

1996
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Education and Training)

**Canberra Institute of Technology
(Amendment) Bill 1996**

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

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

Short title

1. This Act may be cited as the *Canberra Institute of Technology
(Amendment) Act 1996*.

Commencement

2. This Act commences on the day on which the *Hotel School Act 1996* (other than sections 1 and 2) commences.

86077 1996/180 (T77/1996)

Principal Act

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

Long title

- 5 4. The title of the Principal Act is amended by omitting "and the Australian International Hotel School".

Interpretation

5. Section 3 of the Principal Act is amended—

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

" 'Chairperson' means the Chairperson of the Council;

'Deputy Chairperson' means the Deputy Chairperson of the Council;";

- 15 (b) by omitting the definitions of "Academic Board", "Dean", "Hotel School", "Institution" and "Management Advisory Board"; and

- (c) by omitting from subsection 3 (2) "an Institution" and substituting "the Institute".

Headings to Part II and Division 1 of Part II—

- 20 6. The headings to Part II and Division 1 of Part II of the Principal Act are omitted and the following headings substituted:

"PART II—CANBERRA INSTITUTE OF TECHNOLOGY

"Division 1—Establishment and functions".

Functions

- 25 7. Section 5 of the Principal Act is amended—

- (a) by omitting paragraph (1) (ba);

- (b) by omitting from paragraph (1) (e) "or the Hotel School"; and

- (c) by omitting from paragraph (1) (ea) "on its own behalf or on behalf of the Hotel School".

Repeal

8. Division 2 of Part II of the Principal Act is repealed.

Powers

5 9. Section 9 of the Principal Act is amended by omitting subsection (5).

Director

10 10. Section 14 of the Principal Act is amended by omitting subsections (1A) and (1B).

Functions of Director

10 11. Section 15 of the Principal Act is amended—
(a) by omitting from subsection (1) all the words after “the Institute”;
(b) by omitting subsection (1B); and
(c) by omitting from subsection (2) “or Hotel School” and “or Hotel School respectively”.

15 **Repeal**

12. Section 17 of the Principal Act is repealed.

Repeal

13. Part IV of the Principal Act is repealed.

Membership of Council

20 14. Section 30 of the Principal Act is amended—
(a) by adding “and” at the end of paragraph (2) (d);
(b) by omitting paragraph (2) (da); and
(c) by omitting from paragraph (2) (e) “5 members” and substituting “6 members”.

25 **Repeal**

15. Part VI of the Principal Act is repealed.

Repeal

16. Section 50 of the Principal Act is repealed.

Personnel management

17. Section 51 of the Principal Act is amended—

- (a) by omitting from subsection (4) “, and the Dean shall on behalf of the Hotel School,” and “or Dean (as the case requires)”;
- 5 (b) by omitting subsection (5);
- (c) by omitting from subsection (6) “or Dean (as the case requires)”;
- (d) by omitting from subsection (7) “or the Dean”;
- (e) by omitting from subsection (8) “or the Dean (as the case requires)”;
- 10 (f) by omitting from subsection (9) “and the Dean in relation to the Hotel School”.

Fees

18. Section 53 of the Principal Act is amended—

- (a) by omitting subsection (2A); and
- 15 (b) by omitting from subsection (3) “or (2A)”.

Application of money

19. Section 56 of the Principal Act is amended by omitting subsections (2A) and (2B).

Trust money and trust property

- 20 20. Section 58 of the Principal Act is amended by omitting subsection (2).

Exemption from taxation

21. Section 59 of the Principal Act is amended by omitting subsection (3).

25 **Application of Part VIII, Financial Management Act**

22. Section 60 of the Principal Act is amended by omitting “and the Hotel School”.

Notification of decisions

23. Section 63 of the Principal Act is amended—

- 30 (a) by omitting subsection (1A); and

(b) by omitting from subsection (2) “or (1A)”.

Review by Administrative Review Tribunal

24. Section 64 of the Principal Act is amended by omitting subsection (2).

5 Further amendments—references to Institute and Hotel School in general terms

25. The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 25

FURTHER AMENDMENTS

Heading to Division 3 of Part II—

Omit “of Institutions”.

5 Subsection 9 (1)—

Omit “An Institution”, substitute “The Institute”.

Paragraph 9 (1) (a)—

Omit “(including contracts with the other Institution)”.

Paragraph 9 (1) (c)—

10 (a) Omit “, the other Institution”.

(b) Omit “the Institution”, substitute “the Institute”.

Paragraph 9 (1) (d)—

Omit “the other Institution or”.

Paragraph 9 (1) (f)—

15 Omit “, including scholarships tenable, or benefits enjoyable, at the other Institution”.

Paragraph 9 (1) (g)—

Omit “, including work done and services rendered to the other Institution”.

20 Paragraph 9 (1) (h)—

Omit “(including the other Institution)”.

Paragraph 9 (1) (i)—

Omit “(including the other Institution)”.

Paragraph 9 (1) (l)—

25 Omit all the words after “partnership it has entered into”, substitute “or the members of any joint venture it participates in”.

SCHEDULE—continued

- Paragraph 9 (1) (m)—**
Omit “, including the other Institution,”.
- Paragraph 9 (1) (n)—**
Omit “, including the other Institution”.
- 5 **Paragraph 9 (1) (o)—**
Omit “for itself or the other Institution”.
- Paragraph 9 (1) (p)—**
Omit “or those of the other Institution,”.
- 10 **Paragraph 9 (1) (q)—**
Omit “the other Institution or”.
- Subsection 9 (2)—**
Omit “An Institution”, substitute “The Institute”.
- Subsection 9 (3)—**
Omit “an Institution”, substitute “the Institute”.
- 15 **Subsection 10 (1)—**
Omit “An Institution”, substitute “The Institute”.
- Subsection 10 (4)—**
- (a) Omit all the words before “shall”, substitute “Where the Institute holds a controlling interest in a company, the Institute”.
- 20 (b) Omit “Institution” (second and third occurring), substitute “Institute”.
- Subsection 10 (5)—**
Omit “Institution”, substitute “Institute”.
- Subsections 11 (1) and (1A)—**
- 25 Omit the subsections, substitute the following subsection:
“(1) The Institute shall not enter into a partnership except in accordance with the written approval of the Minister.”.

SCHEDULE— continued

Subsection 11 (2)—

Omit “under subsection (1A)”.

Subsection 11 (3)—

Omit “to which this section applies”.

5 Subsection 11 (4)—

Omit the subsection, substitute the following subsection:

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

Subsection 12 (1)—

Omit “An Institution”, substitute “The Institute”.

Subsection 12 (3)—

15 Omit “an Institution”, substitute “the Institute”.

Subparagraph 12 (3) (b) (ii)—

Omit “Institution”, substitute “Institute”.

Subsection 12 (4)—

- 20 (a) Omit “an Institution”, substitute “the Institute”.
- (b) Omit “the Institution” (wherever occurring), substitute “the Institute”.

Heading to Part VII—

Omit “OF THE INSTITUTIONS”.

Subsection 51 (1)—

25 Omit “an Institution”, substitute “the Institute”.

Paragraph 51 (1) (b)—

Omit “Institution”, substitute “Institute”.

SCHEDULE—continued

Subsection 51 (2)—

(a) Omit “an Institution”, substitute “the Institute”.

(b) Omit “the Institution”, substitute “the Institute”.

Subsection 51 (10) (definition of “employment matter”)—

5 (a) Omit “an Institution”, substitute “the Institute”.

(b) Omit “the Institution” (wherever occurring), substitute “the Institute”.

Subsection 51 (10) (definition of “equal employment opportunity program”)—

10 Omit “an Institution”, substitute “the Institute”.

Subsection 51 (10) (definition of “relevant staff organisation”)—

Omit “an Institution” (wherever occurring), substitute “the Institute”.

Subsection 51 (10) (paragraph (d) of definition of “unjustified discrimination”)—

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Omit “an Institution”, substitute “the Institute”.

Subsection 52 (1)—

(a) Omit “an Institution”, substitute “the Institute”.

(b) Omit “the Institution”, substitute “the Institute”.

20 **Subsection 52 (2)—**

Omit “Institution”, substitute “Institute”.

Section 55—

Omit “an Institution”, substitute “the Institute”.

Paragraph 55 (a)—

25 Omit “Institution”, substitute “Institute”.

Paragraph 55 (b)—

Omit “Institution”, substitute “Institute”.

SCHEDULE—continued

Subsection 56 (1)—

Omit “an Institution”, substitute “the Institute”.

Paragraph 56 (1) (a)—

Omit “Institution”, substitute “Institute”.

5 Paragraph 56 (1) (c)—

Omit “Institution”, substitute “Institute”.

Subsection 58 (3)—

Omit “An Institution”, substitute “The Institute”.

Subsection 59 (1)—

10 Omit “an Institution”, substitute “the Institute”.

Paragraph 65 (2) (a)—

Omit “an Institution”, substitute “the Institute”.

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NOTES

Principal Act

1. Reprinted as at 1 January 1996. See also Act No. 26, 1996

Section headings

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

Section	Alteration
Section 4	Omit from the heading “of Institute”.
Section 16	Omit from the heading “in relation to Institute”.
Section 49	Omit the heading, substitute the following heading: “Public servants”.
Section 55	Omit from the heading “Institutions”, substitute “the Institute”.