



Victoria Government Gazette

No. 124—Wednesday, 23 December 1981

PROCLAMATIONS

Superannuation (Lump Sum Benefits) Act 1981

DATE OF COMING INTO OPERATION

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas by an Act of Parliament of the State of Victoria passed in the thirtieth year of the reign of Her Majesty Elizabeth the Second, Queen of Australia, entitled the *Superannuation (Lump Sum Benefits) Act 1981*, it is amongst other things enacted that the several provisions of the said Act (with the exception of paragraph (a) of section 25 (1) and section 47 which by virtue of the Act shall come into operation on the day on which section 4 of the *Education Service Act 1981* comes into operation, section 27 which by virtue of the Act shall be deemed to have come into operation on 1 July 1981, and section 39 which by virtue of the Act shall be deemed to have come into operation on 1 November 1981) shall come into operation on a day to be fixed by Proclamation of the Governor in Council published in the *Government Gazette*.

Now therefore, I, the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, do by this my Proclamation fix Friday, the first day of January, One thousand nine hundred and eighty-two as the day on which the said provisions of the *Superannuation (Lump Sum Benefits) Act 1981* (with the exception of paragraph (a) of section 25 (1), and sections 27, 39 and 47) shall come into operation.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord One thousand nine hundred and eighty-one, and in the thirtieth year of the reign of Her Majesty Elizabeth the Second, Queen of Australia.

(L.S.) HENRY WINNEKE

By His Excellency's Command

L. H. S. THOMPSON
Treasurer

GOD SAVE THE QUEEN !

Employment and Training Act 1981, No. 9678

DATE OF COMING INTO OPERATION

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas by an Act of Parliament of the State of Victoria passed in the thirtieth year of the reign of Her Majesty Elizabeth II, Queen of Australia entitled the *Employment*

and *Training Act 1981, No. 9678*, it is amongst other things enacted that the provisions of the said Act shall come into operation on a day to be fixed by Proclamation of the Governor in Council published in the *Government Gazette*.

Now therefore I, the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, do by this my Proclamation fix Friday, the first day of January, One thousand nine hundred and eighty-two, as the day on which the said *Employment and Training Act 1981, No. 9678*, shall come into operation.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord One thousand nine hundred and eighty-one, and in the thirtieth year of the reign of Her Majesty Elizabeth II, Queen of Australia.

(L.S.) HENRY WINNEKE

By His Excellency's Command

BRIAN DIXON
Minister for Employment and Training

GOD SAVE THE QUEEN !

Motor Accidents (Amendment) Act 1981

DATE OF COMING INTO OPERATION

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas by an Act of Parliament of the State of Victoria passed in the thirtieth year of the reign of Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth, intituled the *Motor Accidents (Amendment) Act 1981*, it is amongst other things enacted that the Act shall come into operation on a day or on the respective days to be fixed by Proclamation or successive Proclamations of the Governor in Council published in the *Government Gazette*.

Now therefore, I, the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, do by this my Proclamation fix 23 December 1981 as the day on which the Act shall come into operation.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord One thousand nine hundred and eighty-one, and in the thirtieth year of the reign of Her Majesty Queen Elizabeth II.

(L.S.) HENRY WINNEKE

By His Excellency's Command

J. H. RAMSAY
Minister of Labour and Industry

GOD SAVE THE QUEEN !

Business Franchise (Amendment) Act 1981

DATE OF COMING INTO OPERATION

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas by an Act of Parliament of the State of Victoria passed in the thirtieth year of the reign of Her Majesty Elizabeth the Second, Queen of Australia, entitled the *Business Franchise (Amendment) Act 1981*, it is amongst other things enacted that the several provisions of the said Act (with the exception of sections 6 and 13 (1) which by virtue of the Act shall be deemed to have come into operation on 18 November 1980) shall come into operation on a day or the respective days to be fixed by Proclamation or successive Proclamations of the Governor in Council published in the *Government Gazette*.

Now therefore, I, the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, do by this my Proclamation fix Wednesday, the twenty-third day of December, One thousand nine hundred and eighty-one, as the day on which the said provisions of the *Business Franchise (Amendment) Act 1981* (with the exception of sections 6 and 13 (1)) shall come into operation.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord One thousand nine hundred and eighty-one, and in the thirtieth year of the reign of Her Majesty Elizabeth the Second, Queen of Australia.

(L.S.)

HENRY WINNEKE

By His Excellency's Command

L. H. S. THOMPSON
Treasurer

GOD SAVE THE QUEEN!

Marine (Amendment) Act 1981 (No. 9616)

DATE OF COMING INTO OPERATION

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas by an Act of Parliament of the State of Victoria passed in the thirtieth year of the reign of Her Majesty Elizabeth II, Queen of Australia, entitled the *Marine (Amendment) Act 1981*, it is amongst other things enacted that section 16 of the said Act shall come into operation on a day to be fixed by Proclamation of the Governor in Council published in the *Government Gazette*:

Now therefore, I, the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, do by this my Proclamation fix 23 December 1981 as the day on which section 16 of the *Marine (Amendment) Act 1981* No. 9616, shall come into operation.

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord One thousand nine hundred and eighty-one, and in the thirtieth year of the reign of Her Majesty Elizabeth the Second, Queen of Australia.

(L.S.)

HENRY WINNEKE

By His Excellency's Command

ALAN WOOD
Minister of Public Works

GOD SAVE THE QUEEN!

GOVERNMENT NOTICES

Transport Regulation Act 1958

NOTICE OF DETERMINATION OF POLICY FOR THE ISSUE OF PERMITS

As foreshadowed in the Determination of Policy published in the *Government Gazette* of 17 June 1981 a review of the transport arrangements for the carriage of diesel engine fuel to Barry Beach has been undertaken.

Following that review, I now determine, pursuant to the provisions of Part IV. of the *Transport Regulation Act 1958*, the following policies in relation to the operation in Victoria of commercial goods vehicles (other than a commercial goods vehicle owned by a primary producer and used solely for the carriage of goods and produce in connection with his business as a primary producer or goods for his own use or for the use of any member of his household or any person in his employ) used or intended to be used for the carriage of certain goods of a class, kind or description mentioned in column 1 of Part B of the Third Schedule of the *Transport Regulation Act 1958* beyond such radius from the place of consignment of the goods as is specified in relation to those goods in column 2 of Part B of that Schedule.

Goods	Determination of Policy
Bulk petroleum products	As from 1 January 1982, the Transport Regulation Board may grant permits for the carriage of diesel engine fuel (being a bulk petroleum product) to Barry Beach beyond the radius of 80 km from the place of consignment of the said goods on the basis that not less than 30 per cent of the diesel engine fuel requirement to Barry Beach is transported by rail. Calculations shall be made on an average basis over a period of 3 months and for each successive 3 months or part thereof.
	With respect to the carriage of other bulk petroleum products until 31 July 1982 permits may be issued to authorize movement by road transport to places beyond a radius of 80 km from the place of consignment.

Such determination shall be in place of any previous determination made pursuant to the provisions of Part IV. of the *Transport Regulation Act 1958* in relation to the operation in Victoria of the said commercial goods vehicles used or intended to be used for the carriage of bulk petroleum products other than aviation turbine fuel to Melbourne Airport at Tullamarine.

R. R. C. MACLELLAN
Minister of TransportAt the Ministry of Transport
21 December 1981*Town and Country Planning Act 1961*

SHIRE OF LILLYDALE PLANNING SCHEME

AMENDMENT No. 150

Notice of Amendment

In pursuance of the powers conferred by sub-section 6 of section 32 of the *Town and Country Planning Act 1961*, the Governor in Council, on 22 December 1981, amended the Shire of Lillydale Planning Scheme to extend the Rural Zone Supplementary Development Restrictions.

A copy of the Amendment may be inspected during office hours at the office of the Department of Planning at 235 Queen Street, Melbourne, at the office of the Council of the Shire of Lilydale, Shire Offices, Anderson Street, Lilydale, and when available at the Office of Titles, Melbourne, and at the Central Plan Office of the Department of Crown Lands and Survey, Melbourne.

N. G. HAYNES
Secretary for Planning

ORDERS IN COUNCIL

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-second day of December, 1981

PRESENT:

His Excellency the Governor of Victoria
Mr Jona | Mr Granter

CONSTITUTION OF COUNCIL OF PRESTON COLLEGE OF TECHNICAL AND FURTHER EDUCATION

Whereas sub-section (2) of section 23 of the *Post-Secondary Education Act 1978* (hereinafter called "the Act") provides that where the governing body of a post-secondary education institution makes application to the Victorian Post-Secondary Education Commission (hereinafter called "the Commission") for the incorporation under the Act of a council to manage and control the institution, the Governor in Council may on the recommendation of the Commission by Order published in the *Government Gazette*—

- (a) constitute a council by such name as is specified in the Order as a body corporate to manage and control the institution;
- (b) make such provision for or with respect to the membership of the council as he thinks fit;
- (c) confer on the council such powers as he thinks necessary or expedient for the purpose of managing and controlling the institution; and
- (d) make such other provision for or with respect to the constitution powers duties and functions of the council as is in his opinion necessary or expedient.

And whereas the governing body of the Technical and Further Education sector of the Preston Institute of Technology (being a committee appointed for this purpose by resolution of the Council of Preston Institute of Technology pursuant to paragraph (na) of Clause 4 of the Constitution of the said Council) has applied in writing to the Commission for the incorporation under the Act of a council to manage and control such sector.

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said Technical and Further Education sector on the terms hereinafter contained.

And whereas pursuant to sub-section (1) of section 26 of the Act upon the publication of this Order all the real and personal property vested immediately before the making of this Order in the said Technical and Further Education sector of the Preston Institute of Technology or its governing body, or in any person in trust for the said sector or its governing body, shall without any further or other authority than the Act be vested in the council incorporated by this Order, subject to any trusts attaching to the property, and all the liabilities and obligations of the said sector or of the governing body or trustees thereof existing immediately before the making of this Order shall by virtue of the Act become liabilities and obligations of the council incorporated by this Order.

Now therefore His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth by this Order provide as follows:

Objects

1. There shall be a Preston College of Technical and Further Education to serve the community by providing Technical and Further Education opportunities through which all enrolled students will better fit themselves for life. The specific objects for which the College is established are as follows—

- (1) to advance directly or indirectly Technical and Further Education in all its aspects including professional commercial technical scientific artistic classical and general education and to provide such education for students of all kinds including part-time and full-time students;
- (2) to award certificates or other qualifications.

Definitions

2. In this Order, unless inconsistent with the context or subject matter—

"the Act" means the *Post-Secondary Education Act 1978* as amended from time to time or any re-enactment or consolidation thereof.

"College" means Preston College of Technical and Further Education including the Council, staff, students, facilities, land, buildings and equipment.

"Commission" means the Victorian Post-Secondary Education Commission.

"Council" means the council of the Preston College of Technical and Further Education established under this Order.

"educational programme" means an organized activity of any duration the major objective of which is to increase the knowledge understanding and skill of the participant and includes without affecting the generality of the foregoing any course of study as defined in the Act.

"general staff" means all persons in the employment of the Council other than the teaching staff.

"prescribed" means prescribed by this Order or by Regulation made under this Order.

"Regulation" means a regulation made under this Order.

"staff" means the general staff and teaching staff.

"student" means a person enrolled in such educational programmes of the College as are prescribed.

"teaching staff" means those persons or categories of persons employed by the Council who are prescribed as undertaking teaching duties and those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

Unless the context otherwise requires, words importing the singular include the plural and the masculine includes the feminine.

Constitution of Council

3. There shall be a council to be known as the Council of the Preston College of Technical and Further Education which shall be a body corporate to manage and control the College and shall be capable of exercising all the functions of a body corporate and of suing and being sued and having perpetual succession and a common seal and power to acquire and hold land or any estate in land.

Membership of Council

4. (1) The Council shall consist of Sixteen (16) members and shall be constituted as follows:

- (a) Six (6) members shall be appointed by the Governor in Council but no member of the staff and no student of the College shall be eligible to be a member under this paragraph.
- (b) The Principal of the College shall be a member *ex officio*.
- (c) Two (2) shall be members of the staff elected by the staff in a manner prescribed pursuant to sub-clause 4 (8).
- (d) Seven (7) shall be persons who have a special interest in Technical and Further Education from time to time appointed by co-option by the Council; but no member of the staff and no student shall be eligible to be a member under this paragraph.

(2) A member of the Council elected pursuant to paragraph (c) of sub-clause (1) is hereinafter called an "elected member".

(3) A member appointed by the Governor in Council may be removed by the Governor in Council.

(4) (a) Each member of the Council (other than elected members or the Principal) shall be entitled to hold office for three years from the date of such member's appointment provided that in the case only of the first members (other than elected members or the Principal), three members appointed under paragraph (a) of sub-clause 4 (1) shall be appointed for two years and three members appointed under paragraph (d) of sub-clause 4 (1) who shall be chosen in a manner to be determined by the Council, shall hold office for two years from the date of their respective appointments.

(b) In the case only of the first elected members, one who shall be chosen in a manner determined by the Council shall hold office until 30 June 1982 and the other shall hold office until 31 December 1982.

(c) Each elected member other than the first elected members shall hold office for twelve months from the day after the date of expiry of the term of office of that elected member's predecessor in office.

(5) A member of the Council shall be eligible to be reappointed or re-elected (as the case may be), but a member shall not be elected or appointed for more than three successive terms unless such member is eligible to be appointed by co-option for a further term under paragraph (d) of sub-clause 4 (1) and is so appointed.

(6) If a member of the Council (other than the Principal)—

- (a) resigns his office by writing under his hand addressed to the President of the Council;
- (b) becomes of unsound mind or becomes a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- (c) becomes bankrupt or suspends payment of his debts by arrangement or compound with his creditors or assigns his estate for the benefit of his creditors;
- (d) is convicted of any indictable offence;
- (e) without special leave previously granted by the Council absents himself from three consecutive scheduled meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council or being appointed pursuant to paragraph (a) or (d) of sub-clause 4 (1) becomes a member of staff or a student;
- (g) being a member appointed by the Governor in Council is removed from office;
- (h) becomes 72 years of age; or
- (i) dies—

his office shall become vacant so as to create a casual vacancy.

(7) Every vacancy in the office of any appointed or elected member of the Council arising otherwise than by the expiration of the term for which the member was appointed or elected shall be deemed a casual vacancy.

(8) (a) Elections for elected members of the Council shall be conducted in a manner prescribed.

(b) The Regulations may provide for voting by post or by personal ballot and for preferential or any other system of voting at any such elections.

(c) Any breach of the Regulations, either by an election being held later than prescribed or by those entitled to vote being inadequately notified of the election or otherwise, may be waived by the Council if it deems fit. Except as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

(9) Subject to paragraph (a) of sub-clause 4 (10), an election to fill a vacancy caused by the retirement or resignation of an elected member shall be conducted so as to ensure, as far as possible, that the newly-elected member assumes his duties within one month from the date of retirement or resignation of the elected member whom he replaces.

(10) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment as the case may be of a person to fill the vacancy except that if any casual vacancy occurs in the office of a member appointed under paragraphs (a) or (d) of sub-clause 4 (1) within three months before the expiration of the term of office of such member, or if any casual vacancy occurs in the office of an elected member within two months before the expiration of the term of office of such elected member, the vacancy shall not be filled for the remainder of the term.

(b) The election or appointment shall be made by the person or body of persons by whom the member whose office has become vacant was elected or appointed.

(c) A member elected or appointed to fill a casual vacancy shall subject to this Order be entitled to hold office during the residue of the term of the member whose place he fills.

(d) A part term served by a member elected or appointed to fill a casual vacancy shall not be considered a term of office for the purpose of sub-clause 4 (5).

(11) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member provided that if the number of members of Council is less than the quorum required the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (d) of sub-clause 4 (1) to fill a casual vacancy or vacancies.

(b) Notwithstanding anything contained in this Order members of the Council shall not be liable for any loss or damage arising out of the *bona fide* execution or attempted execution or arising out of the non-execution of the duties, powers, authorities and discretions conferred or imposed upon them under this Order, save and except loss or damage resulting from their wilful act, default, neglect or fraud and shall be entitled to be indemnified out of the assets of the College for any liability so incurred.

(12) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee of the Council of which he is a member shall declare the nature of his interest on every occasion when any business in which he has such interest is being considered at a meeting at which he is present and no person shall be entitled to vote at any meeting of the Council or any committee thereof on any subject in which he has a direct pecuniary interest: Provided that nothing in this sub-clause 4 (12) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

(13) Where for any reason the Council appoints a person to be Acting Principal the person so appointed shall, while holding such office, be entitled to attend and vote at any meeting of the Council and shall have all the rights and the privileges of the Principal hereunder.

Proceedings of Council

5. The following provisions shall apply to the proceedings of the Council:

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1) and not less than one half of the members present shall be neither members of staff nor students.

(2) The Council shall each year, or where a vacancy occurs during any year, on the occurrence of the vacancy, elect members (other than the Principal, any other member or staff or any student) to be President of the Council and Vice-President of the Council respectively.

(3) The President, or in his absence, the Vice-President of the Council shall preside at any meeting of Council. In the absence of both the President and the Vice-President the members present shall choose a member (other than the Principal, any other member of staff or any student) to preside at the meeting.

(4) The Council shall meet at least six times in each year.

(5) Except as otherwise provided in this Order, the decision of the majority of the members present and voting at any meeting of the Council shall be the decision of the Council.

(6) In the event of equality of votes on any question the member presiding shall have a second or casting vote.

(7) Subject to this Order, the Council may regulate its own proceedings.

(8) The Council shall provide for the safe custody of the common seal, which shall only be used by authority of the Council and every instrument to which the common seal is affixed shall be signed by two members of the Council who are neither members of staff nor students, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

6. The Council shall have power from time to time to:

- (1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or other charges for enrolment and for any examination assessment certificate or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any premises equipment facilities or services of the College.
- (3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or educational programme.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Do all such things as are calculated to advance the interests of the students and staff.
- (6) Appoint and employ the Principal and other members of the teaching staff subject to such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.
- (7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal or as other full time members of the teaching staff.
- (8) Appoint and employ members of the general staff subject to such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.
- (9) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (10) Discipline suspend or dismiss any member of the staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed or, if no procedures are so laid down, in accord with the procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of teaching staff and such general staff as are prescribed may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.
- (11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit.
- (12) Negotiate arrangements with all relevant parties for secondment of staff to other employment provided that the terms and conditions of employment during such secondment which relate to leave entitlements and any other accrued benefits are not (except with the express agreement of the member of staff concerned) inferior to those which would have applied if the member of staff concerned had continued to be employed by the Council and work at the College, and provided further that secondment of a member of staff may not be made except with the consent of such member of staff.
- (13) Provide for the delivery and holding of lectures exhibitions demonstrations seminars tutorials public meetings classes external studies conferences and employ such other means as may be necessary or desirable to advance directly or indirectly Technical and Further Education.
- (14) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.
- (15) Purchase take on lease or in exchange or hire, and sell mortgage lease or dispose of any real or personal property and enter into agreements for the supply of services or the carrying out of any work for the College and in the case of the sale or disposal of real property only with the consent of the Minister of Education on the recommendation of the Commission.
- (16) Let hire or make available the premises, amenities and property of the College to such person or persons as the Council shall determine whether gratuitously or for reward.
- (17) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.
- (18) Borrow moneys—
 - (a) at interest for the purpose of carrying out or performing any of its powers authorities duties and functions or for the repayment or partial repayment of any sum previously borrowed;
 - (b) on overdraft on current account at any bank—

within such limit and upon such conditions as to security and otherwise as the Governor in Council upon the recommendation of the Treasurer of Victoria may from time to time approve.
- (19) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff and generally foster the health and welfare of students and staff.
- (20) Accept gifts of real or personal property to the College.
- (21) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.
- (22) Enter into any arrangements with any government or governmental or other authority, that may seem conducive to the College's objects or any of them,

and to obtain from any such government or authority any rights, privileges and concessions which the College may think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

- (23) Act either solely or jointly as trustee or custodian of any property or funds.
- (24) Engage architects and other professional advisers, and enter into contracts, for the erection of buildings, the making of improvements or alterations, or the carrying out of repairs on any land or buildings vested in or occupied or used by the College.
- (25) By resolution delegate, subject to such conditions as it thinks fit, any powers (other than this power of delegation) or functions vested in the Council to any committee of Council, any member of staff, any committee of members of staff, any joint committee of members of the Council and members of staff or any committee of persons the majority of whom are members of the Council or members of staff, except as otherwise provided in this Order.
- (26) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless otherwise expressly provided by this Order the Regulations or the Council the Principal shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
- (27) Do all such other things as are necessary or incidental to the proper management and control of the College or the effective exercise of the powers conferred on the Council.

Delegation

7. A delegation by the Council shall be revocable at will by the Council and shall not prevent the exercise of any power or the performance of any function by the Council.

Regulations

8. (1) Subject to this Order the Council may make regulations for or with respect to all matters concerning the College and in particular without affecting the generality of the foregoing for or with respect to:

- (a) The organization and management of the College.
- (b) The number of and conditions of employment of the staff.
- (c) The pre-requisites and educational standards for enrolment of students and other persons in any educational programme.
- (d) The discipline of the College including provisions for the imposition of fines and penalties.
- (e) The educational programmes of the College and the granting of certificates or other awards.
- (f) The recognition, in lieu of or for the purpose of an examination or educational programme, of examinations passed in any educational institution or any other relevant experience.
- (g) Fees to be charged for enrolment in classes educational programmes or lectures or for the use of premises equipment facilities or services.
- (h) The manner and time of convening meetings of the Council and the conduct thereof.
- (i) The association or affiliation with the College of any other bodies institutions or persons.
- (j) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
- (k) The conduct of elections of members of the Council or of committees constituted by the Council.
- (l) Generally prescribing or providing for any matter or need authorized or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.

(2) No motion to make, revoke or amend any Regulations shall be put unless a motion in writing signifying the intention so to move and the nature of the contents of the proposal has been circulated to the members and placed on the official notice board and otherwise as resolved by Council at least fourteen (14) days before the meeting, except that amendments arising out of the debate may be allowed at the discretion of the Council, and all Regulations made by the Council shall be publicly available.

Use of Land and Buildings

9. (1) The Council may use all land and buildings vested in or under the management and control of the Minister of Education which immediately prior to the day of publication of this Order in the *Government Gazette* constituted or were contained in the premises of the College, and from time to time any other land and buildings vested in or under the management and control of the Minister which the Minister agrees in writing may be used by the Council either solely for the purpose of the College or jointly with another institution.

(2) The Council may use all land and buildings which immediately prior to the date of publication of this Order in the *Government Gazette* were leased by the council of the Preston Institute of Technology for use by the Technical and Further Education sector thereof and the Council shall as soon as practicable after such day consult with the lessors of such land and buildings to obtain an assignment of the leases to the Council.

(3) In respect of land and buildings (if any) vested in or under the management and control of the Minister of Education which immediately prior to the day of publication of this Order in the *Government Gazette* were being used both for the advanced education and Technical and Further Education purposes of the Preston Institute of Technology, the Council shall negotiate with the council of the Preston Institute of Technology or its successor with the objective of reaching agreement on the use by the Council of such land and buildings. Such negotiation shall take into account the source of the funds used in the acquisition of such land and buildings and the purpose of the provision of such funds. If agreement cannot be reached, the extent to which the Council may use such land and buildings shall be determined by the Minister of Education or his nominee.

(4) All equipment which immediately prior to the day of publication of this Order in the *Government Gazette* was being used by the Technical and Further Education sector of the Preston Institute of Technology and was owned by or held in trust for the governing body thereof shall in accordance with sub-section (1) of section 26 of the Act become vested in the Council.

(5) In respect of all equipment (if any) not referred to in sub-clause 9 (4) which immediately prior to the day of publication of this order in the *Government Gazette* was being used both for the advanced education and the Technical and Further Education purposes of the Preston Institute of Technology the Council shall negotiate with the council of the Preston Institute of Technology or its successor with the objective of reaching agreement on the use of such equipment. Such negotiations shall take into account the source of the funds used in the acquisition of the equipment and the purpose of the provision of such funds. If agreement cannot be reached, the matter shall be determined by the Minister of Education or his nominee.

(6) Any other matter pertaining to the ownership management control or use of property which immediately prior to the day of publication of this Order in the *Government Gazette* was under the ownership management control or use of the council of the Preston Institute of Technology or any committee appointed by the said council shall, subject to the provisions of the Act and of this Order, be the subject of negotiation between the said council or its successor and the Council with the objective of reaching agreement on the matter. If agreement cannot be reached, the matter shall be determined by the Minister of Education or his nominee.

Duties of Council

10. It shall be the duty of the Council to:

- (1) Appoint and employ a Principal to be the chief executive officer of the College responsible to the Council for the proper management and control

of the College and with such duties and responsibilities as may be determined from time to time by the Council.

- (2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.
- (3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and submit the accounts annually for audit by the Auditor-General in compliance with section 27 of the Act.
- (4) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (5) As soon as practicable after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

Transitional Provisions

11. In compliance with paragraph (b) of sub-section (1) of section 26 of the Act, the Council shall as from the day of publication of this Order in the *Government Gazette* assume all liabilities and obligations of the governing body of the Technical and Further Education sector of the Preston Institute of Technology to all members of the Technical and Further Education teaching staff employed in the Technical and Further Education sector of the Institute and all members of the general staff employed under Technical and Further Education terms and conditions immediately prior to that day, employing such members of staff on and after that day on terms and conditions of employment which, until an applicable determination is made by the Post-Secondary Education Remuneration Tribunal or other appropriate arbitral tribunal, shall be identical with those enjoyed by such persons immediately prior to that day. The Council may appoint any such member of staff to any position it thinks fit provided that as far as practicable the level of responsibility of such position and the salary and other allowances payable in respect thereof shall be not inferior to those held by and payable to such member of staff immediately prior to the day of publication of this Order in the *Government Gazette*.

And the Honourable Alan John Hunt, Her Majesty's Minister of Education for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-second day of December, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Jona | Mr Granter

AMALGAMATION OF COUNCILS OF THE PRAHRAN
COLLEGE OF ADVANCED EDUCATION, THE STATE
COLLEGE OF VICTORIA AT BURWOOD, THE
STATE COLLEGE OF VICTORIA, RUSDEN, AND
THE STATE COLLEGE OF VICTORIA AT TOORAK
—CONSTITUTION OF COUNCIL OF VICTORIA
COLLEGE

Whereas sub-section (2) of section 25 of the *Post-Secondary Education Act 1978* (hereinafter called "the Act") provides that where two or more councils have made application to the Victorian Post-Secondary Education Commission (hereinafter called "the Commission") under

sub-section (1) of section 25 of the Act to be amalgamated the Governor in Council may on the recommendation of the Commission by Order published in the *Government Gazette*—

- (a) amalgamate the councils so as to form a single council by such name as is specified in the Order as a body corporate to manage and control the institutions previously controlled by those councils; and
- (b) make provision in relation to the single council so formed and incorporated with respect to any matter or thing that is authorized to be done under paragraph (b), (c) or (d) of sub-section (2) of section 23 of the Act.

And whereas the Governor in Council by Orders made on 1 December 1981 pursuant to sub-section (2) of section 23 of the Act and published in the *Government Gazette* on 2 December 1981 constituted Councils to manage and control the State College of Victoria at Burwood, the State College of Victoria, Rusden and the State College of Victoria at Toorak.

And whereas the Governor in Council by Order made pursuant to sub-section (2) of section 29B of the *Victoria Institute of College Act 1965* and published in the *Government Gazette* on 8 July 1970 constituted a Council to manage and control the Prahran College of Technology (subsequently renamed by Order made on 6 June 1974 the Council of the Prahran College of Advanced Education).

And whereas by sub-section (1) of section 24 of the Act the said Order published in the *Government Gazette* on 8 July 1970, as amended by Orders made on 31 January 1973, 6 June 1974 and 8 February 1977 pursuant to sub-section (4) of section 29B of the *Victoria Institute of College Act 1965*, continued in operation as from 29 October 1980 (being the date of commencement of Part II of the Act) in all respects as if it had been made under section 23 of the Act.

And whereas the Governor in Council on 2 December 1980 and 1 December 1981 pursuant to sub-section (4) of section 23 of the Act made further Orders amending the provisions of the said Order published in the *Government Gazette* on 8 July 1970 in various respects.

And whereas the Commission at the written request of the Councils of the Prahran College of Advanced Education, the State College of Victoria at Burwood, the State College of Victoria, Rusden and the State College of Victoria at Toorak (hereinafter called "the amalgamating councils") has recommended to the Governor in Council that the amalgamating councils be amalgamated so as to form a single council to be called the Council of Victoria College as a body corporate to manage and control the institutions previously controlled by the amalgamating councils on the terms hereinafter contained.

And whereas pursuant to sub-section (2) of section 26 of the Act upon the publication of this Order all the real and personal property vested immediately before the making of this Order in any of the amalgamating councils, or in any person in trust for any of the amalgamating councils, shall without any further or other authority than the Act be vested in the Council formed and incorporated by this Order, subject to any trusts attaching to the property, and all the liabilities and obligations of the amalgamating councils or trustees thereof existing immediately before the making of this Order shall by virtue of the Act become liabilities and obligations of the Council formed and incorporated by this Order.

Now therefore His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth by this Order provide as follows:

Amalgamation and Constitution of Council

1. (1) The Council of the Prahran College of Advanced Education, the Council of the State College of Victoria at Burwood, the Council of the State College of Victoria, Rusden and the Council of the State College of Victoria at Toorak shall be amalgamated so as to form a single council to be known as the Council of Victoria College which shall be a body corporate to manage and control the former Prahran College of Advanced Education, the former State College of Victoria at Burwood, the former State College of Victoria, Rusden, and the former State College of Victoria at Toorak (hereinafter collectively

called "Victoria College") and capable forthwith of exercising all the functions of a body corporate and of suing and being sued and having perpetual succession and a common seal and power to acquire and hold land or any estate in land.

(2) The Orders in Council establishing each of the amalgamating councils shall be of no further force or effect from the date of publication of this Order in the *Government Gazette*.

(3) The College shall be a multi-campus, multi-sector college having as its purpose the objects specified in Clause 3.

(4) The College shall comprise such schools departments units institutes or divisions as shall be prescribed by the Council.

Definitions

2. In this Order, unless inconsistent with the context or subject matter:

"Academic Board" means the body constituted and appointed by the Council pursuant to sub-clause 8 (2).

"the Act" means the *Post-Secondary Education Act 1978* as amended from time to time or any re-enactment or consolidation thereof.

"Advanced Education" means such educational programmes as are prescribed as being advanced education programmes.

"amalgamating colleges" means the State College of Victoria at Burwood, the State College of Victoria at Toorak, the State College of Victoria, Rusden and the Prahran College of Advanced Education.

"amalgamating councils" means the councils of the amalgamating colleges as existing immediately prior to the publication of this Order in the *Government Gazette*.

"associates" means visiting scholars, visiting fellows, research scholars, artists-in-residence or any other distinguished visitor appointed by the Council.

"chief executive officer" means the chief executive officer of the College.

"College" means Victoria College including its Council, staff, students, facilities, land, buildings and equipment.

"Commission" means the Victorian Post-Secondary Education Commission.

"Council" means the Council of the Victoria College established under this Order.

"Deputy President" means the Deputy President of the Council.

"educational programme" means an organized activity of any duration the major objective of which is to increase the knowledge and develop attitudes and skills of the participant and includes without affecting the generality of the foregoing any course of study as defined in the Act.

"general staff" means all persons in the employment of the Council other than the teaching staff.

"graduate" means a person whose name is inscribed on a roll kept by the Council of the names of the holders of such awards conferred by the Council as are prescribed, or a person whose name is inscribed in a roll of graduates established by any of the amalgamating councils or a person whose name is inscribed in a roll of graduates established by the Victoria Institute of Colleges or the State College of Victoria having been presented by any of the amalgamating councils.

"prescribed" means prescribed by this Order or by a Regulation.

"post-secondary education" means education of persons who are beyond the age of compulsory school attendance and who are not undergoing a full-time course of secondary education.

"President" means the President of the Council.

"Regulation" means a regulation made under this Order.

"Secretary" means the Secretary of the Council.

"sector" means the advanced education sector or the TAFE sector of the College, as the case may be.

"senior general staff" means those members of the general staff who, from time to time hold positions at the College equivalent to that of Senior Librarian or above or Administrative Officer Category VIII or above under the salary scale last approved by the State College of Victoria or Senior Administrative Officer II, Senior Librarian, Senior Counsellor, or Computer Centre Manager Grade III or above under the salary scale last approved by the Victoria Institute of Colleges.

"staff" means the teaching staff and the general staff.

"student" means a person enrolled as a student of the College in such educational programmes as are prescribed.

"TAFE", or "technical and further education" means post-secondary education provided by way of an educational programme 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 educational needs, not being Advanced Education.

"teaching staff" means those employees of the Council who are members of the academic or teaching staff of the College within the meaning of section 10 of the *Post-Secondary Education Remuneration Tribunal Act 1980*.

"year" means calendar year.

Unless the context otherwise requires, words importing the singular include the plural and the masculine includes the feminine.

Objects

3. The objects of the College are—

- (a) to provide and promote within a multi-campus multi-sector post-secondary college involved in teaching at the Advanced Education and TAFE levels the facilities for teaching study research practice and training by all such means and in all such ways and at all such levels, whether certificate diploma degree postgraduate access continuing or retraining, as the Council may determine in branches of learning including the arts business education the humanities management the sciences the social sciences and the trades;
- (b) to aid by research consultancy publication and other means the advancement of knowledge and its practical application to the professions business industry schools government and the community;
- (c) to maintain and foster centres or institutes for teaching study and research in specialized areas;
- (d) to provide and promote facilities for education, whether in Australia or elsewhere, by affiliation with existing education institutions, by co-operation with other educational bodies in developing countries, by sharing management services with other institutions, by creation of new education institutions to be affiliated to the College, by the establishment of classes external studies and examinations, and by such other means as the Council deems appropriate;
- (e) to provide and promote facilities and services to advance the interests and well-being of students and staff of the College through assistance in welfare and intellectual cultural social and recreational activities;
- (f) to develop a close liaison with the professions business industry schools government and the community in the provision of educational programmes that recognize the responsibility of each secondary education through preparatory bridging and compensatory programmes;
- (g) to encourage a desire for learning and an understanding of the relationships that exist between various branches of learning; and
- (h) to provide and promote facilities for the provision of Advanced Education and TAFE programmes that recognize the responsibility of each programme to meet the needs of the professions business industry schools government and the community.

Membership of Council

4. (1) The Council shall consist of not more than ~~twenty-one (21)~~ members and shall be constituted as follows:

- (a) The chief executive officer of the College shall be a member *ex officio*.
- (b) Two shall be members of the teaching staff elected by the teaching staff in a manner prescribed, provided that for the purpose of this paragraph (b) the teaching staff shall include only such members of the teaching staff as are employed on at least a half-time basis.
- (c) One shall be a member of the general staff elected by the general staff in a manner prescribed, provided that for the purpose of this paragraph (c) the general staff shall include only such members of the general staff as are employed on at least a half-time basis.
- (d) One shall be a member appointed by and from the Academic Board in a manner determined by the Academic Board.
- (e) Two shall be students of the College elected by the students of the College in a manner prescribed.
- (f) Seven members shall be appointed by the Governor in Council, but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (f).
- (g) One member shall be appointed by the Minister of Education.
- (h) Six members shall be persons appointed by co-option by the Council, all of whom shall have a special interest in post-secondary education and its relationship with the professions business industry schools government and the community and at least one of whom shall be a graduate, but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (h).

(2) A member of the Council elected pursuant to any of the paragraphs (b), (c) or (e) of sub-clause (1) is hereinafter called an "elected member".

(3) a member appointed by the Governor in Council may be removed by the Governor in Council.

(4) Each member of the Council (other than the chief executive officer) shall subject to this sub-clause be entitled to hold office from the date of such member's appointment or election for:

- (a) four years in the case of a member appointed pursuant to paragraph (f), (g) or (h) of sub-clause 4 (1);
- (b) three years in the case of an elected member elected pursuant to paragraph (b) or (c) of sub-clause 4 (1) or a member appointed pursuant to paragraph (d) of sub-clause 4 (1); and
- (c) two years in the case of an elected member elected pursuant to paragraph (e) of sub-clause 4 (1);

Provided that:

- (aa) in the case of the first members appointed pursuant to paragraph (f) of sub-clause 4 (1), three, who shall be chosen by lot at the first meeting of the Council, shall hold office for two years;
- (bb) in the case of the first members appointed pursuant to paragraph (h) of sub-clause 4 (1), three, who shall be chosen by lot at the first meeting of the Council, shall hold office for two years;
- (cc) in the case of the first elected members elected pursuant to paragraph (b) of sub-clause 4 (1), one, who shall be chosen by lot at the first meeting of the Council, shall hold office for one year; and
- (dd) in the case of the first elected members elected pursuant to paragraph (e) of sub-clause 4 (1), one, who shall be chosen by lot at the first meeting of the Council, shall hold office for one year.

(5) A member of the Council shall be eligible to be re-appointed or re-elected (as the case may be), but a member shall not be elected or appointed for more than

three successive terms unless such member is appointed by co-option for a further term under paragraph (h) of sub-clause 4 (1).

(6) If a member of the Council (other than the chief executive officer):

- (a) resigns his office by writing under his hand directed to the President of Council;
- (b) becomes of unsound mind or becomes a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
- (c) becomes bankrupt or suspends payment of his debts by arrangement or compound with his creditors or assigns his estate for the benefit of his creditors;
- (d) is convicted of any indictable offence;
- (e) without special leave previously granted by the Council absents himself from three scheduled consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council or being appointed pursuant to paragraph (f) or (h) of sub-clause 4 (1) becomes a member of staff or a student provided that a student elected pursuant to paragraph (e) of sub-clause 4 (1) and who ceases to be a student at the end of an academic year shall be entitled to remain a member of the Council until February of the following year;
- (g) being a member appointed by the Governor in Council is removed from office; or
- (h) dies—

his office shall become vacant so as to create a casual vacancy.

(7) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment as the case may be of an eligible person to fill the vacancy and the member so elected or appointed shall be entitled to hold office for the unexpired portion of the original term of office. The vacancy shall not be filled when the unexpired portion of the original term of office is less than three months.

(8) For the purpose of sub-clause 4 (5) a part term served by a member of the Council elected or appointed as the case may be to fill a casual vacancy shall not be considered a term of office.

(9) Where for any reason the Council appoints a person to be acting chief executive officer the person so appointed shall while holding office be entitled to attend and vote at any meetings of the Council and for that purpose shall have all the rights and privileges of the chief executive officer hereunder.

(10) Notwithstanding anything to the contrary in sub-clause 4 (1), but subject to sub-clause 5 (1), the Council shall be properly constituted where there is a deficiency in the number of members or of members of any class whether originally or as the result of the occurrence of a vacancy.

(11) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee of which the person is a member shall declare the nature of his interest on every occasion when any business in which that person has such interest is being considered at a meeting at which that person is present and no person shall be entitled to vote at any meeting of the Council or any committee thereof on any subject in which that person has a direct pecuniary interest: Provided that nothing in this sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of employment of the staff of the College.

Proceedings of Council

5. The following provisions shall apply to the proceedings of the Council:

- (1) No question shall be decided at any meeting of the Council unless at least eleven members of Council are present and not less than one half of the members present are other than staff or students of the College: Provided that if the number of members of Council then holding office is less

than eleven the Council may meet for the purpose only of appointing a person or persons pursuant to paragraph (h) of sub-clause 4 (1) to fill a casual vacancy or vacancies.

- (2) The Council shall each year, or where a vacancy occurs during any year, on the occurrence of the vacancy, elect in a manner determined by Council members of the Council (other than a member of staff or student) to be President of the Council and Deputy President of the Council respectively.
- (3) The President, or in his absence, the Deputy President shall preside at any meeting of the Council. In the absence of both the President and the Deputy President the members present shall choose a member (other than a member of the staff or a student) to preside at the meeting.
- (4) The Council shall meet at least six times in each year.
- (5) Except as otherwise provided in this Order, the decision of the majority of the members present and voting at any meeting of the Council shall be the decision of the Council.
- (6) In the event of equality of votes on any question the member presiding shall have a second or casting vote.
- (7) All acts done by any meeting of the Council, or a committee, or any person acting as a member of the Council, shall notwithstanding that it is afterwards discovered that there was some defect in the election or appointment of such Council, or committee or person as aforesaid, or that they or any of them were ineligible to hold such office be valid as if every such person had been duly appointed or elected and was eligible to be a member of such Council or committee or person acting as aforesaid.
- (8) Subject to this Order, the Council may regulate its own proceedings.

Powers of Council

6. The Council shall have the entire management and control of the affairs concerns and property of the College and without derogating from the generality of the foregoing shall have power to:

- (1) From time to time determine the educational programmes to be offered and conducted by the College and to conduct each educational programme in such manner and in such place or places as it deems fit.
- (2) From time to time accredit educational programmes proposed to be conducted and validate the academic standard and content of the educational programmes conducted by the College.
- (3) Accredit at the request of other institutions or authorities educational programmes conducted or proposed to be conducted by such institutions or authorities, and to charge fees in connection therewith.
- (4) From time to time hold examinations and conduct assessments in the educational programmes conducted by the College and (subject to the provisions of the Act) confer any prescribed degree diploma certificate or other award on any student who attains the required standard in any such programme, and the conferring of any such degree diploma certificate or other award shall be evidenced by a document issued by the Council.
- (5) Confer any prescribed degree diploma certificate or other award on any person *honoris causa* or without examination, and determine the rights and privileges of any such person in connection therewith.
- (6) Determine the number of students to be enrolled in each educational programme conducted by the College, and select students for and exclude students from enrolment or re-enrolment in each such programme according to criteria procedures and conditions as are prescribed.
- (7) In place of or for the purpose of any assessment or educational programme conducted by the College, grant recognition of any educational programme or other relevant attainment in any other

educational institution or other appropriate experience.

- (8) Enrol and re-enrol students in any educational programme conducted by the College, and charge such fees, if any, as are prescribed as a condition of enrolment or re-enrolment or to waive or refund any such fees or part thereof.
- (9) Establish and maintain from College resources and administer funds from which loans may be made to students on such terms and conditions as are prescribed, and pay into those funds out of College moneys such amounts as from time to time it thinks fit.
- (10) Awards scholarships prizes exhibitions and grants in aid on such terms and conditions as are prescribed.
- (11) Discipline fine suspend or terminate the enrolment of any student of the College under such provisions as are prescribed.
- (12) From time to time determine the terms and conditions of employment of staff including rates of remuneration provided such terms and conditions are consistent with any that may be fixed by the Post-Secondary Education Remuneration Tribunal and other relevant statutory authorities except that the terms and conditions of those members of staff who immediately prior to the incorporation of the Council were employed by one of the amalgamating councils under terms and conditions approved by the State College of Victoria or the Victoria Institute of Colleges as the case may be, shall not be adversely changed during their respective terms of employment unless the individuals concerned give their consent in writing to any such change.
- (13) Negotiate arrangements for secondment of staff to other employment: Provided that the terms and conditions of employment during such secondment which relate to leave entitlement and any other accrued benefits are not (except with the express agreement of the member of staff concerned) inferior to those which would have applied if the member of staff concerned had continued to be employed by the Council and work at the College, and provided further that secondment of a member of staff may not be made except with the consent of such member of staff.
- (14) Negotiate arrangements for secondment of staff to the College from other employment.
- (15) Employ terminate employment discipline suspend or dismiss any member of the staff of the College in its employ under such regulations as may from time to time be prescribed: Provided that a member of staff who immediately prior to the incorporation of the Council was employed by one of the amalgamating councils may be dismissed only in accordance with the terms and conditions under which he was at that time employed, and other teaching staff or senior general staff, may be dismissed only by a resolution of the Council, passed by a majority consisting of not less than two-thirds of the total number of members of the Council.
- (16) From time to time define the duties of staff of the College and where appropriate make provision for retraining of staff required to undertake new responsibilities.
- (17) Make provision for programmes for the personal and professional development of staff.
- (18) Appoint persons as associates of the College and determine the duties benefits rights and privileges of such persons in connection with such appointments.
- (19) Establish and support or aid in the establishment and support of associations institutions funds trusts and other arrangements calculated to benefit staff, and without derogating from the generality of the foregoing assist in the negotiation of external loans for the procurement of homes for their use and occupation and provide participate in or contribute towards pension or superannuation schemes, allowances and insurance cover.

- (20) Provide for and support research investigation and inquiry into fields of human knowledge learning or experience related to the objects of the Council, and publish and disseminate the results of such research investigation and inquiry.
- (21) Establish, form, seek the incorporation or become a member of corporations co-operatives partnerships or joint ventures with any other institution person firm or corporation, for the purpose of providing to the professions business industry schools government and the community, with or without fee, research testing and other facilities and expertise in fields related to the objects of the College.
- (22) Enter into any arrangements with any Government or authority or corporation municipal local or otherwise or association or company that may directly or indirectly benefit the College and obtain from any such source any rights privileges and concessions which the Council may think it desirable to obtain, and carry out exercises and comply with any such arrangements rights privileges and concessions.
- (23) Provide to the community in general including other educational institutions and graduates students and staff of the College such services as may from time to time be approved by the Council, and determine the conditions of and any charges for use of any premises services resources or equipment the property of or used or managed by the College.
- (24) Do all such things related to the objects of the Council as appear to the Council necessary or expedient for aiding the advancement of learning and fostering the improvement of knowledge and skills outside Australia, to negotiate employment conditions with staff and to employ staff to work outside Australia for that purpose on such terms and conditions as the Council considers appropriate and to act in any capacity whether managerial or otherwise.
- (25) Provide or assist in the provision of residential accommodation for students of the College and visitors to the College on such terms and conditions and for payment of such fees and charges as it may determine from time to time, and manage and control any such accommodation.
- (26) Do all such things as advance the interests of the students and staff of the College including the provision and supply in such manner as may be appropriate of such services as it deems necessary with or without fee.
- (27) Make provision for an association or associations of students and the fees to be charged in respect thereof.
- (28) Acquire by purchase gift grant bequest devise take on lease exchange hire or otherwise acquire, any real and personal property and any rights or privileges, and agree to carry out any conditions of such acquisition gift grant bequest devise lease exchange or hire, and create and administer either solely or jointly as trustee or custodian any trust fund or funds in connection therewith or for any other purpose whatsoever.
- (29) Enter into contracts or otherwise arrange to construct alter or maintain any buildings facilities or works which may be necessary or convenient for the purposes of the College and enter into agreements for the supply of any goods or services or the carrying out of any work for the College.
- (30) Purchase take on lease or in exchange or hire, and sell mortgage lease or dispose of any real or personal property and enter into agreements for the supply of services or the carrying out of any work for the College and in the case of the sale or disposal of real property only with the consent of the Minister of Education on the recommendation of the Commission.
- (31) Engage professional advisers and consultants.
- (32) Establish and maintain museum art and other collections.
- (33) Apply for purchase or otherwise acquire any patents patent rights copyrights trademarks formulae licences concessions and the like conferring any exclusive or non-exclusive or limited right to use of any secret or other information as to any invention which may seem capable of being used directly or indirectly to benefit the College, and to use exercise develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired and to register designs service marks logos symbols and titles.
- (34) Borrow moneys:
- (a) at interest for the purpose of carrying out or performing any of its powers authorities duties and functions or for the repayment or partial repayment of any sum previously borrowed;
- (b) on overdraft of current account at any bank—
- within such limit and upon such conditions as to security and otherwise as the Governor in Council upon the recommendation of the Treasurer of Victoria may from time to time approve.
- (35) Invest and deal with the money or property of the College not immediately required: Provided however that the power of investment contained in this sub-clause shall be limited to investments which a trustee is permitted to make under any law of the Commonwealth or the State of Victoria, or in the case of moneys not provided by the State or Commonwealth Governments also in shares, stock, debentures, notes, bonds, or other securities or obligations of a company the shares of which are listed for quotation on the official list of any member exchange of the Australian Associated Stock Exchanges including rights to subscribe for or take up such shares, stocks or debentures.
- (36) In fulfilling the objects of the College lend and advance money or give credit to any person or company, guarantee and give guarantees or indemnities for the payment of money or the performance of contracts or obligations by any person or company, and to secure or undertake in any way the repayment of moneys lent or advanced to or the liabilities incurred by any person or company, and otherwise to assist any person or company.
- (37) Expend funds for the purposes of the College and open operate and close such bank accounts as may be necessary for the proper administration of the College and draw make accept endorse discount execute and issue promissory notes bills of exchange bills of lading and other negotiable or transferable instruments.
- (38) Where it is deemed appropriate to do so write off debts owed to the College.
- (39) Acquire establish subsidise promote co-operate with affiliate with subscribe to donate to become a member of control manage superintend lend to give monetary assistance to or otherwise aid associations institutions organizations and other bodies whose activities are calculated to advance the objects of the College.
- (40) Regulate the access to the College of persons animals and vehicles, the parking and use of vehicles within the College grounds, prescribe penalties whether by way of fine or otherwise for the breach of any Regulation, and provide for the enforcement of such penalties.
- (41) Indemnify an employee or a member of the Council out of the assets of the College against any loss or liability incurred in defending any legal proceedings arising out of the proper execution of that person's duties office or otherwise acting as an employee or a member of the Council of the College, unless there was wilful default negligence or fraud on the part of the employee or member.
- (42) Constitute and appoint such committees as it determines and by resolution delegate subject to such conditions as it thinks fit any of its powers

authorities duties and functions, other than this power of delegation (except as otherwise provided in this Order) and the power to make Regulations, to any such committee or to any member of the Council or member of staff or committee of the College; provided that every delegation under this paragraph shall be revocable by resolution of the Council and no such delegation shall prevent the exercise or discharge by the Council of any of its powers authorities duties or functions.

- (43) Do all such things as are necessarily incidental to the proper management and control of the College or the effective exercise of the powers conferred on the Council.

Regulations

7. (1) The Council shall have power to make Regulations prescribing or providing for any matter or thing provided by this Order and necessary or expedient for the management and control of the College provided always that:

- (a) no motion to make, revoke or amend any Regulation shall be put unless a notice of motion in writing signifying the intention so to move and the nature of the contents of the proposal has been circulated to the members of the Council and placed on the Official Notice Board at each campus and otherwise as resolved by the Council at least fourteen days before the meeting, except that amendments arising out of the debate may be allowed at the discretion of the Council;
 - (b) all Regulations and amendments or revocations thereof shall be promulgated by display on the official Notice Board at each campus and otherwise as prescribed and shall not become operative until they have been so displayed for a period of seven days, and shall continue to be so displayed for a further period of at least fourteen days and all Regulations shall be publicly available;
 - (c) all Regulations made by the Council pursuant to this Order shall be passed by an affirmative vote of at least one half of the members of the Council and shall be in writing and duly sealed with the Common Seal of the Council; and
 - (d) the Council may revoke or amend any Regulation by an affirmative vote of at least one half of the members of the Council.
- (2) Subject to this Order the Council may make Regulations for or with respect to all matters concerning the College and in particular without affecting the generality of the foregoing for or with respect to:
- (a) discipline within and the good order and control of the College including its premises services resources or equipment the property of or managed by the College;
 - (b) the number the categories or classes of persons comprising the staff, the manner of their appointment and dismissal, and their terms and conditions of employment;
 - (c) the categories or classes of persons comprising the students of the College;
 - (d) the schools departments units institutes or divisions which comprise the College;
 - (e) the pre-requisite educational standard for enrolment of students in any educational programme;
 - (f) the examinations for fellowships scholarships prizes exhibitions degrees diplomas and certificates and other awards and the granting thereof;
 - (g) the recognition, in lieu of or for the purpose of any examination or educational programme, of any appropriate experience or any educational programme completed or examination passed in any university tertiary education institute agricultural college technical school high school or secondary school or in any correspondence course or tutorial class;
 - (h) the academic dress of the College and of the graduates and the occasions upon which academic dress is required to be or may be worn by the persons entitled to wear the same;

- (i) the fees or charges if any and the waiving or refunding of such fees or charges or part thereof for any services provided by the College including:

- (i) enrolment and re-enrolment;
- (ii) any examination;
- (iii) the conferring of degree diploma or certificate or other award;
- (iv) admission to any classes or lectures;
- (v) accommodation; and
- (vi) use of College property and facilities.

- (j) the assessment of fees to be charged, the conditions for remission waiver or refund of such fees or part thereof, and the manner of the collection of fees, for student services provided either by a College student association or associations or the Council;
- (k) the conditions of membership of a students' association or associations and the form of management accountability for the use of fees collected on behalf of such an association or associations;
- (l) the manner and time of convening meetings of the Council;
- (m) the affiliation of the College with any educational institutions;
- (n) the manner of conducting elections for the office of members of Council, the election of and powers and duties of the President and Deputy President of the Council, and other bodies and committees of the College;
- (o) the manner and time of convening meetings of the Academic Board and the conduct thereof, the quorum required for such meetings, and the powers of members of the Academic Board to appoint alternate members to attend meetings of the Academic Board in their absence;
- (p) the arrangement of accommodation for students;
- (q) the making of loans from a student loan fund or funds, the number of such loans to be made in each year, the terms and conditions of such loans including the interest payable thereon and the manner of repayment;
- (r) the powers and duties of the chief executive officer;
- (s) the terms of appointment tenure of office powers and duties of committees established by the Council;
- (t) appeals against the discipline suspension or assessment of a student and the discipline suspension termination of employment or dismissal of a staff member;
- (u) all such other things as are necessary or incidental to the proper management and control of the College or the furtherance of its objects or the effective exercise of the powers conferred and duties imposed on the Council.

Duties of Council

8. It shall be the duty of the Council:

- (1) To appoint on such terms and conditions and for such period as it may determine a person to be the chief executive officer of the College to exercise such powers and duties as it may from time to time confer or impose providing that unless otherwise expressly provided by this Order the Regulations or the Council the chief executive officer shall have the power to delegate any of those powers and duties to any person or committee other than this power to delegate.
- (2) To constitute and appoint an Academic Board either by that name or by any other name from time to time deemed appropriate by the Council to advise the Council on the educational programmes of the College and to exercise such of the powers of the Council as the Council may delegate to it from time to time.
- (3) To provide for the safe custody of the Common Seal which shall be used by authority of and in a manner determined by the Council and every

instrument to which the Common Seal is affixed shall be signed by a member of the Council and shall be countersigned by the chief executive officer or some other person appointed by the Council for that purpose.

- (4) To maintain in a manner determined by Council a roll of the names of all persons upon whom it has conferred awards.
- (5) Except as otherwise required by the Commission, to do all such things as may be required to be done in order to render the College eligible to receive moneys under any law of the Commonwealth of Australia or of any State or territory thereof or from any other source providing moneys to educational institutions whether for the purpose of education or research or otherwise.
- (6) To apply all fees grants and all other moneys received by or on behalf of the College under the provisions of this Order or otherwise solely for the purposes of the College.
- (7) To ensure that where any moneys, other than those referred to in paragraph (f) of sub-clause 7 (2), are made available by the Council to any association of students or of students and other persons for the provision of facilities amenities or services that those moneys are applied by the association *bona fide* in the provision of facilities amenities or services that are approved by the Council.
- (8) As soon as practicable after 31 March in each year to report the activities of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.
- (9) To establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals subject to the Act as the Council directs, and submit the accounts annually for audit by the Auditor-General in compliance with section 27 of the Act.
- (10) To appoint a Secretary to the Council with such duties as are determined by the Council.
- (11) To keep or cause to be kept an accurate record of the proceedings of the Council.
- (12) To establish by Regulation pursuant to paragraph (t) of sub-clause 7 (2) procedures for appeals by students against discipline suspension or assessment, and by staff against discipline suspension termination of employment or dismissal.

Transitional Provisions

9. (1) In compliance with paragraph (b) of sub-section (2) of section 26 of the Act, the Council shall as from the date of publication of this Order in the *Government Gazette* assume all liabilities and obligations of the amalgamating councils to all members of teaching staff and all members of the general staff employed by any of the amalgamating councils immediately prior to that date, employing such members of staff on and after that date on terms and conditions of employment which, until an applicable determination is made by the Post-Secondary Education Remuneration Tribunal or other appropriate arbitral tribunal, shall be identical with those enjoyed by such persons immediately prior to that date. The Council may appoint any such member of staff to any position it thinks fit provided that as far as practicable the level of responsibility of such position and the salary and other allowances payable in respect thereof shall be not inferior to that held by and paid to such member of staff immediately prior to the date of publication of this Order in the *Government Gazette*.

(2) The Council shall, not later than 31 March 1982, jointly with and after consultation with the council of the Prahran College of Technical and Further Education:

- (a) invite each person who immediately prior to the incorporation of the council of the Prahran College of Technical and Further Education was employed in any of the departments or cost

centres of the Prahran College of Advanced Education referred to in Part A of the Schedule to this Order to express a preference to remain an employee of the Council or to become an employee of the council of the Prahran College of Technical and Further Education under the conditions specified in Part B of the Schedule to this Order; and

- (b) ensure that the salary and other allowances and position offered to each such person shall as far as practicable be of an amount and at a level of responsibility not inferior to that paid to and held by such person immediately prior to the incorporation of the council of the Prahran College of Technical and Further Education and that in all respects the conditions specified in Part B of the Schedule to this Order are complied with.

(3) If any member of staff who immediately prior to the publication of this Order in the *Government Gazette* was a contributor to a Superannuation Scheme established approved or contributed to by any of the amalgamating councils, the Council shall take all steps necessary to ensure that that person's membership of the scheme shall be continued.

(4) As provided in paragraph (b) of sub-section (2) of section 26 of the Act, all liabilities and obligations of the amalgamating councils including the contractual commitments of those councils hereby become obligations and responsibilities of the Council.

(5) In compliance with paragraph (b) of sub-section (2) of section 26 of the Act, the Council shall as from the date of publication of this Order in the *Government Gazette* assume the administration of all trusts administered by the councils of the amalgamating colleges immediately prior to that date.

(6) Students of the amalgamating colleges who have commenced courses shall be permitted to continue and complete their courses on terms identical to the regulations in force immediately prior to the incorporation of the Council for the award for which they are enrolled in so far as those regulations prescribe the general structure and organization of the course.

(7) Students who complete their courses in the amalgamating colleges in 1981 shall be permitted during 1982 to receive the award in the name of the college in which their courses were completed issued under the authority of the Council.

(8) As from the date of publication of this Order in the *Government Gazette* the Council shall assume control of and retain the records of the amalgamating colleges.

(9) Of those members of Council first appointed by the Governor in Council under paragraph (f) of sub-clause 4 (1) at least one shall be appointed from each of the amalgamating councils.

(10) Of those members of Council first appointed by the Council under paragraph (h) of sub-clause 4 (1) at least one shall be appointed from each of the amalgamating councils.

(11) If prior to the date of publication of this Order in the *Government Gazette* elections were held with the consent of the Minister of Education with the purpose of identifying those individuals who upon the Council's incorporation should become members under paragraphs (b), (c) or (e) of sub-clause 4 (1) then the individuals so elected shall be and become members of Council upon the date of publication of this Order in the *Government Gazette* and shall for all purposes be deemed to be elected pursuant to paragraphs (b), (c) or (e) of sub-clause 4 (1) as the case may be.

(12) Before 31 December 1984 the Council shall review this Constitution and make recommendations for change if any.

(13) All acts done prior to the date of publication of this Order in the *Government Gazette* by any meeting of any of the amalgamating councils or a committee thereof or any person acting on behalf thereof, shall notwithstanding that it is afterwards discovered that there was some defect in the election or appointment of such council, or committee or person as aforesaid, or that they

or any of them were ineligible to hold such office, be valid as if every such person had been duly appointed and was eligible to be a member of such council or committee or person acting as aforesaid.

(14) The Council may:

(a) Use all land and buildings vested in or under the management and control of the Minister of Education which immediately prior to the date of publication of this Order in the *Government Gazette* were being used solely for the Advanced Education purposes of the Prahran College of Advanced Education.

(b) Use all equipment which immediately prior to the date of publication of this Order in the *Government Gazette* was being used solely for the Advanced Education purposes of Prahran College of Advanced Education and was owned by or held in trust for the council thereof.

(15) In respect of all land and buildings vested in or under the management and control of the Minister of Education which immediately prior to the date of publication of this Order in the *Government Gazette* were being used both for the Advanced Education and technical and further education purposes of the Prahran College of Advanced Education, the Council shall negotiate with the council of the Prahran College of Technical and Further Education with the objective of reaching agreement on the use by the Council of such land and buildings. Such negotiation shall take into account the source of the funds used in the acquisition of such land and buildings and the purpose of the provision of such funds. If agreement cannot be reached, the extent to which the Council may use such land and buildings shall be determined by the Minister of Education or his nominee.

(16) In respect of all equipment not referred to in paragraph (b) of sub-clause 9 (14) which immediately prior to the date of publication of this Order in the *Government Gazette* was being used both for the Advanced Education and the technical and further education purposes of the Prahran College of Advanced Education, the Council shall negotiate with the council of the Prahran College of Technical and Further Education with the objective of reaching agreement on the use of such equipment. Such negotiations shall take into account the source of the funds used in the acquisition of such equipment and the purpose of the provision of such funds. If agreement cannot be reached, the matter shall be determined by the Minister of Education or his nominee.

(17) Any other matter pertaining to the ownership management control or use of property which immediately prior to the date of publication of this Order in the *Government Gazette* was under the ownership management control or use of the council of the Prahran College of Advanced Education or any committees appointed by the said council shall, subject to the provisions of the Act and of this Order, be the subject of negotiation between the Council and the council of the Prahran College of Technical and Further Education with the objective of reaching agreement on the matter. If agreement cannot be reached the matter shall be determined by the Minister of Education or his nominee.

SCHEDULE

Part A

(Paragraph 9 (2) (a))

PRAHRAN COST-SHARING SUPPORT DEPARTMENTS

The following departments or cost centres of the Prahran College of Advanced Education as constituted immediately prior to the incorporation of the council of the Prahran College of Technical and Further Education:

- (i) Computer Centre;
- (ii) Library Resource Centre;
- (iii) Educational Media Unit;
- (iv) Business Manager's Department;
- (v) Registrars' Department;
- (vi) Office of the Director;
- (vii) Department of Access and Continuing Education.

Part B

(Paragraphs 9 (2) (a) and 9 (2) (b))

CONDITIONS OF TRANSFER OF GENERAL STAFF PREVIOUSLY EMPLOYED IN PRAHRAN COST-SHARING SUPPORT DEPARTMENTS

1. The right of appointment to any position in the College rests with the Council, but no appointment of a member of general staff (other than an appointment the holder of which is engaged exclusively in a teaching department) to any position shall be made by the Council during the year commencing 1 January 1982 if as a result of such appointment the total amount likely to be expended by the Council during such year in respect of the salary and allowances and all related on-costs and loadings of all persons appointed to positions in the College who immediately prior to the publication of this Order in the *Government Gazette* were employed in the departments and cost centres referred to in Part A of this Schedule would (after deduction of amounts payable to the Council by the council of Prahran College of Technical and Further Education) exceed such amount as, after adjustment for inflation, is equivalent to \$1 128 616 at May 1981 price levels unless all such persons have been offered and voluntarily accepted positions in the College or elsewhere.

2. The Council shall not make any offer of appointment to any member of general staff (other than an appointment the holder of which is engaged exclusively in a teaching department) until the Council has consulted with the council of the Prahran College of Technical and Further Education or the delegates thereof and, after taking into account the recommendations of the Selection Panel, agreed to which persons referred to in paragraph (a) of sub-clause 9 (2) offers of appointment should be made.

3. The Selection Panel shall as soon as practicable after 1 January 1982 meet and make recommendations to the Council on the appointments to be offered to persons referred to in paragraph (a) of sub-clause 9 (2). The Selection Panel shall take into account in making such recommendations the need to meet staffing requirements of the College and of the Prahran College of Technical and Further Education within existing staffing and financial constraints, as far as possible in conformity with any staffing establishment approved by the Council and by the council of the Prahran College of Technical and Further Education.

4. If by 30 June 1982 appointments have been offered by the Council to all persons referred to in paragraph 2 hereof and the Council could make one or more further appointments of general staff without acting in breach of paragraph 1 hereof, the Selection Panel shall as soon as practicable thereafter meet and make recommendations to the Council on appointments to be offered for all remaining general staff vacancies (other than for general staff engaged exclusively in teaching departments) and in making such recommendations the Selection Panel shall give preference to any person who immediately prior to the publication of this Order in the *Government Gazette* was a salaried employee of one of the amalgamating councils, and the Council shall take into account such recommendations before making any such further appointments.

5. If at any time after 1 January 1982 any person referred to in paragraph (a) of sub-clause 9 (2) is declared by the Council or a delegate thereof, after consultation with the council of the Prahran College of Technical and Further Education or a delegate thereof, to be redundant, the Council shall send an invoice to the council of the Prahran College of Technical and Further Education for an amount equal to forty per centum (40%) of the costs of such redundancy and such invoice shall set out in reasonable detail the various components of such costs.

6. If after completion of the above procedures any general staff position remains unfilled, the Council may advertise the vacancy publicly and appoint any person it thinks fit to such position.

7. For the purpose of this Schedule, the "Selection Panel" shall mean:

- the President of the Council or his nominee;
- the chief executive officer of the College or his nominee;
- a person with specific expertise in personnel management appointed by the Council; and

a person elected by the general staff who is not a person referred to in paragraph (a) of sub-clause 9 (2).

The Selection Panel may appoint expert sub-panels in specific areas to assist it in its task.

And the Honourable Alan John Hunt, Her Majesty's Minister of Education for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-second day of December, 1981

PRESENT:

His Excellency the Governor of Victoria
Mr Jona | Mr Granter

INCORPORATION AND CONSTITUTION OF A COUNCIL TO MANAGE AND CONTROL THE CAULFIELD INSTITUTE OF TECHNOLOGY

Whereas sub-section (1) of section 23 of the *Post-Secondary Education Act 1978* provides that the governing body of a post-secondary education institution may at any time apply in writing to the Post-Secondary Education Commission for the incorporation of a council to manage and control the institution.

And whereas sub-section (2) of section 23 of the said Act provides that where the governing body of an institution makes an application under sub-section (1), the Governor in Council may on the recommendation of the Post-Secondary Education Commission by Order published in the *Government Gazette* constitute a council by such name as is specified in the Order as a body corporate to manage and control the institution and exercise the several other powers set out in the said sub-section in relation to the council so constituted.

And whereas sub-section (3) of section 23 of the said Act provides that, on and from the date of the publication of an Order under this section in the *Government Gazette*, the council shall be a body corporate by the name specified in the Order capable forthwith of exercising all the functions of a body corporate and of suing and being sued and having perpetual succession and a common seal and power to acquire and hold land or any estate in land.

And whereas the governing body of the Caulfield Institute of Technology has applied in writing to the Post-Secondary Education Commission under section 23 of the said Act for the incorporation of a council to manage and control the institution.

Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof and on the recommendation of the Post-Secondary Education Commission doth by this Order provide as follows:

Constitution of Council

1. There shall be a council to be known as the Council of the Caulfield Institute of Technology (hereinafter called "the Council") which shall be a body corporate to manage and control the Caulfield Institute of Technology (hereinafter called "the Institute").

2. (1) The Council shall consist of not more than seven members and shall be constituted as follows:

(a) Seven members appointed by the Minister of Education, the initial persons so appointed shall be Dr L. Brobribb, Mr A. Crook, Mrs N. Ford, Mr P. Freadman, Mr T. Haslett, Mr T. L. Parr, Mr D. Peebles.

(2) A member appointed by the Minister of Education may be removed by the Minister of Education.

(3) Members of the Council shall be entitled to hold office for six months from the dates of their respective appointments.

(4) A member of Council shall be eligible to be re-appointed.

(5) Notwithstanding anything to the contrary in sub-clause (1) of this clause, the said Council shall be properly constituted where there is a deficiency in the number of members or of members of any class whether originally or as the result of the occurrence of a vacancy.

(6) No member of the Council shall be entitled to vote either in the Council or in a committee of the Council or in a joint committee of members of the Council and of officers of the Institute on any subject in which he has a direct pecuniary interest, and if any member does vote on any such subject his vote shall be disallowed.

Proceedings of Council

3. The following provisions shall apply to the Council of the Institute:

- (a) Four members of the Council shall constitute a quorum at any meeting.
- (b) The Minister of Education shall appoint a member of the Council to be Chairman of the Council and the Chairman, or in his absence, another member appointed by the Minister of Education to act as Chairman, shall preside at any meeting of the Council.
- (c) The Council shall meet at least six times in each year.
- (d) The decision of the majority of those present at any meeting of the Council shall be the decision of the Council.
- (e) In the event of equality of votes on any question, the person presiding shall have a second or casting vote.
- (f) The Council shall provide for the safe custody of the Seal, which shall only be used by authority of the Council, and every instrument to which the seal is affixed shall be signed by two members of the Council and shall be countersigned by the Secretary (if any) to the Council or by some other person appointed by the Council for that purpose.

Powers of Council

4. The Council shall have power to:

- (a) from time to time determine the terms and conditions on which students of the Institute and any other persons may attend classes or make use of any premises or equipment of the Institute;
- (b) employ members of the academic staff of the Institute on such terms and conditions including rates of remuneration and allowances as are from time to time being fixed in respect of them by the Council on the recommendation of the Post-Secondary Education Remuneration Tribunal.
- (c) employ part-time teachers in connexion with education other than tertiary education provided by the Institute on such terms and conditions as are for the time being fixed in respect of them by the Minister of education;
- (d) employ members of the non-academic staff of the Institute on such terms and conditions including rates of remuneration and allowances as are for the time being fixed in respect of them by the Council subject to the determinations of the Post-Secondary Education Remuneration Tribunal;
- (e) from time to time define the duties of members of the academic teaching administrative technical and other staff of the Institute;
- (f) suspend or dismiss any member of the academic teaching administrative technical or other staff of the Institute (but, in the case of dismissal of a member of the academic staff, only on a resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council);
- (g) charge fees in connexion with education provided, examinations held, and any other services provided by the Institute;

- (h) from time to time hold examinations in the several subjects and courses offered by the Institute and award diplomas certificates and other awards to students who reach the required standard in any subject or course including such degrees as are specified by Order of the Governor in Council under section 38 of the *Post-Secondary Education Act 1978*;
- (ha) grant scholarships on such terms and conditions as it thinks fit;
- (i) purchase take on lease or in exchange or hire, and sell mortgage lease or dispose of any real or personal property (which power to sell mortgage lease or dispose of property may, in the case of any real property, be exercised only with the consent of the Post-Secondary Education Commission) and enter into agreements for the supply of services for the Institute;
- (j) engage architects and other profession advisers, and enter into contracts, for the erection of buildings, the making of improvements or alterations, or the carrying out of repairs, on any land or buildings vested in or occupied or used by the Institute;
- (k) borrow on overdraft of current account at any bank;
- (l) invest any moneys of the Institute not immediately required for its purposes in any securities which are authorized investments within the meaning of any law relating to trustees or, with the consent of the Post-Secondary Education Commission in any other manner;
- (m) accept gifts of real or personal property to the Institute;
- (n) delegate, subject to such conditions as it thinks fit, any powers vested in the said Council to any member or committee of members of the Council, any officer or committee of officers of the Institute, any joint committee of members of the Council and officers of the Institute, or any committee whose membership includes persons other than members of Council or officers of the Institute provided that any such Committee shall include amongst its members not less than two members of Council;
- (na) do all such things as are calculated to advance the interests of the staff and students of the Institute;
- (o) do all such things as may be required to be done in order to render the Institute eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria which provides for the making of grants to educational institutions; and
- (p) do all such other things as are necessarily incidental to the proper management and control of the Institute or the effective exercise of the powers conferred on the Council.

Duties of Council

- 5. It shall be the duty of the Council to:
 - (a) accept any assets and assume any liabilities of the council of the Institute which was constituted under the Education Department Regulations 1962;
 - (b) invite tenders by publishing an advertisement in a newspaper circulating generally throughout the State for the supply of any goods or services or the carrying out of any work the cost of which is estimated by the Council to exceed \$5000; and
 - (c) keep or cause to be kept proper books of account and have them audited at least once in each year.

Use of Land Buildings and Equipment by Council

6. The Council may use the land buildings and equipment vested in or under the management and control of the Minister of Education which when this Order takes effect constitute or are contained in the premises of the Caulfield Institute of Technology and any buildings or equipment subsequently erected, installed or placed on or in the said land or buildings.

7. Notwithstanding anything to the contrary in this Order—

- (a) a person who immediately prior to the making of this Order was a member of the council of the Caulfield Institute of Technology as constituted under section 29A of the *Education Act 1958* (in this clause called "the previous Institute") shall, on the making of this Order—
 - (i) cease to be a member of the council of the previous Institute;
 - (ii) without necessity for any election be a member of the council of the Caulfield Institute of Technology as constituted by virtue of this Order under section 23 of the *Post-Secondary Education Act 1978* (in this clause called "the present Institute");
 - (iii) be entitled to hold office as a member of council of the present Institute in the same capacity that he was a member of council of the previous Institute for the period that he would have been entitled to hold office as a member of that council if he had not ceased to be a member.
- (b) a person who immediately prior to the making of this Order was employed by the council of the previous Institute shall, on the making of this Order, be transferred to and be entitled to continue as a person employed by the council of the present Institute in the same position that he held and with the same terms, conditions and remuneration that existed under the council of the previous Institute;
- (c) the educational programmes of the council of the previous Institute which existed immediately prior to the making of this Order shall, on the making of this Order, be and continue as the educational programmes of the council of the present Institute and the students of the previous Institute shall without necessity of any further enrolment be and continue in the same capacity as students of the present Institute;
- (d) the rights, assets, liabilities and obligations of the council of the previous Institute immediately prior to the making of this Order, become the rights, assets, liabilities and obligations of the council of the present Institute.

And the Honourable Alan John Hunt, Her Majesty's Minister of Education for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the twenty-second day of December, 1981

PRESENT:

His Excellency the Governor of Victoria
Mr Jona | Mr Granter

INCORPORATION AND CONSTITUTION OF A COUNCIL TO MANAGE AND CONTROL THE STATE COLLEGE OF VICTORIA AT FRANKSTON

Whereas sub-section (1) of section 23 of the *Post-Secondary Education Act 1978* provides that the governing body of a post-secondary education institution may at any time apply in writing to the Post-Secondary Education Commission for the incorporation of a council to manage and control the institution.

And whereas sub-section (2) of section 23 of the said Act provides that where the governing body of an institution makes an application under sub-section (1), the Governor in Council may on the recommendation of the Post-Secondary Education Commission by Order published

in the *Government Gazette* constitute a council by such name as is specified in the Order as a body corporate to manage and control the institution and exercise the several other powers set out in the said sub-section in relation to the council so constituted.

And whereas sub-section (3) of section 23 of the said Act provides that, on and from the date of the publication of an Order under this section in the *Government Gazette*, the council shall be a body corporate by the name specified in the Order capable forthwith of exercising all the functions of a body corporate and of suing and being sued and having perpetual succession and a common seal and power to acquire and hold land or any estate in land.

And whereas the governing body of the State College of Victoria at Frankston has applied in writing to the Post-Secondary Education Commission under section 23 of the said Act for the incorporation of a council to manage and control the institution.

Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof and on the recommendation of the Post-Secondary Education Commission doth by this Order provide as follows:

Constitution of Council

1. There shall be a council to be known as the Council of the State College of Victoria at Frankston (hereinafter called "the Council") which shall be a body corporate to manage and control the State College of Victoria at Frankston (hereinafter called "the College").

2. (1) The Council shall consist of not more than seven members and shall be constituted as follows:

(a) Seven members appointed by the Minister of Education, the initial persons so appointed shall be Dr L. Brodribb, Mr A. Crook, Mrs N. Ford, Mr P. Freadman, Mr T. Haslett, Mr T. L. Parr, Mr D. Peebles.

(2) A member appointed by the Minister of Education may be removed by the Minister of Education.

(3) Members of the Council shall be entitled to hold office for six months from the dates of their respective appointments.

(4) A member of Council shall be eligible to be re-appointed.

(5) Notwithstanding anything to the contrary in sub-clause (1) of this clause, the said Council shall be properly constituted where there is a deficiency in the number of members or of members of any class whether originally or as the result of the occurrence of a vacancy.

(6) No member of the Council shall be entitled to vote either in the Council or in a committee of the Council or in a joint committee of members of the Council and of officers of the College on any subject in which he has a direct pecuniary interest, and if any member does vote on any such subject his vote shall be disallowed.

Proceedings of Council

3. The following provisions shall apply to the Council of the College:

(a) four members of the Council shall constitute a quorum at any meeting;

(b) the Minister of Education shall appoint a member of the Council to be Chairman of the Council and the Chairman, or in his absence, another member appointed by the Minister of Education to act as Chairman shall preside at any meeting of the Council;

(c) the Council shall meet at least six times in each year;

(d) the decision of the majority of those present at any meeting of the Council shall be the decision of the Council;

(e) in the event of equality of votes on any question, the member presiding shall have a second or casting vote;

(f) the Council shall provide for the safe custody of the Seal, which shall be used only by authority of the Council, and every instrument to which the Seal is affixed shall be signed by a member of

the Council and shall be countersigned by the Secretary (if any) to the Council or by some other person appointed by the Council for that purpose.

Powers of Council

4. The Council shall have power to:

(a) from time to time determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College;

(b) employ members of the academic staff of the College on such terms and conditions as are for the time being fixed in respect of them by the Council subject to the determinations of the Post-Secondary Education Remuneration Tribunal;

(c) employ members of the administrative technical and other staff of the College on such terms and conditions as are for the time being fixed in respect of them by the Post-Secondary Education Remuneration Tribunal or other appropriate industrial tribunal;

(d) from time to time define the duties of members of the academic administrative technical and other staff of the College;

(e) suspend or dismiss any member of the academic administrative technical or other staff of the College (but, in the case of dismissal of a member of the academic staff, only on a resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council);

(f) charge fees in connexion with education provided, examinations held, and any other services provided by the College;

(g) from time to time hold examinations in the several subjects and courses offered by the College and award diplomas certificates and other awards to students who reach the required standard in any subject or course including such degrees as are specified by Order of the Governor in Council under section 38 of the *Post-Secondary Education Act 1978*;

(h) grant scholarships on such terms and conditions as it thinks fit;

(i) purchase take on lease or in exchange or hire, and sell mortgage lease or dispose of any real or personal property (which power to sell mortgage lease or dispose of property may, in the case of any real property, be exercised only with the consent of the Post-Secondary Education Commission) and enter into agreements for the supply of services for the College;

(j) engage architects and other professional advisers, and enter into contracts, for the erection of buildings, the making of improvements or alterations, or the carrying out of repairs, on any land or buildings vested in or occupied or used by the College;

(k) borrow on overdraft of current account at any bank;

(l) invest any moneys of the College not immediately required for its purposes within the meaning of any law relating to trustees or, with the consent of the Post-Secondary Education Commission in other manner;

(m) accept gifts of real or personal property to the College;

(n) delegate, subject to such conditions as it thinks fit, any powers vested in the said Council to any member or committee of members of the Council, any officer or committee of officers of the College, any joint committee of members of the Council and officers of the College, or any committee whose membership includes persons other than members of Council or officers of the College provided that any such committee shall include amongst its members not less than two members of Council;

(o) do all such things as advance the interests of the staff and students of the College;

- (p) do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria which provides for the making of grants to educational institutions; and
- (q) do all such other things as are necessarily incidental to the proper management and control of the College or the effective exercise of the powers conferred on the Council.

Duties of Council

5. (1) It shall be the duty of the Council to invite tenders by publishing an advertisement in a newspaper circulating generally throughout the State for the supply of any goods or services or the carrying out of any work the cost of which is estimated by the Council to exceed \$5000.

(2) This clause shall not apply to the engagement of architects consultants and professional advisers whose charges are normally made at rates fixed and published by statutory bodies or professional associates.

Use of Land Buildings and Equipment by Council

6. The Council may use the land buildings and equipment vested in or under the management and control of the Minister of Education which when this Order takes effect constitute or are contained in the premises of the College, and any buildings or equipment subsequently erected or placed on or in the said land or buildings.

7. Notwithstanding anything to the contrary in this Order:

- (a) a person who immediately prior to the making of this Order was a member of the council of the State College of Victoria at Frankston as constituted under section 29A of the *Education Act 1958* (in this clause called "the previous College") shall, on the making of this Order—
 - (i) cease to be a member of the council of the previous College;
 - (ii) without necessity for any election be a member of the council of the State College of Victoria at Frankston as constituted by virtue of this Order under section 23 of the *Post-Secondary Education Act 1978* (in this clause called "the present College");
 - (iii) be entitled to hold office as a member of council of the present College in the same capacity that he was a member of council of the previous College for the period that he would have been entitled to hold office as a member of that council if he had not ceased to be a member;
- (b) a person who immediately prior to the making of this Order was employed by the council of the previous College shall, on the making of this Order, be transferred to and be entitled to continue as a person employed by the council of the present College in the same position that he held and with the same terms, conditions and remuneration that existed under the council of the previous College;
- (c) the educational programmes of the council of the previous College which existed immediately prior to the making of this Order shall, on the making of this Order, be and continue as the educational programmes of the council of the present College, and the students of the previous College shall without necessity of any further enrolment be and continue in the same capacity as students of the present College;
- (d) the rights, assets, liabilities and obligations of the council of the previous College immediately prior to the making of this Order, become the rights, assets, liabilities and obligations of the council of the present College.

And the Honourable Alan John Hunt, Her Majesty's Minister of Education for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

EDUCATION ACT 1958

At the Executive Council Chamber, Melbourne, the twenty-second day of December, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Jona | Mr Granter

AMENDMENT TO THE CONSTITUTION OF THE COUNCIL OF THE CAULFIELD INSTITUTE OF TECHNOLOGY

Whereas the Governor in Council by an Order pursuant to section 29A (1) of the *Education Act 1958* published in the *Government Gazette* on 25 September 1968 constituted a council to manage and control the Caulfield Institute of Technology.

And whereas section 29A (5) of the *Education Act 1958* provides that the Governor in Council may, on the recommendation of the Minister of Education made after consulting the council of the institution concerned, by any subsequent Order amend or vary provisions of a previous Order with respect to any matter or thing that is authorized to be done under section 29A (1) (b), (c), (d), (e) or (f) of that Act.

And whereas the Minister has consulted with the Council of the Caulfield Institute of Technology.

Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof, and on the recommendation of the Minister of Education made after consultation with the Council as aforesaid doth hereby order and direct that the following clauses be deleted from the constitution of the Council of the said Institute of Technology:

Clause 2 sub-sections (3), (4), (5), (10), Clauses 3, 4, 5 and 6.

And the Honourable Alan John Hunt, Her Majesty's Minister of Education for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

EDUCATION ACT 1958

At the Executive Council Chamber, Melbourne, the twenty-second day of December, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Jona | Mr Granter

AMENDMENT TO THE CONSTITUTION OF THE COUNCIL OF THE STATE COLLEGE OF VICTORIA AT FRANKSTON

Whereas the Governor in Council by an Order pursuant to section 29A (1) of the *Education Act 1958* published in the *Government Gazette* on 1 August 1973 constituted a council to manage and control the State College of Victoria at Frankston.

And whereas section 29A (5) of the *Education Act 1958* provides that the Governor in Council may, on the recommendation of the Minister of Education made after consulting the council of the institution concerned, by any subsequent Order amend or vary provisions of a previous Order with respect to any matter or thing that is authorized to be done under section 29A (1) (b), (c), (d) (e) or (f) of that Act.

And whereas the Minister has consulted with the council of the State College of Victoria at Frankston.

Now therefore His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof, and on the recommendation of the Minister of

Clause 2 sub-sections (3), (4), (5), (8), (9), Clauses 3, 4, 5 and 6.

And the Honourable Alan John Hunt, Her Majesty's Minister of Education for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

At the Executive Council Chamber, Melbourne, the
twenty-second day of December, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Jona	Mr Granter
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REASONABLE COSTS OF BURIAL OR CREMATION
UNDER SECTION 30 (3)

In pursuance of the powers conferred by section 30 (3) of the *Motor Accidents Act 1973*, and all other powers him thereunto enabling, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, doth hereby fix, for the purposes of the said section 30, as from 23 December 1981, an amount of \$1250 as the amount which the reasonable costs of burial or cremation of a person who dies as a result of an accident shall not exceed.

And the Honourable James Halford Ramsay, Her Majesty's Minister of Labour and Industry for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council





[4281]

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Victoria Government Gazette

No. 125—Wednesday, 23 December 1981

Country Fire Authority Act 1958

DECLARATION OF A FIRE DANGER PERIOD

In pursuance of the powers conferred by section 4 of the *Country Fire Authority Act 1958*, I, Frederick James Granter, Minister for Police and Emergency Services after consultation with the Minister of Forests hereby declare the following period to be the fire danger period in the municipalities or parts of municipalities specified:

From 25 December 1981, to 30 April 1982, throughout the Shire of Narracan, and part of the Shire of Woorayl (the area south of the Bass Highway, Lower Tarwin Road and Walkerville-Fish Creek Road).

From 1 January 1982, to 30 April 1982, throughout the Shire of South Gippsland, and part of the Shire of Woorayl (the area north of the Bass Highway, Lower Tarwin Road and Walkerville-Fish Creek Road).

From 10 January 1982, to 30 April 1982, throughout the Shires of Korumburra, Warragul, Buln Buln and Mirboo.

F. J. GRANTER
Minister for Police and Emergency Services
Ministry for Police and Emergency Services
Melbourne, 23 December 1981

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Victoria Government Gazette

No. 126—Thursday, 31 December 1981

ACTS OF PARLIAMENT

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

I, the Governor of the State of Victoria, in the Commonwealth of Australia, do hereby declare that I have this day assented, in Her Majesty's name, to the Bills passed by the Parliament of the said State, the titles whereof are hereunder set forth, together with the short titles, that is to say:

No. 9658. "An Act to constitute The Geelong Harbor Trust Commissioners into the Port of Geelong Authority, to amend the *Geelong Harbor Trust Act 1958*, the *Geelong Waterworks and Sewerage Act 1958*, the *Grain Elevators Act 1958*, the *Grain Handling Improvement Authorities Act 1979*, the *Local Government Act 1958*, the *Marine Act 1958*, the *Navigable Waters (Oil Pollution) Act 1960*, the *Port Phillip Authority Act 1966* and the *Road Traffic Act 1958* and for other purposes." (*Port of Geelong Authority Act 1981*.)

No. 9659. "An Act to amend the *Health Act 1958* to establish a Consultative Council on Maternal and Perinatal Mortality and Morbidity and for other purposes." (*Health (Consultative Council on Maternal and Perinatal Mortality and Morbidity) Act 1981*.)

No. 9660. "An Act to amend the *Cemeteries Act 1958* and for other purposes." (*Cemeteries (Guarantees) Act 1981*.)

No. 9661. "An Act to amend the *Educational Grants Act 1973*." (*Educational Grants (Continuation) Act 1981*.)

No. 9662. "An Act to amend the *Stamps Act 1958* and for other purposes." (*Stamps (Further Amendment) Act 1981*.)

No. 9663. "An Act to amend the *Building Industry Long Service Leave Act 1975* and for other purposes." (*Building Industry Long Service Leave (Amendment) Act 1981*.)

No. 9664. "An Act to amend the *Hospitals Superannuation Act 1965* and the *Hospitals Superannuation (Amendment) Act 1980* and for other purposes." (*Hospitals Superannuation (General Amendment) Act 1981*.)

No. 9665. "An Act to amend the *Railways Act 1958* to enable the Victorian Railways Board to borrow moneys, to make a consequential amendment to the *Public Account Act 1958* and for other purposes." (*Railways (Borrowing Powers) Act 1981*.)

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord One thousand nine hundred and eighty-one, and in the thirtieth year of the reign of Her Majesty Queen Elizabeth II.

(L.S.)

HENRY WINNEKE

By His Excellency's Command

L. H. S. THOMPSON
Premier

GOD SAVE THE QUEEN !

NOTE—No. 9658. This Act shall come into operation on the day on which it receives the Royal Assent.

No. 9659. This Act shall come into operation on a day to be fixed by Proclamation.

No. 9660. This Act shall come into operation on the day on which it receives the Royal Assent.

No. 9661. This Act shall come into operation on 1 January 1982.

No. 9662. Except as otherwise expressly provided in this Act this Act comes into operation on 1 January 1982.

No. 9663. Except as provided by this Act this Act shall come into operation on the day on which it receives the Royal Assent.

No. 9664. This Act shall come into operation on a day to be fixed by Proclamation.

No. 9665. This Act shall come into operation on the day on which it receives the Royal Assent.

ACTS OF PARLIAMENT

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

I, the Governor of the State of Victoria, in the Commonwealth of Australia, do hereby declare that I have this day assented, in Her Majesty's name, to the Bills passed by the Parliament of the said State, the titles whereof are hereunder set forth, together with the short titles, that is to say:

No. 9666. "An Act to amend the *Abattoir and Meat Inspection Act 1973* and the *Health Act 1958* and for other purposes." (*Meat Control Act 1981*.)

No. 9667. "An Act to consolidate and amend the law with respect to the Preservation of Buildings, Works and Objects of historic or architectural importance, to amend the *Town and Country Planning Act 1961* and the *Local Government Act 1958*, and for other purposes." (*Historic Buildings Act 1981*.)

No. 9668. "An Act relating to the provision of credit and the regulation of contracts providing credit and of matters connected with the provision of credit, to make provision for the licensing of certain persons and for other matters, to repeal the *Money Lenders Act 1958*, to amend the *Hire-Purchase Act 1959*, to amend certain other Acts and for other purposes." (*Credit Act 1981*.)

No. 9669. "An Act to enable the Recovery of Loss or Damage arising out of the Breach of certain Contracts and for other purposes." (*Wrongs (Public Contracts) Act 1981*.)

No. 9670. "An Act to amend the *Medical Practitioners Act 1970* and for other purposes." (*Medical Practitioners (Amendment) Act 1981*.)

No. 9671. "An Act to amend the *Racing Act 1958* and the *Lotteries Gaming and Betting Act 1966*, in relation to Greyhound Racing and for other purposes." (*Racing (Amendment) Act 1981*.)

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord One thousand nine hundred and eighty-one, and in the thirtieth year of the reign of Her Majesty Queen Elizabeth II.

(L.S.)

HENRY WINNEKE

By His Excellency's Command

L. H. S. THOMPSON
Premier

GOD SAVE THE QUEEN !

NOTE—No. 9666. The several provisions of this Act shall come into operation on a day or the respective days to be fixed by Proclamation or successive Proclamations.

No. 9667. The several provisions of this Act except sections 20 and 60 shall come into operation on a day or on the respective days to be fixed by Proclamation or successive Proclamations.

No. 9668. The several provisions of this Act shall come into operation on day or on the respective days to be fixed by Proclamation or successive Proclamations.

No. 9669. This Act shall come into operation on the day upon which it receives the Royal Assent.

No. 9670. This Act shall come into operation on the day on which it receives the Royal Assent.

No. 9671. This Act shall come into operation on a day or the respective days to be fixed by Proclamation or successive Proclamations.

ACTS OF PARLIAMENT

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

I, the Governor of the State of Victoria in the Commonwealth of Australia, do hereby declare that I have this day assented, in Her Majesty's name, to the Bills passed by the Parliament of the said State, the titles whereof are hereunder set forth, together with the short titles, that is to say:

No. 9672. "An Act to repeal the *Married Women's Superannuation Fund Act 1968*, to amend the *Superannuation Act 1958*, the *Police Regulation Act 1958*, the *Superannuation Benefits Act 1977*, the *Superannuation Act 1975* and the *Pensions Supplementation Act 1966*, to make Provision for the Payment of Superannuation Benefits to Married Women and to Part-time Officers and Employees of the Public Service and for other purposes." (*Superannuation (Lump Sum Benefits) Act 1958*.)

No. 9673. "An Act to provide for the Constitution of a Victoria State Emergency Service, to prescribe the Functions thereof, to provide for the Payment of Compensation to Members thereof injured in the Performance of Activities as such and to certain other Persons, and for other purposes." (*Victoria State Emergency Service Act 1981*.)

No. 9674. "An Act to amend the *Business Franchise (Tobacco) Act 1974* and the *Business Franchise (Petroleum Products) Act 1979* and for other purposes." (*Business Franchise (Amendment) Act 1981*.)

No. 9675. "An Act to amend the *Motor Accidents Act 1973* and for other purposes." (*Motor Accidents (Amendment) Act 1981*.)

No. 9676. "An Act to re-enact and amend the Law relating to Dietitians and the Practice of Dietetics, and for other purposes." (*Dietitians Act 1981*.)

No. 9677. "An Act to amend further the *Industrial Training Act 1975* and for other purposes." (*Industrial Training (Further Amendment) Act 1981*.)

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord One thousand nine hundred and eighty-one, and in the thirtieth year of the reign of Her Majesty Queen Elizabeth II.

(L.S.)

HENRY WINNEKE

By His Excellency's Command

L. H. S. THOMPSON
Premier

GOD SAVE THE QUEEN !

NOTE—No. 9672—(2) This Act except paragraph (a) of section 25 (1), sections 27, 39 and 47 shall come into operation on a day to be fixed by Proclamation.

(3) Paragraph (a) of section 25 (1) and section 47 shall come into operation on the day on which section 4 of the *Education Service Act 1981* comes into operation.

(4) Section 27 shall be deemed to have come into operation on 1 July 1981.

(5) Section 39 shall be deemed to have come into operation on 1 November 1981.

No. 9673—This Act shall come into operation on a day or on the respective days to be fixed by Proclamation or successive Proclamations.

No. 9674—(2) The several provisions of this Act other than section 6 and sub-section (1) of section 13 shall come into operation on a day or the respective days to be fixed by Proclamation or successive Proclamations.

(3) Section 6 and sub-section (1) of section 13 shall be deemed to have come into operation on 18 November 1980.

No. 9675—(3) The several provisions of this Act except this section and section 33 shall come into operation on a day or on the respective days to be fixed by Proclamation or successive Proclamations.

(4) This section and section 33 shall come into operation on the day on which this Act receives the Royal Assent.

No. 9676—This Act shall come into operation on a day to be fixed by Proclamation.

No. 9677—This Act shall come into operation on the day on which it receives the Royal Assent.

ACTS OF PARLIAMENT

PROCLAMATION

By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

I, the Governor of the State of Victoria in the Commonwealth of Australia, do hereby declare that I have this day assented, in Her Majesty's name, to the Bills passed by the Parliament of the said State, the titles whereof are hereunder set forth, together with the short titles, that is to say:

No. 9678. "An Act to establish a Ministry of Employment and Training, to make provision with respect to the functions of the Ministry and for other purposes." (*Employment and Training Act 1981*.)

No. 9679. "An Act to amend the *Employment and Training Act 1981*, to provide for a rebate on payroll tax paid in respect of first-year apprentices and for other purposes." (*Employment and Training (Pay-roll Tax Rebates) Act 1981*.)

No. 9680. "An Act to amend Part III of the *Motor Car Act 1958* with respect to the Licensing of Drivers and for other purposes." (*Motor Car (Drivers' Licences) Act 1981*.)

Given under my Hand and the Seal of the State of Victoria aforesaid, at Melbourne, this twenty-second day of December, in the year of our Lord