.72  
am A2008-37 amdt 1.53; A2011-3 amdt 1.3  
def **chair** ins A2007-32 s 10  
def **chairperson** ins 1988 No 82 s 3  
sub 1992 No 74 s 6; 1994 No 13 s 5; 1996 No 73 s 5  
reloc from s 3 A2005-52 amdt 1.49  
om A2007-32 s 10  
def **council** ins 1992 No 74 s 6  
reloc from s 3 A2005-52 amdt 1.49  
def **deputy chair** ins A2007-32 s 11  
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  
reloc from s 3 A2005-52 amdt 1.49  
om A2007-32 s 11  
def **director** ins A2005-52 amdt 1.72  
def **institute** sub 1992 No 74 s 6  
reloc from s 3 A2005-52 amdt 1.49  
def **member** ins 1988 No 82 s 3  
sub 1992 No 74 s 6  
reloc from s 3 A2005-52 amdt 1.49  
def **para-professional training** reloc from s 3 A2005-52  
amdt 1.49  
def **reviewable decision** ins A2007-32 s 12  
sub A2008-37 amdt 1.54  
def **staff** reloc from s 3 A2005-52 amdt 1.49  
def **technical and further education** reloc from s 3 A2005-52  
amdt 1.49

## 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. 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
8	A2001-44	10 July 2002
9	A2005-52	1 January 2006
10	A2006-42	16 November 2006
11	A2007-3	12 April 2007
12	A2007-12	1 July 2007
13	A2007-32	25 October 2007
14	A2008-28	26 August 2008
15	A2008-37	2 February 2009

## Endnotes

6 Renumbered provisions

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### **6 Renumbered provisions**

This Act was renumbered under the *Legislation Act 2001*, in R8 (see *Canberra Institute of Technology (Amendment) Act 1994* A1994-13 s 37). Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R8.

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