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PROCLAMATIONS

PUBLIC HIGHWAY—CITY OF FRANKSTON

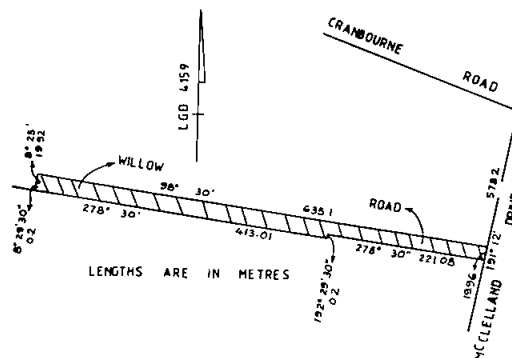
PROCLAMATION

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

Whereas by the *Local Government Act 1958*, section 519 it is amongst other things enacted that it shall be lawful for the Governor in Council at any time and from time to time upon the request of the council of any municipality by notice in the *Government Gazette* to proclaim any land reserved used or by purchase or exchange acquired for a street road highway thoroughfare bridge square court alley or right-of-way or any street road lane or passage made or laid out or proposed to be made or laid out on any land of which a plan of subdivision delineating that street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958* or a corresponding previous enactment to be a public highway and that such land shall thereupon and thenceforth from the date of such proclamation become and be absolutely dedicated to the public dedicated to the public as a public highway within the meaning of any law then or thereafter in force;

And whereas the Council of the City of Frankston has requested that the land hereinafter mentioned, being a street road lane or passage made or laid out or proposed to be made or laid out on land of which a plan of subdivision delineating such street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958*, or a corresponding previous enactment be so declared to be a public highway;

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 proclamation declare that Willow Road, Frankston as shown by hatching on the attached plan, shall be a public highway within the meaning of the said Act.



Given under my Hand and the Seal of the State of Victoria aforesaid at Melbourne this twenty-fifth day of January in the year of Our Lord One Thousand Nine Hundred and Eighty-four and in the thirty-second year of the reign of Her Majesty Queen Elizabeth the Second, Queen of Australia.

(L.S.)

B. S. MURRAY

By His Excellency's Command

F. N. WILKES

Minister for Local Government

GOD SAVE THE QUEEN!

Soil Conservation and Land Utilization Act 1958

Land Conservation Act 1970

BUCHAN RIVER (BUCHAN) WATER SUPPLY CATCHMENT

PROCLAMATION

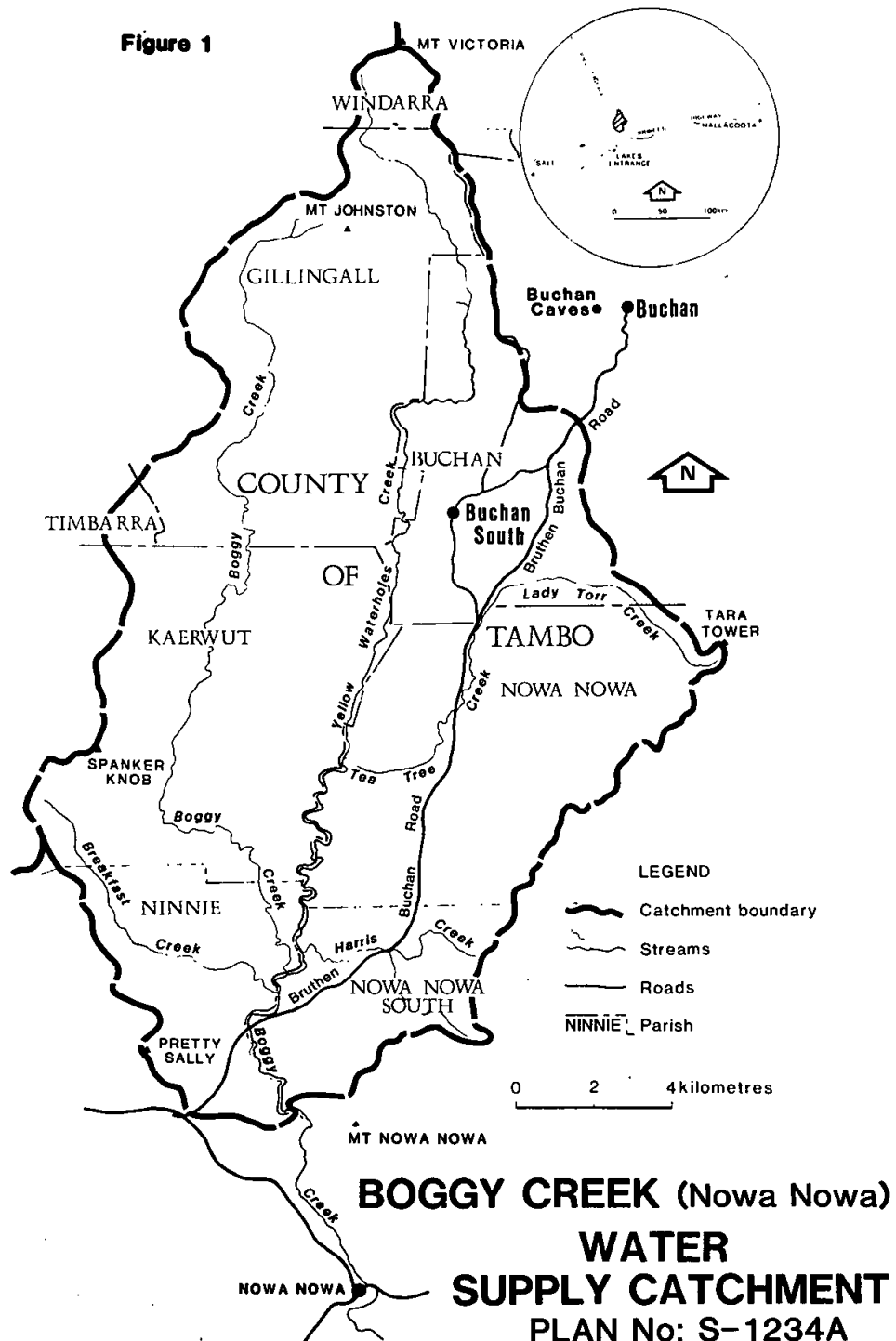
By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, etc., etc.

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 and having considered a recommendation of the Land Conservation Council in pursuance of the provisions contained in Section 22 (1) of the *Soil Conservation and Land Utilization Act 1958* (No. 6372) and Section 5 (1) (b) of the *Land Conservation Act 1970* (No. 8008) do by this Proclamation define the water supply catchment area to be known as the Buchan River (Buchan) Water Supply Catchment.

The area proclaimed is the catchment to an offlake on Buchan River controlled by the Buchan Waterworks Trust and adjacent to Crown Allotment 5a, Section B and Crown Allotment 3, Section C, Parish of Buchan.

The use of land within this catchment is subject to specification by notice or by determination made by the Soil Conservation Authority, acting under the provisions of Section 22 (2) and Section 23 (1), (a), (b) and (c) of the *Soil Conservation and Land Utilization Act 1958*, as amended.

The area described is indicated in Figure 1 (Plan No. S-1235A), the original of which is lodged at Head Office of the Soil Conservation Authority, 378 Cotham Road, Kew, 3101.



Given under my Hand and the Seal of the State of Victoria aforesaid at Melbourne this twenty-fifth day of January in the Year of Our Lord One Thousand, Nine Hundred and Eighty-four and in the Thirty-second Year of the Reign of Her Majesty Queen Elizabeth II.

(L.S.)

By His Excellency's Command

B. S. MURRAY

EVAN WALKER
Minister for Planning and Environment

GOD SAVE THE QUEEN!

**PUBLIC HIGHWAY—CITY OF DONCASTER &
TEMPLESTOWE**

PROCLAMATION

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

Whereas by the *Local Government Act 1958*, section 519 it is amongst other things enacted that it shall be lawful for the Governor in Council at any time and from time to time upon the request of the council of any municipality by notice in the *Government Gazette* to proclaim any land reserved used or by purchase or exchange acquired for a street road highway thoroughfare bridge square court alley or right-of-way or any street road lane or passage made or laid out or proposed to be made or laid out on any land of which a plan of subdivision delineating that street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958* or a corresponding previous enactment to be a public highway and that such land shall thereupon and thenceforth from the date of such proclamation become and be absolutely dedicated to the public as a public highway within the meaning of any law then or thereafter in force;

And whereas the Council of the City of Doncaster & Templestowe has requested that the land hereinafter mentioned, being a street

road lane or passage made or laid out or proposed to be made or laid out on land of which a plan of subdivision delineating such street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958*, or a corresponding previous enactment be so declared to be a public highway;

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 proclamation declare that Chivers Road coloured brown on Plan of Subdivision No's 8024 and 67082, shall be a public highway within the meaning of the said Act.

Given under my Hand and the Seal of the State of Victoria aforesaid at Melbourne this twenty-fifth day of January in the year of Our Lord One Thousand Nine Hundred and Eighty-four and in the thirty-second year of the reign of Her Majesty Queen Elizabeth the Second, Queen of Australia.

(L.S.)

B. S. MURRAY

By His Excellency's Command

F. N. WILKES
Minister for Local Government

GOD SAVE THE QUEEN!

Soil Conservation and Land Utilization Act 1958

Land Conservation Act 1970

TAMBO RIVER WATER SUPPLY CATCHMENT

PROCLAMATION

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

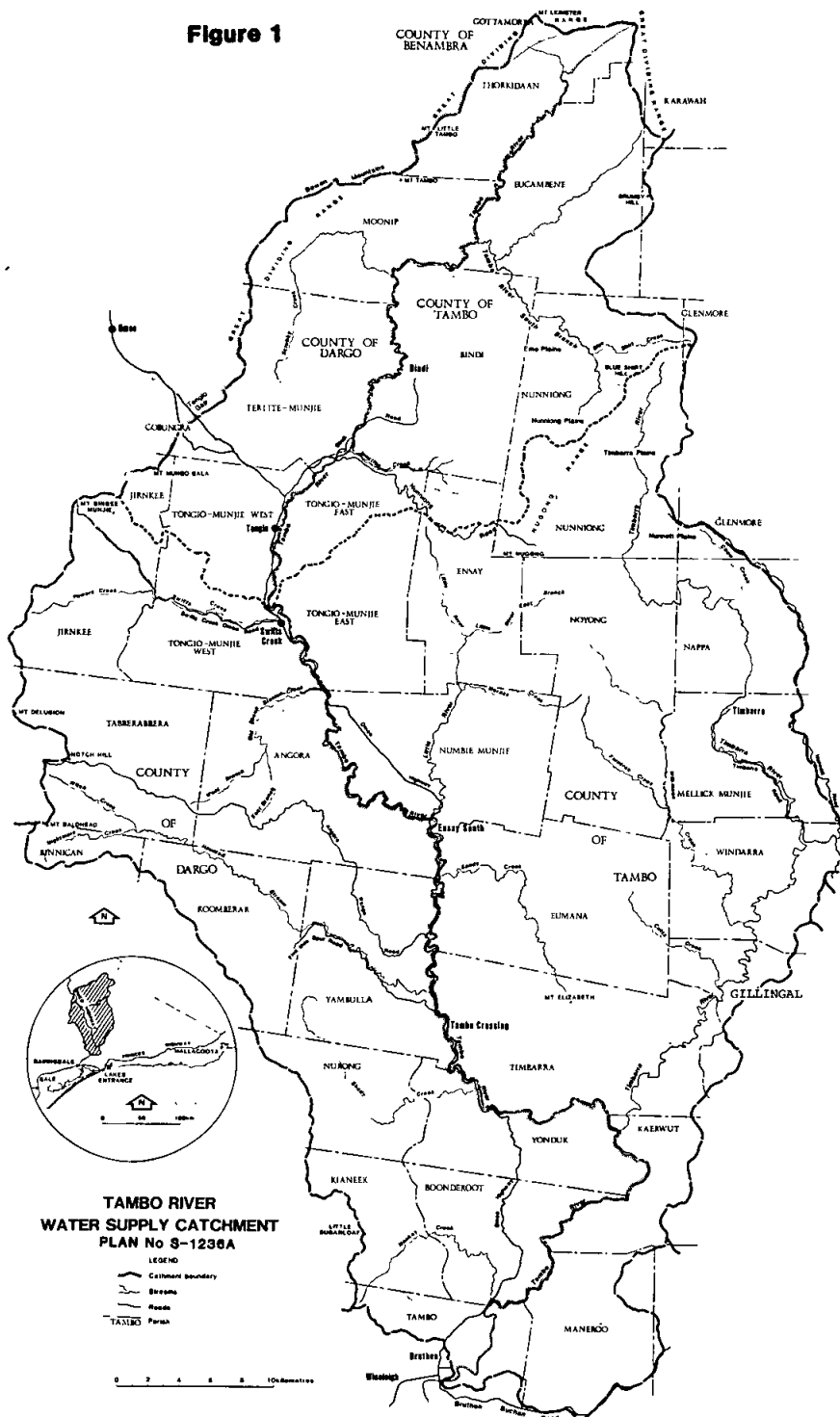
I, the Governor of the State of Victoria in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State and having considered a recommendation of the Land Conservation Council in pursuance of the provisions contained in Section 22 (1) of the *Soil Conservation and Land Utilization Act 1958* (No. 6372) and Section 5 (1) (b) of the *Land Conservation Act 1970* (No. 8008) do by this Proclamation define the water supply catchment area to be known as the Tambo River Water Supply Catchment.

The area proclaimed is the catchment to a diversion point within the Tambo River controlled by the Bruthen Waterworks Trust and adjacent to Crown Allotment 20, No Section, Parish of Tambo.

The use of land within this catchment is subject to specification by notice or by determination made by the Soil Conservation Authority, acting under the provisions of Section 22 (2) and Section 23 (1), (a), (b) and (c) of the *Soil Conservation and Land Utilization Act 1958*, as amended.

The area described is indicated in Figure 1 (Plan No. S-1236A), the original of which is lodged at Head Office of the Soil Conservation Authority, 378 Cotham Road, Kew, 3101.

Figure 1



Given under my Hand and the Seal of the State of Victoria aforesaid at Melbourne this twenty-fifth day of January in the Year of Our Lord One Thousand, Nine Hundred and Eighty-four and in the Thirty-second Year of the Reign of Her Majesty Queen Elizabeth II.

(L.S.)

By His Excellency's Command

B. S. MURRAY

EVAN WALKER
Minister for Planning and Environment

GOD SAVE THE QUEEN!

PUBLIC HIGHWAY—SHIRE OF AVON

PROCLAMATION

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

Whereas by the *Local Government Act 1958*, section 519 it is amongst other things enacted that it shall be lawful for the Governor in Council at any time and from time to time upon the request of the council of any municipality by notice in the *Government Gazette* to proclaim any land reserved used or by purchase or exchange acquired for a street road highway thoroughfare bridge square court alley or right-of-way or any street road lane or passage made or laid out or proposed to be made or laid out on any land of which a plan of subdivision delineating that street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958* or a corresponding previous enactment to be a public highway and that such land shall thereupon and thenceforth from the date of such proclamation become and be absolutely dedicated to the public as a public highway within the meaning of any law then or thereafter in force;

And whereas the Council of the Shire of Avon has requested that the land hereinafter mentioned, being streets roads lanes or passages made or laid out or proposed to be made or laid out on

land of which plans of subdivision delineating such streets roads lanes or passages have been sealed with the seal of the municipality under subdivision (3) of division 9 of Part XIX of the *Local Government Act 1958*, or a corresponding previous enactment be so declared to be public highways:

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 proclamation declare that Mountainview Drive and Staddon Court, Stratford coloured brown on Plan of Subdivision No. 118609 lodged in the Office of Titles shall be public highways within the meaning of the said Act.

Given under My Hand and the Seal of the State of Victoria aforesaid at Melbourne this twenty-fifth day of January in the year of Our Lord One Thousand Nine Hundred and Eighty-four and in the Thirty-second year of the reign of Her Majesty Queen Elizabeth the Second Queen of Australia.

(L.S.)

B. S. MURRAY

By His Excellency's Command

F. N. WILKES
Minister for Local Government

GOD SAVE THE QUEEN!

Soil Conservation and Land Utilization Act 1958

Land Conservation Act 1970

BOGGY CREEK (NOWA NOWA) WATER SUPPLY CATCHMENT

PROCLAMATION

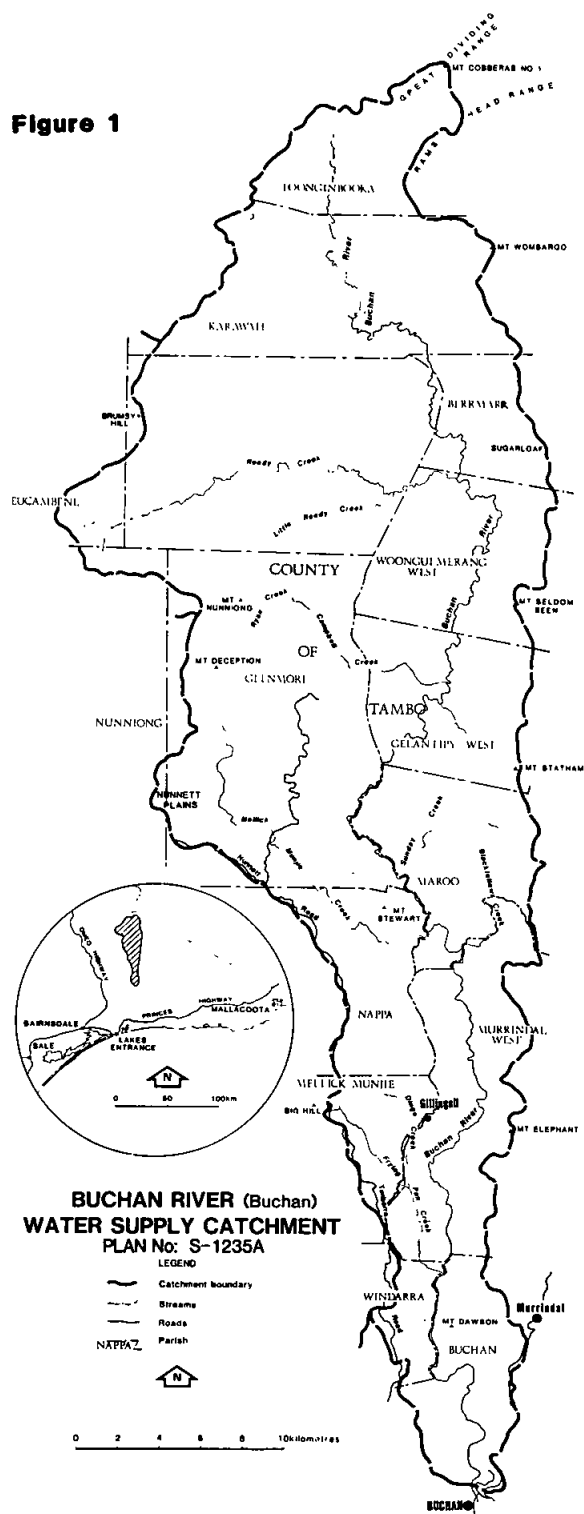
By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, etc., etc.

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 and having considered a recommendation of the Land Conservation Council in pursuance of the provisions contained in Section 22 (1) of the *Soil Conservation and Land Utilization Act 1958* (No. 6372) and Section 5 (1) (b) of the *Land Conservation Act 1970* (No. 8008) do by this Proclamation define the water supply catchment area to be known as the Boggy Creek (Nowa Nowa) Water Supply Catchment.

The area proclaimed is the catchment to an offtake on Boggy Creek controlled by the Lakes Entrance Waterworks Trust within the Parish of Nowa Nowa South and within Reserved Forest 4 km north of the Township of Nowa Nowa.

The use of land within this catchment is subject to specification by notice or by determination made by the Soil Conservation Authority, acting under the provisions of Section 22 (2) and Section 23 (1), (a), (b) and (c) of the *Soil Conservation and Land Utilization Act 1958*, as amended.

The area described is indicated in Figure 1 (Plan No. S-1234A), the original of which is lodged at Head Office of the Soil Conservation Authority, 378 Cotham Road, Kew, 3101.

Figure 1

By His Excellency's Command

GOD SAVE THE QUEEN!

By His Excellency's Command

F. N. WILKES
Minister for Local Government

GOD SAVE THE QUEEN!

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 proclamation declare that Smiths Road, Templestowe being the road shown by hatching on the attached plan, shall be a public highway within the meaning of the said Act.

Given under My Hand and the Seal of the State of Victoria
aforesaid at Melbourne this twenty-fifth day of January in the
year of Our Lord One Thousand Nine Hundred and Eighty-
four and in the Thirty-second year of the reign of Her Majesty
Queen Elizabeth the Second, Queen of Australia.

(L.S.)

B. S. MURRAY

By His Excellency's Command

F. N. WILKES
Minister for Local Government

GOD SAVE THE QUEEN!

PUBLIC HIGHWAY—CITY OF CROYDON

PROCLAMATION

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

Whereas by the *Local Government Act 1958*, section 519 it is amongst other things enacted that it shall be lawful for the Governor in Council at any time and from time to time upon the request of the council of any municipality by notice in the *Government Gazette* to proclaim any land reserved used or by purchase or exchange acquired for a street road highway thoroughfare bridge square court alley or right-of-way or any street road lane or passage made or laid out or proposed to be made or laid out on any land of which a plan of subdivision delineating that street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958* or a corresponding previous enactment to be a public highway and that such land shall thereupon and thenceforth from the date of such proclamation become and be absolutely dedicated to the public as a public highway within the meaning of any law then or thereafter in force:

And whereas the Council of the City of Croydon has requested that the land hereinafter mentioned, being a street road lane or passage made or laid out or proposed to be made or laid out on land of which a plan of subdivision delineating such street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act* 1958, or a corresponding previous enactment be so declared to be a public highway;

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 proclamation declare that Arkarra Court, Croydon coloured brown on Plan of Subdivision No. 115565 lodged in the Office of Titles shall be a public highway within the meaning of the said Act.

Given under My Hand and the Seal of the State of Victoria
aforesaid at Melbourne this twenty-fifth day of January in the
year of Our Lord One Thousand Nine Hundred and Eighty-
four and in the Thirty-second year of the reign of Her Majesty
Queen Elizabeth the Second, Queen of Australia.

(L.S.)

B. S. MURRAY

By His Excellency's Command

F. N. WILKES
Minister for Local Government

GOD SAVE THE QUEEN!

PUBLIC HIGHWAY—SHIRE OF FLINDERS

PROCLAMATION

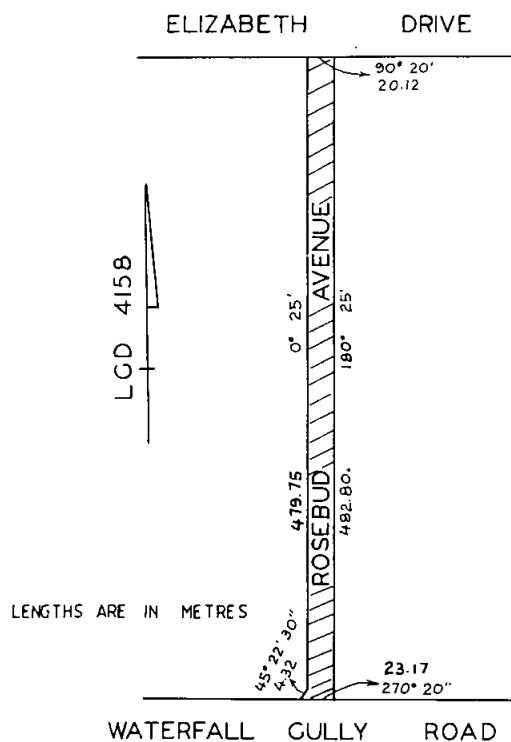
By His Excellency the Governor of the State of Victoria and its Dependencies in the Commonwealth of Australia, &c., &c., &c.

Whereas by the *Local Government Act* 1958, section 519 it is amongst other things enacted that it shall be lawful for the Governor in Council at any time and from time to time upon the request of the council of any municipality by notice in the *Government Gazette* to proclaim any land reserved used or by purchase or exchange acquired for a street road highway thoroughfare bridge square court alley or right-of-way or any street road lane or passage made or laid out or proposed to be made or laid out on any land of which a plan of subdivision delineating that street road lane or passage has been

sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958* or a corresponding previous enactment to be a public highway and that such land shall thereupon and thenceforth from the date of such proclamation become and be absolutely dedicated to the public as a public highway within the meaning of any law then or thereafter in force;

And whereas the Council of the Shire of Flinders has requested that the land hereinafter mentioned, being a street road lane or passage made or laid out or proposed to be made or laid out on land of which a plan of subdivision delineating such street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958*, or a corresponding previous enactment be so declared to be a public highway;

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 proclamation declare that Rosebud Avenue, Rosebud, shown by hatching on the attached plan shall be a public highway within the meaning of the said Act.



Given under my Hand and the Seal of the State of Victoria aforesaid at Melbourne this twenty-fifth day of January in the year of Our Lord One Thousand Nine Hundred and Eighty-four and in the thirty-second year of the reign of Her Majesty Queen Elizabeth the Second, Queen of Australia.

(L.S.)

B. S. MURRAY

By His Excellency's Command

F. N. WILKES

Minister for Local Government

GOD SAVE THE QUEEN!

Land Act 1958
ROAD PROCLAIMED

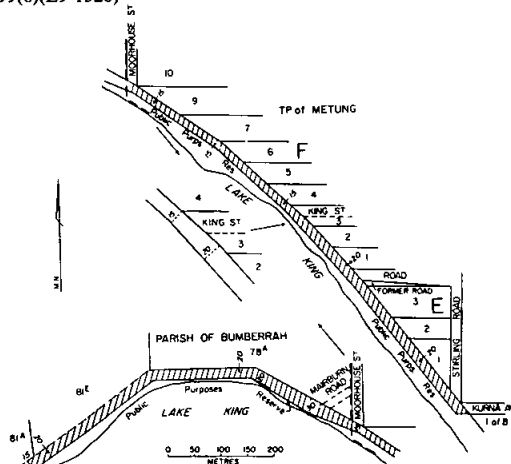
PROCLAMATION

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, by and with the advice of the Executive Council of the said State, pursuant to the provisions of section 25(3) (c) of the *Land Act 1958*, do hereby proclaim as road the Crown land hereinafter described, viz:

Municipal District of the Shire of Tambo —

Township of Metung and Parish of Bumberrah, being the land indicated by hatching on plan hereunder — (M515(3) (B99(6)(L9-1520)



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

(L.S.)

BRIAN MURRAY

By His Excellency's Command

R.A. MACKENZIE

Minister for Conservation, Forests and Lands

GOD SAVE THE QUEEN!

Land Act 1958
ROAD PROCLAIMED

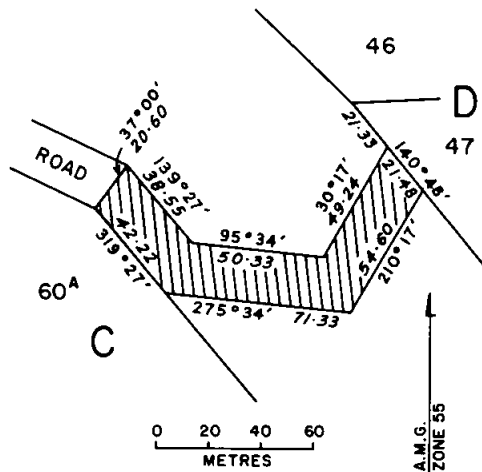
PROCLAMATION

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, by and with the advice of the Executive Council of the said State, pursuant to the provisions of section 25(3)(c) of the *Land Act 1958*, do hereby proclaim as road the Crown land hereinafter described, viz:

Municipal District of the Shire of Eltham —

Parish of Queenstown, being the land indicated by hatching on plan hereunder — (Parish 3437-1) (L11-2763)



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

(L.S.)

BRIAN MURRAY

By His Excellency's Command

R.A. MACKENZIE

Minister for Conservation, Forests and Lands

GOD SAVE THE QUEEN!

PUBLIC HIGHWAY—SHIRE OF AVON

PROCLAMATION

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

Whereas by the *Local Government Act 1958*, section 519 it is amongst other things enacted that it shall be lawful for the Governor in Council at any time and from time to time upon the request of the council of any municipality by notice in the *Government Gazette* to proclaim any land reserved used or by purchase or exchange acquired for a street road highway thoroughfare bridge square court alley or right-of-way or any street road lane or passage made or laid out or proposed to be made or laid out on any land of which a plan of subdivision delineating that street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958* or a corresponding previous enactment to be a public highway and that such land shall thereupon and thenceforth from the date of such proclamation become and be absolutely dedicated to the public as a public highway within the meaning of any law then or thereafter in force;

And whereas the Council of the Shire of Avon has requested that the land hereinafter mentioned, being a street road lane or passage made or laid out or proposed to be made or laid out on land of which a plan of subdivision delineating such street road lane or passage has been sealed with the seal of the municipality under subdivision (3) of Division 9 of Part XIX of the *Local Government Act 1958*, or a corresponding previous enactment be so declared to be a public highway;

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 proclamation declare that Heath Road coloured brown on Plan of Subdivision No. 128365 lodged in the Office of Titles shall be a public highway within the meaning of the said Act.

Given under My Hand and the Seal of the State of Victoria aforesaid at Melbourne this twenty-fifth day of January in the year of Our Lord One Thousand Nine Hundred and Eighty-four and in the Thirty-second year of the reign of Her Majesty Queen Elizabeth the Second, Queen of Australia.

(L.S.)

B. S. MURRAY

By His Excellency's Command

F. N. WILKES

Minister for Local Government

GOD SAVE THE QUEEN!

GOVERNMENT NOTICES

Town and Country Planning Act 1961

GEELONG REGIONAL PLANNING SCHEME

Revocation No. 2

Notice of Revocation

Notice of Order Under Section 32(5)

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, revoked in part the abovementioned scheme in respect of land at the corner of Grubb and Queenscliff Road, Wallington, Shire of Bellarine, and more particularly described as Lot 1, Lodged Plan of Subdivision 121950, Parish of Bellarine, and made an order pursuant to Section 32(5).

A copy of the orders relating to the revocation may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the responsible authority, Geelong Regional Commission, State Government Offices, Cnr Little Malop and Fenwick Streets, Geelong.

DAVID YENCKEN

Secretary for Planning and Environment

Town and Country Planning Act 1961

SHIRE OF LILLYDALE PLANNING SCHEME

Revocation No. 51

Notice of Revocation

Notice of Order Under Section 32(5)

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, revoked in part the above mentioned scheme in respect of No 45 (Lot 5, LP 74253) Manchester Road, Mooroolbark, and made an order pursuant to Section 32(5).

A copy of the orders relating to the revocation may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Shire of Lillydale, Shire Offices, Anderson Street, Lillydale.

DAVID YENCKEN

Secretary for Planning and Environment

Town and Country Planning Act 1961

MELBOURNE METROPOLITAN PLANNING SCHEME

Revocation No. 25

Notice of Revocation

Notice of Order Under Section 32(5)

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25

January 1984, revoked in part the abovementioned scheme in respect of Lot 43 on Lodged Plan No. 11287, Antoinette Boulevard, Eltham, and made an order pursuant to Section 32(5).

A copy of the orders relating to the revocation may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Melbourne and Metropolitan Board of Works, 625 Little Collins Street, Melbourne.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

MELBOURNE METROPOLITAN PLANNING SCHEME

Revocation No. 26

Notice of Revocation

Notice of Order Under Section 32(5)

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, revoked in part the above mentioned scheme in respect of Lot 16, L.P. 13105, Victory Road, Langwarrin and made an order pursuant to Section 32(5).

A copy of the order relating to the revocation may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Melbourne and Metropolitan Board of Works, 625 Little Collins Street, Melbourne.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

CITY OF FRANKSTON PLANNING SCHEME

Amendment No. 34A

Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect of the municipal district of the City of Frankston and for which the Council of the City of Frankston is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment includes a correction to the coloured map notation of the City of Frankston Planning Scheme, Amendment No. 34.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Frankston, Civic Centre, Davey Street, Frankston.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

SHIRE OF COBRAM PLANNING SCHEME 1979

Amendment No. 10

Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect

of the municipal district of the Shire of Cobram and for which the Council of the Shire of Cobram is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment includes an ordinance change to enable the construction of a temporary advertising sign for the identification of the proposed RACV holiday centre at Cobram.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the Shire of Cobram in Cobram.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

SHIRE OF BUNINYONG PLANNING SCHEME
INTERIM DEVELOPMENT ORDER

Amendment No. 6

Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned order in respect of the municipal district of the Shire of Buninyong and for which the Shire of Buninyong is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment corrects minor errors in the Ordinance.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the Shire of Buninyong, Shire Offices, Buninyong.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

SHIRE OF BALLARAT PLANNING SCHEME

Interim Development Order

Amendment No. 5

Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned order in respect of the municipal district of the Shire of Ballarat and for which the Shire of Ballarat is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment corrects misspelt words, etc, in the Ordinance.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the Shire of Ballarat, Shire Offices, Gillies Street, Wendouree.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
CITY OF BALLAARAT PLANNING SCHEME
Amendment No. 71

Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect of the municipal district of the City of Ballaarat and for which the City of Ballaarat is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment rezones land fronting Wilson Street from forest zone to existing public purposes reserve—10 (water supply and sewerage).

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the City of Ballaarat, Town Hall, Ballarat.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
SHIRE OF WOORAYL PLANNING SCHEME
Amendment No. 59
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the Shire of Woorayl and for which the Council of the Shire of Woorayl is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes firstly, a reservation of land being part of Crown Allotments 107 and 108, Parish of Leongatha and situated to the west of Inverloch — Wonthaggi Road between Andersons Road and Gibson Streets, Leongatha as "proposed public purposes reserve 16 — Leongatha Sewerage Authority" and secondly, an Ordinance provision requiring a 20 metre wide right of way to be established along the Andersons Road boundary of the land.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the Shire of Woorayl, 9 Smith Street, Leongatha.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
CITY OF MELBOURNE (CENTRAL CITY)
INTERIM DEVELOPMENT ORDER

Amendment No. 16

Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned order in respect of 16-20 Flinders Lane, Melbourne and for which the Minister for Planning and Environment is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment includes permission for the use and development of the land and the conditions and qualifications relating to that permission.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
RURAL CITY OF WODONGA
INTERIM DEVELOPMENT ORDER 1979

Amendment No. 9

Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned order in respect of the land described as Crown Allotments 1 and 14, Section 11, Parish of Belvoir West and fronting Huon Creek Road in the municipal area of the Rural City of Wodonga and for which the Council of the Rural City of Wodonga is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment varies the provisions in relation to the above land to allow subdivision and erection of an additional house on the land.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and Astra House, Jack Hore Place, Wodonga and at the office of the Council of the Rural City of Wodonga, City Offices, Hovell Street, Wodonga.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
SHIRE OF LILLYDALE PLANNING SCHEME
Amendment No. 125, Part 2, 1980

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the Shire of Lillydale and for which the Shire of Lillydale is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the introduction of the following zones in the areas of Mooroolbark and Kilsyth, being:

Residential (Rural A) Zone and the Special Uses 2 Zone — Golf Course.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the responsible authority, the Shire of Lillydale, Anderson Street, Lillydale.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
MELBOURNE METROPOLITAN PLANNING SCHEME
 Amendment No. 286
 Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect of the municipal district of the Shires of Melton and Werribee and for which the Melbourne and Metropolitan Board of Works is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment involves the reservation of the sites for the proposed Sydenham and Truganina Terminal Stations to Existing Public Purposes 13 and the inclusion of the existing Truganina Terminal Station site in a General Farming A Zone.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the responsible authority, the Melbourne and Metropolitan Board of Works, 625 Little Collins Street, Melbourne.

DAVID YENCKEN
 Secretary for Planning and Environment

Town and Country Planning Act 1961
SHIRE OF CRANBOURNE (WESTERN PORT)
PLANNING SCHEME

Revocation No. 5
 Notice of Revocation

Notice of Order Under Section 32(5)

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, revoked in part the abovementioned scheme in respect of land covered by L.P. 3250 at Lang Lang and within the General Farming B Zone and made an order pursuant to Section 32(5).

A copy of the order relating to the revocation may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Shire of Cranbourne, Sladen Street, Cranbourne.

DAVID YENCKEN
 Secretary for Planning and Environment

Town and Country Planning Act 1961
SHIRE OF MORNINGTON PLANNING SCHEME 1959

Amendment No. 164
 Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect of the municipal district of the Shire of Mornington and for which the Council of the Shire of Mornington is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment includes a proposed road widening of approximately 20 metres of the Moorooduc Road reservation from Two Bays Road to a point at approximately 900 metres south of Bungower Road.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Shire of Mornington, Queen Street, Mornington.

DAVID YENCKEN
 Secretary for Planning and Environment

Town and Country Planning Act 1961
SHIRE OF LEIGH PLANNING SCHEME
INTERIM DEVELOPMENT ORDER

Notice of Amendment
 Amendment No. 3

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned order in respect of the municipal district of the Shire of Leigh and for which the Shire of Leigh is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment corrects a number of errors in the Ordinance.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the Shire of Leigh, Shire Offices, Rokewood.

DAVID YENCKEN
 Secretary for Planning and Environment

Town and Country Planning Act 1961
CITY OF FRANKSTON PLANNING SCHEME

Amendment No. 35
 Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect of the municipal district of the City of Frankston and for which the Council of the City of Frankston is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment includes the rezoning of Lot 1, L.P. 63487, Frankston-Flinders Road, Baxter from special uses to rural zone to accord with the surrounding area.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Frankston, Civic Centre, Davey Street, Frankston.

DAVID YENCKEN
 Secretary for Planning and Environment

Town and Country Planning Act 1961
SHIRE OF GOULBURN – TOWNSHIP OF GRAYTOWN
INTERIM DEVELOPMENT ORDER

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned order in respect of land within the Township of Graytown and for which the Minister for Planning and Environment is the Responsible authority.

The order comes into operation on the date this notice is published in the *Government Gazette*.

The order provides that all use, development and subdivision of land within the area to which this order applies is prohibited.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the Shire of Goulburn, Council offices, High Street, Nagambie.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
WARRAGUL PLANNING SCHEME 1954

Amendment No. 49, 1983

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the Shire of Warragul and for which the Shire of Warragul is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the inclusion of Funeral Parlour, Place of Assembly and Religious Building, as consent uses within the Agricultural Zone.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the Shire of Warragul, Civic Place, Warragul.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
SHIRE OF TAMBO (LAKES ENTRANCE) PLANNING SCHEME

Amendment No. 45

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the Shire of Tambo and for which the Council of the Shire of Tambo is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes reservation of land being parts of Crown Allotments 31 and 31B, Parish of Colquhoun for Public Purposes — civic and library complex — elderly citizens and recreation complex — active recreation and associated facilities — Municipal Depot.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the responsible authority, the Council of the Shire of Tambo at Bruthen.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
CITY OF KNOX PLANNING SCHEME 1965

Amendment No. 265, 1983

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Knox and for which the Council of the City of Knox is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the rezoning of approximately 70 ha of land off the west side of Stud Road from part rural and part general industrial zone to residential development zone.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Knox, Civic Centre, 511 Burwood Highway, Knoxfield.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
CITY OF MILDURA PLANNING SCHEME

Amendment No. 60, 1983

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect of the municipal district of the City of Mildura and for which the Council of the City of Mildura is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the rezoning of land for public purposes 12 (Mildura City Council and Mildura Sewerage Authority).

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Mildura in Mildura.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
CITY OF KNOX PLANNING SCHEME 1965

Amendment No. 252, 1983

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Knox and for which the Council of the City of Knox is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes an increase in the minimum lot size within the residential development zone with associated provisions relating to dimensions of lots and additional public open space.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Knox, Civic Centre, 511 Burwood Highway, Knoxfield.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
MELBOURNE METROPOLITAN PLANNING SCHEME
Amendment No. 233, Part 1
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Mordialloc and for which the Melbourne and Metropolitan Board of Works is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes rezonings of land in the City of Mordialloc generally to restricted business at Mentone, Parkdale and Mordialloc.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Melbourne and Metropolitan Board of Works, 625 Little Collins Street, Melbourne.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
SHIRE OF SOUTH GIPPSLAND PLANNING SCHEME
Amendment No. 47 Part B
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the Shire of South Gippsland and for which the Shire of South Gippsland is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes altering the provisions of the rural zone pertaining to an educational establishment; in particular making educational establishment subject to conditions a consent use in the rural zone except in the case of an educational establishment on Lot 1, L.P. 128576, being Pt. C.A.1, Section B, Parish of Wonga Wonga South, O'Connell Road, Foster which may be developed without a permit if in accordance with the site development plans and conditions included in schedule 1 to the scheme.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the Shire of South Gippsland, Foster.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
MELBOURNE METROPOLITAN PLANNING SCHEME
Amendment No. 231 Part 2A
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of South Melbourne and for which the Melbourne and Metropolitan Board of Works is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the rezoning of land at No. 113-121 and No 123-129 Erskine Street, Middle Park, City of South Melbourne from part light industrial zone and part local business zone to part residential 'C' zone and part office zone.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Melbourne and Metropolitan Board of Works, 625 Little Collins Street, Melbourne.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
SEYMOUR PLANNING SCHEME
Amendment No. 80
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect of the municipal district of the Shire of Seymour and for which the Council of the Shire of Seymour is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the rezoning of land fronting Wallis Street Seymour from residential development zone and highway zone to light industrial zone.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Shire of Seymour at Seymour.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
CITY OF HORSHAM PLANNING SCHEME
Amendment No. 74
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Horsham and for which the City of Horsham is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme rezones land fronting Tydeman Avenue from rural A to residential A.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Horsham, Civic Centre, Horsham.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
ALBURY WODONGA (VICTORIA)
INTERIM DEVELOPMENT ORDER 1980
BARANDUDA TOWNSHIP

Amendment No. 5
Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned order in respect of land at Baranduda in the Rural city of Wodonga and for which the Albury Wodonga Development Corporation is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment includes the rezoning of land at Baranduda to provide for the extension of the Baranduda Range Subdivision into the municipality of the rural city of Wodonga.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and Astra House, Jack Hore Place, Wodonga and at the office of the Albury-Wodonga Development Corporation, Hume Highway, Wodonga.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
CITY OF SWAN HILL PLANNING SCHEME 1981

Amendment No. 4
Notice of Amendment

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, amended the abovementioned scheme in respect of the municipal district of the City of Swan Hill and for which the Council of the City of Swan Hill is the responsible authority.

The amendment comes into operation on the date this notice is published in the *Government Gazette*.

The amendment includes a minor ordinance change to provide the responsible authority with discretion in administering ordinance provisions relating to offices and service stations/motor workshops.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Council of the City of Swan Hill, Nyah Road, Swan Hill.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
GEELONG REGIONAL PLANNING SCHEME

Amendment No. 67 Part 2
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the Shire of Corio and for which the Geelong Regional Commission is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the rezoning of Lots 141 and 196 of LP 12674, Beauford Avenue, Bell Post Hill from residential 'A' to Special Uses (1) — road and vehicle parking area.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Geelong Regional Commission, State Government Offices, Cnr Little Malop and Fenwick Streets, Geelong.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
MELBOURNE METROPOLITAN PLANNING SCHEME

Amendment No. 191, Part 3B
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Oakleigh and for which the Melbourne and Metropolitan Board of Works is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the rezoning of Nos 807, 809, 811 Warrigal Road, Nos. 2, 4-10 and 12-18 Dalgety Street and Nos. 83, 85, 102-108 Drummond Street, City of Oakleigh from residential 'C' to a restricted light industrial zone.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Melbourne and Metropolitan Board of Works, 625 Little Collins Street, Melbourne.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961
GEELONG REGIONAL PLANNING SCHEME

Amendment No. 77
Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the Shire of Bellarine and the City of Geelong and for which the Geelong Regional Commission is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the following two (2) map amendments:—

Item No. 1:

The rezoning of Land fronting Whitehorse Road, Moolap, south of the Bellarine Highway, from Rural General Farming to Public Purposes (Existing) — 4 — Waterworks and sewerage Trusts/Authorities.

Item No. 2:

The rezoning of land situated on the south-west corner of Woods Street and Fyans Street, South Geelong, from Public Purposes (Existing) — 22 — State Electricity Commission to Industrial A.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Geelong Regional Commission, Geelong Public Offices, Cnr Little Malop and Fenwick Streets, Geelong.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

CITY OF CROYDON PLANNING SCHEME 1961

Amendment No. 119

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Croydon and for which the Council of the City of Croydon is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme inserts the use 'Golf Course' in Column 3 of zone 5B (residential low 1200) and zone 7 (rural stream) of the table to clause 7 (table of zones), City of Croydon Planning Scheme Ordinance.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Croydon, Foch Avenue, Croydon.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

CITY OF CROYDON PLANNING SCHEME 1961

Amendment No. 120

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Croydon and for which the Council of the City of Croydon is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes realigning the boundary between the residential low 1200 zone and the rural stream zone on Lot 22 LP 7088 and Lot 3 LP 24310, known as 316-326 Bayswater Road, Bayswater North, to coincide with the hundred year flood boundary as set by the Dandenong Valley Authority.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Croydon, Foch Avenue, Croydon.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

CITY OF CROYDON PLANNING SCHEME 1961

Amendment No. 125

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Croydon and for which the Council of the City of Croydon is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

The scheme includes the rezoning of land being part of Crown Allotment 13, parish of Warrandyte, and located at the south western corner of Holloway Road and Karingal Street, and being of area of approximately 4.3 hectares, from residential low 1200 to special uses A (5), to facilitate development and use of that land for a school.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the City of Croydon, Foch Avenue, Croydon.

DAVID YENCKEN
Secretary for Planning and Environment

Town and Country Planning Act 1961

MELBOURNE METROPOLITAN PLANNING SCHEME

Amendment No. 228, Part B

Notice of Approval

In pursuance of the powers conferred by the *Town and Country Planning Act 1961*, the Governor in Council on 25 January 1984, approved the abovementioned scheme in respect of the municipal district of the City of Knox and for which the Melbourne and Metropolitan Board of Works is the responsible authority.

The scheme comes into operation on the date this notice is published in the *Government Gazette*.

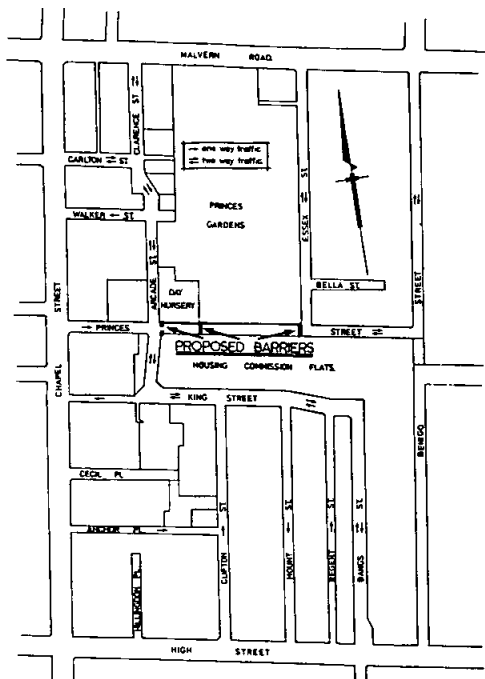
The scheme includes the rezoning of 8.7 ha of land on the south side of Basin-Olinda Road, The Basin, being Lots 80 and part of Lot 90, L.P. 11098 from Conservation to Special Use No. 1 in order to allow the establishment of a health and fitness centre.

A copy of the documents may be inspected free of charge, during office hours, at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne and at the office of the Melbourne and Metropolitan Board of Works, 625 Little Collins Street, Melbourne.

DAVID YENCKEN
Secretary for Planning and Environment

Pursuant to the provisions of section 539C of the *Local Government Act 1958*, the Governor in Council on 25 January 1984, confirmed an order of the Council of the City of Prahran, made on 8 February 1983, adopting a proposal for the

closure of Princes Street between Arcade and Essex Streets, Prahran to through traffic by the erection of barriers at the locations shown on the plan hereunder.

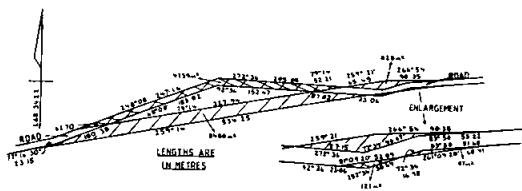


TOM FORRISTAL
Clerk of the Executive Council

Local Government Department,
Melbourne (83/2134)

SHIRE OF HAMPDEN Road Deviation Order

Pursuant to the provisions of section 522 and 526 of the *Local Government Act 1958* the Council of the Shire of Hampden hereby directs that the land in the parish of Purrumbete North indicated by hatching on the diagram annexed hereto which has been purchased taken or acquired by it shall be a public highway on and from the date of publication of this Order in the *Government Gazette* and declares that such land shall be a public highway in lieu of the land indicated by cross-hatching on the said diagram.



The common seal of the President, Councillors and Ratepayers of the Shire of Hampden was hereunto affixed on 21 October 1983 in the presence of:

PC. NASH, President
D. RICHARDS, Councillor
S. DEAN, Secretary

(SEAL)

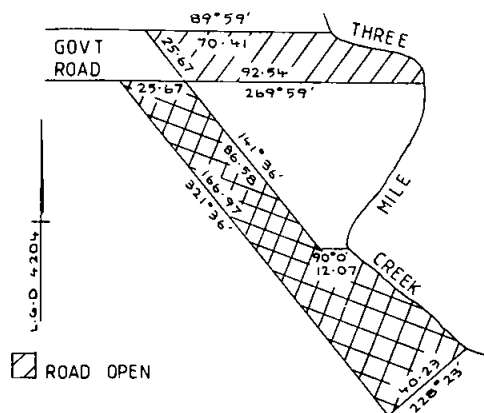
Confirmed by the Governor in Council, 25 January 1984 -
TOM FORRISTAL, Clerk of the Executive Council

CITY OF WANGARATTA

Road Deviation Order

Shanley Street

Pursuant to the provisions of section 522 and 526 of the *Local Government Act 1958* the Council of the City of Wangaratta hereby directs that the land in the Parish of Wangaratta South indicated by hatching on the plan hereunder which has been purchased, taken or acquired by it, shall be a public highway on and from the date of publication of this order in the *Government Gazette* and declares that such land shall be a public highway in lieu of the land indicated by cross-hatching on the said plan.



☐ ROAD OPEN

☐ ROAD CLOSED

MEASUREMENTS ARE IN METRES

The Common Seal of the Mayor, Councillors and Citizens of the City of Wangaratta was hereto affixed on 13 December 1983, pursuant to a resolution of council dated 21 November 1983, in the presence of:

L. BULLUSS, Mayor
P. WALSH, Councillor
J.W. ELWARD, Town Clerk

(SEAL)

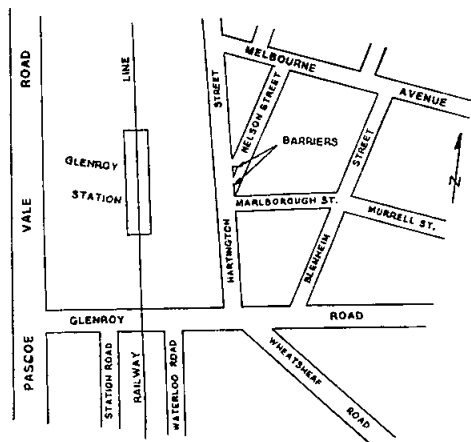
Confirmed by the Governor in Council, 25 January 1984 -
TOM FORRISTAL, Clerk of the Executive Council.

Local Government Act 1958

NOTICE OF CONFIRMATION OF AN ORDER OF THE COUNCIL OF THE CITY OF BROADMEADOWS ADOPTING A PROPOSAL FOR THE CLOSURE OF A STREET TO THROUGH TRAFFIC

Pursuant to the provisions of section 539C of the *Local Government Act 1958*, the Governor in Council, on 25 January 1984, confirmed an order of the Council of the City of Broadmeadows made on 16 May 1983, adopting a proposal for

the closure of Nelson Street, Glenroy to through traffic by the erection of barriers at the locations shown on the attached plan.



TOM FORRISTAL
Clerk of the Executive Council

Local Government Department,
Melbourne (83/2618)

Local Government Act 1958

NOTICE OF CONFIRMATION OF AN ORDER OF THE COUNCIL OF THE CITY OF ECHUCA ADOPTING A PROPOSAL FOR THE CLOSURE OF STAWELL STREET, ECHUCA TO THROUGH TRAFFIC.

Pursuant to the provisions of section 539C of the *Local Government Act 1958*, the Governor in Council, on 25 January 1984 confirmed an order of the Council of the City of Echuca made on 26 April 1983 adopting a proposal for the closure of Stawell Street, Echuca to through traffic by the erection of a barrier at the location shown on the plan hereunder.

TOM FORRISTAL
Clerk of the Executive Council

Local Government Department
Melbourne (83/2107)

Police Offences Act 1958, No. 6337

DIVISION 1A — STATE CLASSIFICATION OF PUBLICATIONS BOARD

Take note that the State Classification of Publications Board has classified the following publications in accordance with the provisions of section 180H(1) of the *Police Offences Act 1958*.

Each publication shall be subject to the following restrictions:

- It shall not be offered for sale, sold or delivered to any person under the age of 18 years;
- It shall not be made available for inspection or perusal by any person under the age of 18 years.
- It shall not be exhibited or displayed in any place to which persons under the age of 18 years have access or so that it is visible from any such place.

Schedule of Publications

Title	Distributor
Candid Vol. 1, No. 6	Elcarim Publishing Co. Pty. Ltd.
Chain Me Forever	Venus Enterprises Ltd.
Diana	Venus Enterprises Ltd.
Erotic X-Film Guide, March 1984	Gordon & Gotch Ltd.
Exclusive Vol. 4, No.1	Elcarim Publishing Co. Pty. Ltd.
Griselda	Venus Enterprises Ltd.
Human Advisor Spring 1984	Gordon & Gotch Ltd.
Intimate Letters March 1984	Gordon & Gotch Ltd.
Journal of Love, The Vol. 6, No.6	Elcarim Publishing Co. Pty. Ltd.
Kinks April 1984	Gordon & Gotch Ltd.
Letters March 1984	Gordon & Gotch Ltd.
Letters Magazine April 1984	Gordon & Gotch Ltd.
Lovebirds No. 66	Elcarim Publishing Co. Pty. Ltd.
Miss Sadie Stern's Monthly Vol. 4, No. 10	Elcarim Publishing Co. Pty. Ltd.
National News No. 60	Elcarim Publishing Co. Pty. Ltd.
New Direction Vol. 12, No. 11	Elcarim Publishing Co. Pty. Ltd.
Oui February 1984	Gordon & Gotch Ltd.
Oui Letters November 1983	Elcarim Publishing Co. Pty. Ltd.
Parklane No. 79	Elcarim Publishing Co. Pty. Ltd.
Penthouse Variations February 1984	Gordon & Gotch Ltd.
Playbirds No. 81	Elcarim Publishing Co. Pty. Ltd.
Playbirds All Colour XXX Rated Quarterly Issue 13	Elcarim Publishing Co. Pty. Ltd.
Playbirds Continental No. 34	Elcarim Publishing Co. Pty. Ltd.
Playdames Vol. 3, No. 12	Elcarim Publishing Co. Pty. Ltd.
Private No. 90	Elcarim Publishing Co. Pty. Ltd.
Raider Vol. 2, No. 2	Elcarim Publishing Co. Pty. Ltd.
Rustler Vol. 3, No. 11	Elcarim Publishing Co. Pty. Ltd.
Rustler Vol. 8, No. 4	Elcarim Publishing Co. Pty. Ltd.
Rustler Centrefolds Vol. 2, No.1	Elcarim Publishing Co. Pty. Ltd.
Suburban Submission	Venus Enterprises Ltd.
Swish Vol. 6, No. 2	Elcarim Publishing Co. Pty. Ltd.
Velvet's Erotic Vibrations March 1984	Gordon & Gotch Ltd.
Whitehouse No. 91	Elcarim Publishing Co. Pty. Ltd.
Whitehouse Digest Issue 28	Elcarim Publishing Co. Pty. Ltd.
Whitehouse Quarterly Issue 15	Elcarim Publishing Co. Pty. Ltd.

J. ROGERSON
Secretary, State Classification of Publications Board

Police Offences Act 1958, No. 6337

DIVISION 1A — STATE CLASSIFICATION OF PUBLICATIONS BOARD

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- (b) It shall not be made available for inspection or perusal by any person under the age of 18 years.
- (c) It shall not be exhibited or displayed in any place to which persons under the age of 18 years have access or so that it is visible from any such place;
- (d) It shall not be advertised in any manner whatsoever.

Schedule of Publications

<i>Title</i>	<i>Distributor</i>
Knotty Vol. 4, No. 3	Venus Enterprises Ltd.
Punished! Vol. 1, No. 11	Venus Enterprises Ltd.
Torment Vol. 1, No. 3	Venus Enterprises Ltd.

J. ROGERSON

Secretary, State Classification of Publications Board

Police Offences Act 1958, No. 6337

DIVISION 1A — STATE CLASSIFICATION OF PUBLICATIONS BOARD

Take note that the State Classification of Publications Board has classified the following publications in accordance with the provisions of section 180H(1) of the *Police Offences Act 1958*.

Each publication shall be subject to the following restrictions:

- (a) It shall not be offered for sale, sold or delivered to any person under the age of 18 years;
- (b) It shall not be made available for inspection or perusal by any person under the age of 18 years.

Schedule of Publications

<i>Title</i>	<i>Distributor</i>
Club International Vol. 13, No. 2	Gordon & Gotch Ltd.
Escort Vol. 4, No. 1	Gordon & Gotch Ltd.
Fiesta Vol. 18, No. 1	Gordon & Gotch Ltd.
Gallery March 1984	Gordon & Gotch Ltd.
Gem December 1983	Gordon & Gotch Ltd.
Genesis March 1984	Gordon & Gotch Ltd.
Genesis Girls/Girls April 1984	Gordon & Gotch Ltd.
Men Only Vol. 49, No. 2	Gordon & Gotch Ltd.
Parade Vol. 1, No. 3	Elcarim Publishing Co. Pty. Ltd.
Parade Vol. 1, No. 4	Elcarim Publishing Co. Pty. Ltd.
Parade Vol. 1, No. 5	Elcarim Publishing Co. Pty. Ltd.
Penthouse March 1984	Gordon & Gotch Ltd.

J. ROGERSON

Secretary, State Classification of Publications Board

COUNTRY FIRE AUTHORITY ACT

Permission to hold Fire Brigade demonstration
In pursuance of the provisions of Section 103 of the *Country Fire Authority Act 1958*, the Country Fire Authority has granted approval for the holding of a fire brigade demonstration as under—

Rural Fire Brigades

At Clyde on Saturday, 17 March 1984.

25 January 1984

L. A. CRUICKSHANK
Acting Secretary

Melbourne and Metropolitan

BOARD OF WORKS

Notice to the owners of tenements in the undermentioned streets and the private streets, lanes, courts and alleys opening thereto

The main pipe in the said streets being laid down, the owners of all tenements situated as under are hereby required on or before 5 of March 1984 to cause a proper pipe and stop cocks to be laid so as to supply water within such tenements from the main pipe.

Berwick

Elmore Court, the total street from Mildura Crescent southeastwards.

Rokewood Court, the total street from Nareen Avenue Southwestwards.

Nareen Avenue, from Mildura Crescent northwestwards 165 metres.

Mildura Crescent (eastern arm), from the north building line of Nareen Avenue southwestwards and westwards 257 metres.

Bulla

Alison Place, the total street from Harricks Crescent northwards.

Victor Place, the total street from Harricks Crescent eastwards.

Cockcroft Avenue, from Harricks Crescent northwards 45 metres.

Fernie Place, the total street from Harricks Crescent northwestwards.

Harricks Crescent, from Herod Place to Cockcroft Avenue.

Harricks Crescent, from Cockcroft Avenue westwards 108 metres.

Haig Place, from 140 metres northeast of Harricks Crescent northwards 79 metres.

Croydon

Clearwood Close, the total street from Warranwood Close eastwards.

Dandenong

Hammond Road, from Elliot Road northwards 45 metres.

Bellbrook Drive, from Outlook Drive southwards 144 metres.

Riddell Street, from Bellbrook Drive northwestwards 234 metres.

Field Court, the total street from Riddell Street southwestwards.

Diamond Valley

Alex Court, from Hickling Avenue northwards 35 metres.

Hickling Avenue, from Alex Court eastwards 57 metres.

Progress Road, from the east building line of Scenic Crescent westwards 85 metres.

Allison Crescent, for Progress Road Southeastwards and southwestwards 280 metres.

Sherbrooke Street, from Allison Crescent to Scenic Crescent.

Scenic Crescent (eastern arm), from Progress Road to Gum Glade.

Scenic Crescent (eastern arm), from Gum Glade southwestwards 392 metres.

Gum Glade, from Scenic Crescent southeastwards 86 metres.

Scenic Crescent (western arm), from 30 metres southeast of Allison Crescent further southeastwards, eastwards and southwards 321 metres.

Doncaster and Templestowe

Taunton Street, from King Street southeastwards 110 metres.

Eltham

Fordhams Road, from Main Road to Metery Road.

Lillydale

Ibis Court, the total street from Blackwood Drive northeastwards.

Blackwood Drive, from Ibis Court southeastwards 62 metres.

Oakleigh

Ferntree Gully Road (northside), from Stamford Road westwards 55 metres.

Werribee

Bindowan Drive, from Derrimut Road westwards 440 metres.

Dated 24 January 1984

H. G. FORD

Director of Administration

Private Agents Act 1966

NOTICE OF RECEIPT OF APPLICATIONS FOR LICENCES UNDER THE PROVISIONS OF THE PRIVATE AGENTS ACT 1966

The Clerk(s) of the Magistrates' Court(s) as listed hereunder hereby give notice that applications, as under, have been lodged for hearing by the said Court(s) on the date(s) specified.

Any person desiring to object to any of such applications must—

- (a) lodge with the respective Clerk of the Magistrates' Court a notice in the prescribed form of his objection and of the grounds thereof;
- (b) cause a copy of such notice to be served personally or by post upon the applicant at least three days before the hearing of the application; and
- (c) send or deliver—
 - (i) where the objection is not made by the officer in charge of the police district in which the Court is situated—a copy of the notice to such officer; and
 - (ii) where the objection is not made by the Registrar or Deputy Registrar—a copy to the Registrar.

Full Name of Applicant*	Place of Abode of Applicant or Nominee	Name of Firm or Corporation	Address for Registration	Type of Licence	Date of Hearing
MAGISTRATES' COURT, BOX HILL					
Barnsley, Peter Raymond	16 Airlie Crt, Rowville	Command Security Service	19 Jeffrey St, Blackburn	Watchman	20.2.84
Dated at Box Hill 23 January 1984 P. O'FARRELL, Clerk of the Magistrates' Court					
MAGISTRATES' COURT, BRIGHTON					
Leeden, Edward Kenneth	5/20 Male St, Brighton		5/20 Male St, Brighton	Process Server	17.2.84
" " "	" "		"	Inquiry Agent	"
" " "	" "		"	Guard Agent	"
Dated at Brighton 23 January 1984 B. HYAMS, Clerk of the Magistrates' Court					
MAGISTRATES' COURT, MORWELL					
Easton, Paul William	423 Princes Highway, Morwell		14 Driffeld Rd, Morwell	Watchman	17.2.84
Dated at Morwell 23 January 1984 G. EBERT, Clerk of the Magistrates' Court					
MAGISTRATES' COURT, LILYDALE					
Bailey, Andrew Charles	13 Netherbrae Rd, Frankston		5 Taylor Rd, Mooroolbark	Watchman	16.2.84
Dated at Lilydale 23 January 1984 IAN R. SIGG, Clerk of the Magistrates' Court					
MAGISTRATES' COURT, FERNTREE GULLY					
Crawley, Peter Charles	4 Skeye Rd, Wantirna		4 Skeye Rd, Wantirna	Inquiry Agent	16.2.84
Dated at Ferntree Gully 23 January 1984 G. CONDON, Clerk of the Magistrates' Court					
MAGISTRATES' COURT, OAKLEIGH					
Seton, Michael John	9 Murray Rd, The Patch		4 Haughton Rd, Oakleigh	Inquiry Agent	24.2.84
Dated at Oakleigh 23 January 1984 W. BYRNE, Clerk of the Magistrates' Court					
MAGISTRATES' COURT, OAKLEIGH					
Stafford, Wayne Andrew	1 Wimport St, Heidelberg	Kent Security Service	96 Murrumbena Rd, Murrumbena	Watchman	24.2.84
Dated at Oakleigh 20 January 1984 W. BYRNE, Clerk of the Magistrates' Court					
MAGISTRATES' COURT, SALE					
Slattery, John Francis	375 York St, Sale		Nichols Rd, Stradbroke	Watchman	10.2.84
Dated at Sale 23 January 1984 G. A. O'CONNOR, Clerk of the Magistrates' Court					

*Or in the case of a firm or corporation, of the Nominee

PRIVATE AGENTS—continued

Full Name of Applicant*	Place of Abode of Applicant or Nominee	Name of Firm or Corporation	Address for Registration	Type of Licence	Date of Hearing
MAGISTRATES' COURT, PRESTON					
Pook, David James	87 William St, Preston		87 William St, Preston	Watchman	15.2.84
			Dated at Preston 20 January 1984 D. GEAR, Clerk of the Magistrates' Court		
MAGISTRATES' COURT, FOOTSCRAY					
Creane, Patricia	121 Droop St, Footscray		121 Droop St, Footscray	Inquiry Agent	14.2.84
			Dated at Footscray 19 January 1984 J. T. FERGUSON, Clerk of the Magistrates' Court		
MAGISTRATES' COURT, HEIDELBERG					
Dickson, Craig Beresford	9 Moresby Ave, Bulleen		9 Moresby Ave, Bulleen	Inquiry Agent	16.2.84
			Dated at Heidelberg 19 January 1984 J. ISAACS, Clerk of the Magistrates' Court		
MAGISTRATES' COURT, PRESTON					
Pook, David James	87 William St, Preston		87 William St, Preston	Guard Agent	15.2.84
			Dated at Preston 19 January 1984 D. J. GEAR, Clerk of the Magistrates' Court		
MAGISTRATES' COURT, SUNSHINE					
Perin, Ugo Joseph	50 Millers Rd, Brooklyn	M.S.S. Patrol Services	2 McDonald Rd, Brooklyn	Watchman	13.2.84
Abdullah, Ozkan	13 Mark St, West Sunshine	" "	" "	"	15.2.84
			Dated at Sunshine 20 January 1984 D. HALPIN, Clerk of the Magistrates' Court		
MAGISTRATES' COURT, FRANKSTON					
Watson, Dickson Thistle	7/9 Allenby St, Frankston		7/9 Allenby St, Frankston	Guard Agent	10.2.84
			Dated at Frankston 20 January 1984 B. BARROW, Clerk of the Magistrates' Court		
MAGISTRATES' COURT, BROADMEADOWS					
Crook, Ian Morace	106 Bindi St, Glenroy	Gavin Hallam	53 Beatty Ave, Glenroy	Watchman	22.2.84
			Dated at Broadmeadows 19 January 1984 R. BOURKE, Clerk of the Magistrates' Court		
MAGISTRATES' COURT, CAMBERWELL					
Ashman, Albert William	6 Marcia Court, Glen Waverly		27 Morton Rd, Burwood	Process Server	10.2.84
			Dated at Camberwell 18 January 1984 P. M. PATTISON, Clerk of the Magistrates' Court		
MAGISTRATES' COURT, FERNTREE GULLY					
Brown, Nicholas Mark	6/13 Monteath Ave, Camberwell	Hallmark Security Service	2/9 Deschamps Cres, Rowville	Watchman	22.2.84
			Dated at Ferntree Gully 25 January 1984 G. J. CONDON, Clerk of the Magistrates' Court		

*Or in the case of a firm or corporation, of the Nominee

*Transport Act 1983***ROAD TRAFFIC AUTHORITY****Commercial Passenger and Goods Vehicle Application**

Notice is hereby given that the following applications will be considered by the Road Traffic Authority on 21 February 1984.

Notice of any objections should be forwarded to reach the officer in charge, passenger and goods division not later than 15 February 1984.

It will not be necessary for interested parties to appear on the hearing date specified, unless advised in writing by the Authority.

Notification of the date for consideration of applications which are objected to and which require determination by the Road Transport Licensing Tribunal will be published by further notice in this Gazette.

R.C. Mackenzie, Blackburn.

Application for one Special Purpose vehicle licence in respect of a Rolls Royce saloon, approximately 12 years old, to be purchased, to operate from 15 Molleton Street, Blackburn for the carriage of wedding parties.

R. Nutt, Noble Park North

Application to license a tray truck fitted with ramps to operate for the carriage of disabled motor vehicles to and from motor wreckers, repair shops and premises of towing services within a 150 kilometre radius of the G.P.O. Melbourne, excluding the ability to attend the scene of an accident or breakdown.

Onilao Pty Ltd, Bayswater North

Application to license a car carrier, to operate for the carriage of non-operational and derelict motor cars in connection with the applicant's rubbish removal business.

D.A. Peck, Belgrave

Application for variation of the conditions of licence SV 399 which authorises the carriage of passengers for wedding parties and tours of the Dandenongs and environs to include tours of Melbourne and any special occasion where the type of vehicle is the primary reason for hire.

L.R. Stewart, Horsham

Application to license one commercial passenger vehicle with seating capacity for 18 persons, to operate for the carriage of school children to the exclusion of all other passengers excepting duly authorised teachers attending St Brigid's College and Horsham Technical Schools, between Dimboola and the schools in Horsham under contract to the parents of the children.

No charter rights are sought in this application.

T.D. Wilson (St Francis Xavier College), Beaconsfield

Application to license one commercial passenger vehicle with seating capacity for 28 persons to operate for the carriage of school children, to the exclusion of all other passengers, excepting duly authorised teachers, attending St Francis Xavier College, Beaconsfield as follows:

(a) Between the College and the student's homes via the following routes:

(i) Depart the school via Beaconsfield Avenue then via Wood Street Princes Highway, Berwick-Cranbourne Road, Sladen Street, High Street, South Gippsland Highway, Thompson Road and return to the college via Berwick-Cranbourne Road, Princes Highway and Beaconsfield Avenue.

Timetable:

Depart College 7.30am

Depart College 3.30pm

Fares:

To be determined.

(ii) Depart the school via Beaconsfield Avenue then via Princes Highway, Rutland Road, Peel Street, Lyall Road, Harkaway Road, Gardiner Street, Buchanan Road, Brisbane Street, Manuka Road, Princes Highway and Beaconsfield Avenue to the College.

Timetable:

Depart College 8.30am

Depart College 4.30pm

Fares:

To be determined.

(b) On excursions from the College free of charge.

E.J. & L. Pincini (Melbourne) Pty Ltd, Airport West

Application for renewal of licences MC 4, MC 249, MC 358, MC 410, MC 413 and MC 630 to operate under the same terms and conditions.

Dated 1 February 1984

C.J.V. SMITH

Chief General Manager, Registration & Regulation

PUBLIC TRUSTEE ACT 1958, Section 17

I hereby give notice that on 4 January 1984, the Public Trustee filed an election to administer the following deceased person's estate in accordance with section 17 of the *Public Trustee Act 1958*:

Whitechurch, Isabel, late of 20 Paterson Street, East Preston, widow, died 19 August 1983.

I hereby give notice that on 12 January 1984, the Public Trustee filed elections to administer the following deceased persons' estates in accordance with section 17 of the *Public Trustee Act 1958*:

Langdon, Lily Elizabeth, formerly of 18 Sage Drive, RSL Village, Frankston, but late of Colava Nursing Home, 88 Orrong Road, Elsternwick, widow, died 24 August 1983.

Owen, Ronald Leslie, late of 7 Irving Street, Niddrie, gentleman, died 28 October 1983.

I hereby give notice that on 18 January 1984, the Public Trustee filed elections to administer the following deceased persons' estates in accordance with section 17 of the *Public Trustee Act 1958*:

Davies, James Clement, late of 44 Fischer Street, Torquay, retired book binder, died 18 November 1983.

Grut, Frederick, late of Kew, pensioner, died 26 October 1983.

Higgs, Ronald James, late of 27 Fakenham Road, Ashburton, builder, died 25 October 1983.

Moraites, George Sylvester, also known as George Morris, late of 16 Martin Street, South Melbourne, transport owner driver, died 30 July 1983.

Nowakowski, Elizabeth, also known as Elisabeth Nowakowski, late of 51 Sanderson Street, Yarraville, pensioner, died 6 April 1983.

Thomson, Ernest, late of 76 Mackie Road, East Bentleigh, retired, died 10 December 1983.

Walker, George Henry, late of Flat 1, 230 Barkly Street, St. Kilda, retired, died 7 November 1983.

I hereby give notice that on 23 January 1984, the Public Trustee filed elections to administer the following deceased persons' estates in accordance with section 17 of the *Public Trustee Act 1958*:

Gorry, Eileen Veronica, formerly of Flat 10, 48 Elizabeth Street, Elsternwick but late of Kanella Private Nursing Home, 35 Mitchell Street, Brunswick, widow, died 8 November 1983.

Mantle, Leslie William late of Kew, retired labourer, died 27 September 1983.

Stanbrough, Keith Victor, late of Flat 18, 77 Park Street, South Yarra, truck driver, found dead 18 October 1983.

Dated 25 January 1984

PT. SPENCER
Public Trustee

168 Exhibition Street,
Melbourne 3000

Creditors, next of kin, and others having claims against the estate of any of the undermentioned deceased persons are required to send particulars of their claims to the Public Trustee, 168 Exhibition Street, Melbourne, Victoria 3000, the Personal Representative, on or before 8 April 1984, after which date the Public Trustee may convey or distribute the assets having regard only to the claims of which the Public Trustee then has notice:

Danger, Johann Hinrich, also known as John Danger and John Henry Danger, late of Rickerton Road, Warrion, pensioner, died 7 October 1983.

Davies, James Clement, late of 44 Fischer Street, Torquay, retired book binder, died 18 November 1983.

Gorry, Eileen Veronica, formerly of Flat 10, 48 Elizabeth Street, Elsternwick but late of Kanella Private Nursing Home, 35 Mitchell Street, Brunswick, widow, died 8 November 1983.

Grut, Frederick, late of Kew, pensioner, died 26 October 1983.

Higgs, Ronald James, late of 27 Fakenham Road, Ashburton, builder, died 25 October 1983.

Langdon, Lily Elizabeth, formerly of 18 Sage Drive, RSL Village, Frankston, but late of Colava Nursing Home, 88 Orrong Road, Elsternwick, widow, died 24 August 1983.

McLachlan, Mabel Rose, late of 22 Waratah Avenue, Glenhuntly, widow, died 15 October 1983.

Mantle, Leslie William, late of Kew, retired labourer, died 27 September 1983.

Moraites, George Sylvester, also known as George Morris, late of 16 Martin Street, South Melbourne, transport owner driver, died 30 July 1983.

Nowakowski, Elizabeth, also known as Elisabeth Nowakowski, late of 51 Sanderson Street, Yarraville, pensioner, died 6 April 1983.

Owen, Ronald Leslie, late of 7 Irving Street, Niddrie, gentleman, died 28 October 1983.

Ritchie, Lindsay Herbert, late of Benlynn Park Private Nursing Home, 4-6 Killara Street, West Sunshine, retired driver, died 29 August 1983.

Stanbrough, Keith Victor, late of Flat 18, 77 Park Street, South Yarra, truck driver, found dead 18 October 1983.

Thomson, Ernest, late of 76 Mackie Road, East Bentleigh, retired, died 10 December 1983.

Todd, William, late of 128 Albert Street, East Melbourne, boilermaker, died 8 October 1983.

Walker, George Henry, late of Flat 1, 230 Barkly Street, St. Kilda, retired, died 7 November 1983.

Whitechurch, Isabel, late of 20 Paterson Street, East Preston, widow, died 19 August 1983.

Dated 25 January 1984

PT. SPENCER
Public Trustee

Water Act 1958

STATE RIVERS AND WATER SUPPLY COMMISSION ULTIMA URBAN DISTRICT

Notice to owners of tenements in the undermentioned street in the Ultima Urban District and the private streets, lanes courts and alleys opening thereto:

Vernon Street from the end of existing main opposite Lot 3, L.P. 5472 part of Crown Allotment 4, Section 9, township and Parish of Ultima to a point opposite Lot 5 L.P. 5472 part of Crown Allotments 4, Section 9, Township and Parish of Ultima about 15 metres northerly.

The main in the said street being laid down, the owners of all tenements situated as above are hereby required on or before the 1st April next to cause proper pipes and stopcocks to be laid, so as to supply water within such tenements from the main pipe.

Dated 24 January 1984

Armadale

T.J. CHANDLER
Acting Secretary
State Rivers & Water Supply Commission

Water Act 1958

STATE RIVERS AND WATER SUPPLY COMMISSION NYAH WEST URBAN DISTRICT

Notice to Owners of tenements in the undermentioned street in the Nyah West Urban District and the private streets, lanes, courts and alleys opening thereto:

Elizabeth Street from the end of the existing main opposite Lot 108 to a point opposite Lot 106 about 100 metres westerly.

The main in the said street being laid down, the owners of all tenements situated as above are hereby required on or before the 1 April next, to cause proper pipes and stopcocks to be laid, so as to supply water within such tenements from the main pipe.

Dated 24 January 1984

Armadale

T.J. CHANDLER
Acting Secretary
State Rivers & Water Supply Commission.

Water Act 1958

STATE RIVERS AND WATER SUPPLY COMMISSION

Urban District supplied with water from the Coliban System of Waterworks.

Notice to owners of tenements in the undermentioned streets in the Urban district supplied with water from the Coliban System of Waterworks and the private streets, lanes, courts and alleys opening thereto.

Bendigo

Boat Street, from Havlin Street East to a point opposite Lot 2 L.P. 111059 about 26 Metres easterly

Osborne Street from the end of existing main (opposite Lot 15 L.P. 31896 to Cook Street about 45 metres northerly.

Solomon Street from end of existing main (opposite Lot 1 L.P. 94534) to a point opposite Lot 2 L.P. 94534 about 24 metres northerly.

Castlemaine

Blakeley Road from end of existing main (opposite Crown Allotment 4 Section 2B) to a point opposite Crown Allotment 3 Section 2B Parish of Castlemaine about 12.5 metres northerly.

Coulthard Street from the end of existing main opposite Crown Allotment 17 section 126 to a point opposite Crown Allotment 19 section 126 Parish of Castlemaine about 40 metres westerly.

Harcourt

Blackjack Road from end of existing main (opposite Crown Allotment 20A Section 5C) to a point opposite Crown Allotment 20F Sec. 5C about 136 metres easterly.

Peelers Road from existing main opposite Crown Allotment 32 section 5C to a point opposite Crown Allotment 18A Section 5C Parish of Harcourt about 288 metres southerly.

Un-named Road (off School Road) from School Road to a point opposite CA7C Section 1 Parish of Castlemaine about 115 metres southerly.

Huntly

Rennie Street from Burgoyne Street to Stephenson Street about 204 metres north easterly.

Maiden Gully

Dawson Drive from Smiths Road to a point opposite Lot 18 part of Crown Allotment 109A Parish of Marong about 407 metres northerly.

Monsants Road from the end of existing main opposite Lot 1 part of Crown Allotment 13 to a point opposite Crown Allotment 76B Parish of Marong about 76 metres southerly.

Schumaker Lane from the end of existing main to a point opposite Lots 1 and 1 about 2 metres northerly.

Myers Flat

Williams Road from end of existing main (opposite C.A. 211) to a point opposite C.A. 90 Sec A Parish of Nerring about 72 metres westerly.

Raywood

Lincoln Street from the end of existing main at Speke Street to a point opposite Crown Allotment 2 Section 3 township and Parish of Raywood about 145 metres easterly.

Strathfieldsaye

Apsley Street from Wellesley Street to a point opposite Lot 2 part of Crown Allotment 19, no section, township and Parish of Strathfieldsaye about 63 metres easterly.

The main pipe in the said street being laid down, the owners of all tenements situated as above are hereby required, on or before 1st April next, to cause proper pipes and stopcocks to be laid, so as to supply water within such tenements from the main pipe.

Dated 24 January 1984

Armada

T.J. CHANDLER
Acting Secretary
State Rivers & Water Supply Commission

Labour and Industry Act 1958

CERTIFICATE OF EXEMPTION UNDER SECTION 104(5)

In pursuance of the powers conferred on me by section 104(5) of the *Labour and Industry Act 1958*, I hereby issue to Atlantic Bakery (Aust.) Pty. Ltd., 6-12 Helen Street, West Heidelberg, trading as Atlantic Bakery, this certificate exempting it and any person carting or delivering bread on its behalf from the operation of section 104(4) of the said Act, subject to the condition that this certificate shall apply only to the carting of Bagels (also known as Bygeles) from West Heidelberg to places throughout Victoria.

For the purposes of this certificate "Bagels" (also known as "Bygeles") means hard rolls or biscuits, very salty in flavor and with coarse crystals of salt on their surfaces and which are favoured by Jewish people.

Dated 23 January 1984

J.H. SIMPSON
Minister of Labour and Industry

Labour and Industry Act 1958

ORDER OF EXEMPTION ISSUED UNDER THE PROVISIONS OF SECTION 80F

Pursuant to the provisions of section 80F of the *Labour and Industry Act 1958*, I, John Hamilton Simpson, Minister of Labour and Industry, having considered an application from the Council of the City of Melbourne, hereby make this Order exempting shopkeepers of shops in the City of Melbourne as follows:

- (a) shops fronting on to Little Bourke Street between Exhibition Street and Swanston Street;
- (b) shops fronting on to any lane or alleyway which connects with Little Bourke Street, between Exhibition Street and Swanston Street; and
- (c) shops fronting on to Russell Street between Bourke Street and Lonsdale Street, but excluding Michael's Corner Store which has a side entrance onto Russell Street:

from being required to close and keep closed their shops in accordance with Part VI of the said Act during the Chinese New Year Festival to be held on Sunday, 5 February 1984.

This order does not operate to permit the sale or disposal of liquor within the meaning of the *Liquor Control Act 1968*, by any shopkeeper at any time when he would, but for this order, be required to close and keep closed his shop in accordance with Part VI.

Dated 25 January 1984 J.H. SIMPSON
Minister of Labour and Industry

Cemeteries Act 1958

SCALE OF FEES OF

THE GEELONG WESTERN PUBLIC CEMETERY

In pursuance of the powers conferred upon them by the *Cemeteries Act* the trustees of the Geelong Western Public Cemetery hereby make the following scale of fees, which shall come into operation upon publication in the *Government Gazette*, and from and after such publication every scale of fees heretofore made by the said trustees shall be and is hereby rescinded to the extent to which it conflicts with this scale.

<i>Lawn Section (un-denominational)</i>		\$
Land 1.2m×2.4m		280.00
Sinking or Reopening		255.00
Small Graves (children only) including interment		100.00
Interment of stillborn child		35.00
<i>General Section (Denominational)</i>		
Land 1.2m×2.4m		250.00
Sinking or Reopening		255.00
Concrete lined graves (sinking extra)		1 500.00
<i>Miscellaneous</i>		
Saturdays and Public Holidays (extra)		90.00
Ledgers (removal of)		35.00
Permit Fees - Lawn Section		70.00
Casket (extra)		45.00
Columbarium Niche (including plaque)		100.00
Permit to construct concrete lined graves (where permissible)		300.00
<i>Rose Garden</i>		
First Interment (including plaque)		140.00
2nd, 3rd and 4th interment (including plaque)		100.00

I.F. APTED
L.H. MILLER
R.W. REID, Trustees

Approved by the Governor in Council, 25 January 1984 -
TOM FORRISTAL, Clerk of the Executive Council

*Cemeteries Act 1958***SCALE OF FEES OF THE MIRAM PUBLIC CEMETERY**

In pursuance of the powers conferred upon them by the Cemeteries Act the Trustees of the Miram Public Cemetery hereby make the following scale of fees, which shall come into operation upon publication in the *Government Gazette*, and from and after such publication every scale of fees heretofore made by the said Trustees shall be and is hereby rescinded to the extent to which it conflicts with this scale.

	\$
Land 2.4m × 1.22m	70.00
Sinking Grave 1.83m	120.00
Additional 0.3m	20.00
Interment Fee	30.00
Monument work	5% of value of work.

H.C. WHEATON
A.H. WALLIS
R.W. KORRENG, Trustees

Approved by the Governor in Council, 25 January 1984 –
TOM FORRISTAL, Clerk of the Executive Council

*Cemeteries Act 1958***SCALE OF FEES OF
THE BALLANCEIGH PUBLIC CEMETERY**

In pursuance of the powers conferred upon them by the Cemeteries Act the trustees of the Ballanceigh Public Cemetery hereby make the following scale of fees, which shall come into operation upon publication in the *Government Gazette*, and from and after such publication every scale of fees heretofore made by the said trustees shall be and is hereby rescinded to the extent to which it conflicts with this scale.

Land, 2.44m × 1.22m	\$70.00
Permission to erect a headstone or monument	5% of cost with a minimum of \$10.00

W. McKELLAR
S. VICK
E. WATKINS, Trustees

Approved by the Governor in Council, 25 January 1984 –
TOM FORRISTAL, Clerk of the Executive Council

*Cemeteries Act 1958***SCALE OF FEES OF
THE MARYBOROUGH PUBLIC CEMETERY**

In pursuance of the powers conferred upon them by the Cemeteries Act the trustees of the Maryborough Public Cemetery hereby make the following scale of fees, which shall come into operation upon publication in the *Government Gazette*, and from and after such publication every scale of fees heretofore made by the said trustees shall be and is hereby rescinded to the extent to which it conflicts with this scale.

	\$
Private Graves Land 2.44m × 1.22m	110.00
Own Selection Additional	40.00
Childs Grave under 5 years	50.00
Stillborn	40.00
Interment without exclusive right	80.00

Lawn Section

Land 2.44m × 1.22m	200.00
Own selection additional	60.00
Childs grave Under 5 years	85.00

Sinking and Reopening Fees

New grave	150.00
Reopening: Lawn Section	185.00
Others	150.00
With cover of kerb, additional	25.00
Oversize grave, additional	45.00
Extra depth per .3m, additional	30.00
Without due notice, additional	30.00

Miscellaneous Charges

Interment Fee	30.00
Interment of Ashes in private grave	35.00
Exhumation (when authorised)	350.00

Wall of Memory

Wall A and C	165.00
Wall B and D	100.00
Standard Plaque	35.00
Shrub Garden	200.00

Memorial Fees

Lawn Section, standard memorial	35.00
Repairs renovations and new inscriptions	15.00

5% of the value
of the work done with
a minimum of \$15.00

New memorials and headstones

5% of the value
of the work done with
a minimum of \$35.00

L.S. GRIGG
E.M. SAWYERS
A. PURCELL, Trustees

Approved by the Governor in Council, 25 January 1984 –
TOM FORRISTAL, Clerk of the Executive Council

*Cemeteries Act 1958***SCALE OF FEES OF
THE CLEAR LAKE PUBLIC CEMETERY**

In pursuance of the powers conferred upon them by the Cemeteries Act the trustees of the Clear Lake Public Cemetery hereby make the following scale of fees, which shall come into operation upon publication in the *Government Gazette*, and from and after such publication every scale of fees heretofore made by the said trustees shall be and is hereby rescinded to the extent to which it conflicts with this scale.

Land 2.44m × 1.22m	\$45.00
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A. PERKIN
J. HEMMERSON
T. WATSON, Trustees

Approved by the Governor in Council, 25 January 1984 –
TOM FORRISTAL, Clerk of the Executive Council

*Cemeteries Act 1958***SCALE OF FEES OF
THE FOOTSCRAY PUBLIC CEMETERY**

In pursuance of the powers conferred upon them by the Cemeteries Act the trustees of the Footscray Public Cemetery hereby make the following scale of fees, which shall come into operation upon publication in the *Government Gazette*, and from and after such publication every scale of fees heretofore made by the said trustees shall be and is hereby rescinded to the extent to which it conflicts with this scale.

<i>Public Graves (without exclusive right of burial)</i>	\$
Interment of stillborn child	40.00
Interment of others	105.00

<i>Private Graves</i>		<i>Extra charges</i>	
Land, 2.44m×1.22m (8'×4') in lawn beam section	300.00	Interment not in the prescribed hours or on Saturday, Sunday or Public Holiday	40.00
Land, 2.44m×1.22m (8'×4') in other sections	250.00	Interment in private graves without due notice	40.00
<i>Sinking/Reopening of Private Graves</i>		Late fee (per half hour or part thereof in excess of the first 15 minutes)	5.00
Sinking standard size grave 2.13m (7')	275.00	All necessary Saturday, Sunday and Public Holiday work to be at penalty rates.	
Each additional 0.3m (1')	40.00	<i>Miscellaneous Charges</i>	
Sinking/reopening oversize graves (extra), (standard size 2.13m×0.66m [7'×2'2"])	45.00	Interment fee	20.00
Reopening grave (no cover)	280.00	Certificate of right of burial	3.00
Reopening grave of vault (with cover)	310.00	Number plate or brick	3.00
<i>Extra Charges</i>		Inspection of plan or register	10.00
Interment on Saturday mornings, public holidays or Union Picnic Day by arrangement (extra)	150.00	Annual maintenance (single grave) optional	25.00
Interment without due notice (eight working hours) (extra)	100.00	Permission to erect a headstone	5% of cost with a minimum of 20.00
<i>Miscellaneous Charges</i>		Exhuming the remains of a body (when authorized)	200.00
Search of records and providing written information	13.00	Interment of ashes in a private grave	30.00
Exhumation (when authorized)	385.00	Removal of slab	25.00
Interment of ashes	80.00	Grave renovations or additional inscriptions	10.00
Decorating of a grave with pebbles, sand or loam	80.00	Memorial wall niche and plaque	80.00
Monumental fee	10 per cent of total value of monument/vault	<i>Lawn Section (undenominational)</i>	
Additional inscriptions to monument:		Land 2.44×1.22m	115.00
Bronze plaque, 0.38m×0.28m (15"×11") single	110.00	Sinking grave in lawn section	110.00
Bronze plaque, 0.38m×0.28m (15"×11") dual conversion	155.00	Interment fee in lawn section	20.00
Bronze plaque, 0.56m×0.30m (22"×12") single conversion	165.00	Bronze plaque for each interment	105.00
Bronze plaque, 0.56m×0.30m (22"×12") dual conversion	200.00	<i>Lawn section for under seven years</i>	
Additional reservation plate up to three lines	25.00	Land 1.22m×0.16m	60.00
Additional reservation plate three lines and over	30.00	Sinking grave in childrens lawn section	55.00
Bronze vases	30.00	Interment fee in childrens lawn section	20.00
<i>Vaults</i>		Bronze plaque for each interment	105.00
Concrete vaults, site selected by trustees (two interments)	1 300.00	<i>Memorials</i>	
Concrete vaults, site selected by applicant (two interments)	1 900.00	Trees	(from) 130.00
Vault 2.44m deep (8') (three interments)	2 100.00	Shrubs	70.00
		Ashes buried in lawn	35.00
		Memorial plaques for any of the above	105.00
		<i>Other Charges</i>	
		Land, monumental sections 2.44×1.22m	80.00
		Own selection of land (extra)	15.00
		<i>Public Graves</i>	
		Interment in grave without exclusive right (stillborn child)	15.00
		Interment in grave without exclusive right (others)	25.00
		Number peg or label	3.00
		<i>Reopening Charges</i>	
		Reopening grave (no cover)	90.00
		Reopening grave with cover or kerb	100.00

R.L. HALL
F.K. SHORTEN
M. HARRIS, Trustees

Approved by the Governor in Council, 25 January 1984 –
TOM FORRISTAL, Clerk of the Executive Council

Cemeteries Act 1958

SCALE OF FEES OF THE MOE PUBLIC CEMETERY

In pursuance of the powers conferred upon them by the Cemeteries Act the trustees of the Moe Public Cemetery hereby make the following scale of fees, which shall come into operation upon publication in the *Government Gazette*, and from and after such publication every scale of fees heretofore made by the said trustees shall be and is hereby rescinded to the extent to which it conflicts with this scale.

<i>Sinking Charges for Private Graves</i>	\$
Sinking grave 2.13m	110.00
Sinking grave 1.83m	100.00
Sinking each additional 0.3m	30.00
Sinking oversize 1.83m grave (extra)	35.00
Sinking oversize grave 2.13m American casket (extra)	35.00
Cancellation of order to sink (if commenced)	35.00
Sinking grave for stillborn child	30.00
Sinking grave for child under seven years	50.00

WILLIAM ALBERT STEPHENS
ALLAN BURRAGE
BRIAN MICHAEL RANKIN, Trustees

Approved by the Governor in Council, 25 January 1984 –
TOM FORRISTAL, Clerk of the Executive Council

Co-operation Act 1981

CHANGE OF NAME OF A SOCIETY

Notice is hereby given that Hibernian Credit Co-operative Limited which was incorporated as a Credit Society under the above-named Act on the first day of April, 1977, has registered a change of its name and is now incorporated under the name of Independent Order of Odd Fellows Credit Co-operative Limited under the said act.

Dated at Melbourne 25 January 1984

P.J. ROGAN
Deputy Registrar of Co-operative Societies

CONTRACTS ACCEPTED – Series 1983/84**Public Works**

6 January 1984, Whittlesea Technical High School, L.P. Gas Reticulation (relocatable), Q.119760/10 Original \$9959.00; Q.119760/10 Extras \$212.50 – \$10 171.50 – Gas & Fuel Corporation of Victoria (L.P. Gas Division)

12 January 1984, Whittlesea Technical High School, Hydraulic Services, 119760/13 Original \$4988.50; Extras \$15 454.12 – \$20 242.62 – Bentleigh Road Construction Pty. Ltd.

18 January 1984, Various Schools, Westernport Region, Cyclic maintenance, Prof. Services, Q.19204 Original \$2500.00; E165402 Extras \$10 137.55 – \$12 637.55 – Henderson & Lodge Pty. Ltd.

Dated 23 January 1984

D.J. LITTLE
Director General

Industrial Training Act 1975

INDUSTRIAL TRAINING COMMISSION OF VICTORIA
Notice of Intention to Recommend that the Trade of Business Equipment Technician be Proclaimed an Apprenticeship Trade

Notice is hereby given, in pursuance of the provisions of the *Industrial Training Act 1975*, that it is the intention of the Industrial Training Commission of Victoria to recommend to the Minister of Employment and Training that the trade of Business Equipment Technician be proclaimed to be an apprenticeship trade under the said Act.

It is also notified that 1 March 1984, has been fixed as the date before which representations may be made to the said Commission, by or on behalf of employers or employees in the said trade whether for or against the said trade being so proclaimed.

By order of the Commission

K. GRIFFITHS
Secretary to the Commission

80 Collins Street, Melbourne 3000

Education Act 1958

NOTICE OF THE MAKING OF AN ORDER UNDER SECTION 13 (4) OF THE ACT

Pursuant to section 13 of the *Education Act 1958* I hereby give notice that an Order of the Governor in Council was made on 25 January 1984 under sub-section (4) of the said Act amending certain provisions relating to the Councils of Collingwood Technical School and Box Hill Technical School.

ROBERT FORDHAM
Minister of Education

Education Act 1958

NOTICE OF THE MAKING OF AN ORDER UNDER SECTION 13 (4) OF THE ACT

Pursuant to section 13 of the *Education Act 1958* I hereby give notice that an Order of the Governor in Council was made on 25 January 1984 under sub-section (4) of the said Act amending certain provisions relating to the State Secondary and Technical School Councils listed below:

Technical Schools

7053 Brandon Park
7145 Ferntree Gully
7160 Geelong
7320 Sandringham
7325 Sebastapol
7387 Wangaratta
7395 Warrnambool

High Schools

7503 Albert Park
7527 Avondale
7545 Ballarat East
7603 Berwick
7705 Caulfield
7760 Dandenong
7764 Deer Park

7396 Warrnambool North
7415 Williamstown
7190 Heidelberg
7200 Jordanville
7402 Werribee
7185 Hamilton

7845 Foster
7857 Gisborne
7870 Golden Square
7874 Greenwood
7943 Keilor Heights
7945 Kerang
7970 Kyneton
7975 Lake Bolac
8125 McKinnon
8015 Maribyrnong
8021 Maryvale
8155 Newlands
8227 Pascoe Vale Girls
8235 Preston East
8268 Richmond Girls
8367 Swifts Creek
8375 Templestowe
8383 Thomastown

ROBERT FORDHAM
Minister of Education

Education Act 1958

NOTICE OF THE MAKING OF AN ORDER UNDER SECTION 13 (4) OF THE ACT

Pursuant to section 13 of the *Education Act 1958* I hereby give notice that an Order of the Governor in Council was made on 25 January 1984 under sub-section (4) of the said Act amending certain provisions relating to the Special Developmental and Special School Councils listed below:

Special Developmental

5222 Belvoir/Wodonga
5225 Box Hill
5220 Goulburn
5149 Kallemondah
5148 Numurkah

Special

5097 Ashwood
4950 Broadmeadows
4883 Carronbank
4918 Dandenong
5143 Frankston
4683 Glendonald
5080 Naranga
5167 Shepparton
5214 St. Albans
5025 Vermont South

ROBERT FORDHAM
Minister of Education

Education Act 1958

NOTICE OF THE MAKING OF AN ORDER UNDER SECTION 13 (4) OF THE ACT

Pursuant to section 13 of the *Education Act 1958* I hereby give notice that an Order of the Governor in Council was made on 25 January 1984 under sub-section (4) of the said Act amending certain provisions relating to the State Primary School Councils listed below:

695 Ballarat Primary
1552 Clunes Primary
2948 Auburn Primary
3585 Brunswick North Primary
3957 Powelltown Primary
4269 Lemnos Primary
4798 Bonbeach Primary
4960 Boroondara North Primary
4995 Ararat North Primary
5013 Sherbourne Primary
5024 Watsonia South Primary
5055 Wallarno Primary
5066 Gladesville Primary
5067 Falls Creek Primary
5132 Dorset Primary
5136 James Cook Primary
5154 Westmeadows Heights Primary
5171 Mt Martha Primary
5195 Bass Valley Primary
5205 Mossiel Park Primary
6201 Alvie Consolidated
6231 Lavers Hill Consolidated
1712 Pyramid Hill Higher Elementary

ROBERT FORDHAM
Minister of Education

Education Act 1958

NOTICE OF THE MAKING OF AN ORDER UNDER SECTION 13 (4) OF THE ACT

Pursuant to section 13 of the *Education Act 1958* I hereby give notice that an Order of the Governor in Council was made on 25 January 1984 under sub-section (4) of the said Act amending certain provisions relating to the State Primary School Councils listed below:

502 Stawell	2785 Ruffy
582 Skipton	2790 Strathmerton
647 Woodend	2890 Brunswick West
789 Woods Point	3080 Crib Point
1022 Vermont	3098 Flowerdale
1075 Kew	3129 Tyabb
1104 Nagambie	3255 Kinglake West
1148 Glen Iris	3645 Kilsyth
1244 Upper Plenty	3787 Balliang East
1366 Kialla	3820 Caulfield North Central
1368 Mount Eliza	3885 Preston West
1372 Dimboola	4060 Wattle Glen
1395 Templestowe	4389 Mildura South
1463 Osbornes Flat	4407 Hallam Valley
1477 Epping	4530 Upwey
1485 Warburton	4695 Warragul North
1563 Ardmona	4697 Horsham West
1604 Malvern	4717 Box Hill North
1697 Harkaway	4752 Bayview
1731 Baddaginnie	4803 Beaumaris North
2033 Mornington	4812 Avondale
2050 Derrinallum	4819 Heathmont East
2083 Bentleigh East	4864 Fawkner East
2219 Glen Waverley	4881 Parkmore
2535 Meerleu	4888 Doncaster Heights
2728 Toolamba West	4945 St Albans South

ROBERT FORDHAM
Minister of Education

APPOINTMENTS AND RESIGNATIONS

APPOINTMENTS

His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof has by Orders made on 25 January 1984, been pleased to make the undermentioned appointments, viz:

Department of Community Welfare Services

Honorary Probation Officers

Bram, Eliza Jane, 301 Cecil Street, South Melbourne 3205; Cotton, Cheryl Rae, 199 Station Street, Port Melbourne 3207; Fox, Marilyn, 4/159 Beacon Road, Port Melbourne 3207; Fox, Susan, 6/30 Mitford Street, St. Kilda 3182; Harvey, Kerrie Leigh, 8/158 Oakleigh Road, Murrumbeena 3163; McDiarmid, Francine Billie, 11/75 Park Road, Middle Park 3206; Sheahan, Marcelle Laurence, 23 O'Grady Street, Albert Park 3206; Trease, Alister John, P.O. Box 94, Echuca 3625; Hallows, Jewsie, 14 Daisy Street, Mooroopna 3629; McIntyre, Marilyn Kay, 63 Mason Street, Shepparton 3630; McNamara, Ian James, Craven Road, Tatura East 3616; Sellars, Shirley Annette, 62 Regent Street, Shepparton 3630; Snajdar, Sergio, 64 Wilmot Road, Shepparton 3630; Bongiorno, Anthony, 1/533 Rathdowne Street, Carlton 3053; Brown, Peter Francis, 63 Lincoln Street, Richmond 3121; Butcher, Leonard Alexander, 9 Tavern Street, Hastings 3915; Carkeek, Gavan, 904 Swanston Street, Carlton 3053; Cooper, Ken, 55 Outlook Drive, Burwood 3125; Davidson, Judy, 74 Johnston Street, Collingwood 3066; Fritz, Ray, 3 Gibney Street, Hawthorn West 3054; Jenson, Robert, 65/240 Wellington Street, Collingwood 3066; Kenny, Margaret, 74 Johnston Street, Collingwood 3066; Kenyon, William, 23 William Street, Hastings 3915; McGrath, Dennis, 128 Werribee Street,

Werribee 3030; McLeod, Cliff, 78 Freeman Street, North Fitzroy 3068; Mackovska, Leila, 12 Woodside Street, North Fitzroy 3068; Mahoney, Damine, 74 Johnston Street, Collingwood 3066; Moreton, Jane, 12 Woodside Street, North Fitzroy 3068; Mossenton-Brown, Dianne, 63 Lincoln Street, Richmond 3106; Nakas, Pamela, 19 Alfred Street, North Fitzroy 3068; Newson, Georgina Ruby, 5 Long Street, Langwarrin 3910; Newson, Harvey Anthony, 5 Long Street, Langwarrin 3910; Peach, Anne Leslie, 31 Hallifax Street, Seaford 3198; Randle, Frank, 1/285 Church Street, Richmond 3121; Thompson, Alan, 445 Punt Road, Richmond 3121; Thompson, Margaret Elizabeth, 236 Frankston-Flinders Road, Frankston 3199; Vienet, Trevor, 7/15 South Terrace, Clifton Hill 3068; Vogelsberger, Julian Enid, 51 Pratt Avenue, Frankston 3199; Wicks, Mary, 5 Catherine Parade, Frankston 3199; Woodman, Christopher Francis, 312 Nepean Highway, Frankston 3199;

to be Honorary Probation Officers for all Adult and Children's Courts in the State of Victoria, pursuant to the provisions of section 507(2) of the *Crimes Act 1958* and section 9 of the *Children's Court Act 1973*.

Department of Crown Land and Survey

Trustee of Melbourne Cricket Ground

Marjorie McMahon, in the place of Francis Patrick McManus, to be a Trustee of the land in the City of Melbourne permanently reserved by Order in Council of 20 February 1934 (and extended by Acts Nos. 5614, 6854 and 9990), as a site for the Melbourne Cricket Ground, pursuant to the provisions of section 6(1) of the *Melbourne Cricket Ground Act 1933* - (Rs.3197).

Bailiffs of Crown Lands

Barrie Maynard Cornish to be a bailiff of Crown lands, pursuant to the provisions of section 30 of the *Land Act 1958*, in respect of the reserved Crown lands in the Township of Mornington and Parish of Moorooduc known as the "Mornington Foreshore Reserves" and the "Mount Martha Camping Reserve", and with authority to enforce all the regulations made with respect to the care, protection and management of the said reserves.

Robert Steven Robinson, to be a bailiff of Crown lands, pursuant to the provisions of section 30 of the *Land Act 1958*, in respect of the reserved Crown lands known as the "Walkerville Foreshore Reserve" and with authority to enforce all the regulations made with respect to the care, protection and management of the said reserve.

Leslie Arthur Geary, Garry James Squires, David Cavendish Harvey, Francis Morris, Terence Michael Stephenson, Maxwell Albert Stuart, Lindsay James Stevens, Robert Charles Graham, Gregory John McCarthy, Dennis Ronald Moloney, Robert Benjamin Rankin, Denis Paul Read, Anthony William Stephenson, Walter Biszko, Malcolm Ewan McDougall, Geoffrey Vernan Beilby, Norman Francis Rourke, Edgar Vincent Page, all Forest Officers of the Department of Conservation, Forests and Lands; and

John Stewart Comely, Maurie William Walsh, John Maxwell Hanna, Graeme Henry Edlington, John Graeme Bodinnar, Robert Edward Calnin, Neville James Gapes, James Ian Morley, Allan Otto Uebergang, Kenneth Webb Tyler, Gavin Cecil Lindsay Fitzpatrick, John Willis Widdicombe, Roger John Gurrie, Roy Edwardson Bentley, all members of the Victoria Police Force;

to be bailiffs of Crown lands, pursuant to the provisions of section 30 of the *Land Act 1958*, in respect of all Crown Lands in the State of Victoria, and with authority to discharge and exercise all the duties and powers of bailiffs of Crown lands.

Health Commission

Members of Committees of Management of Hospitals

Graeme John Charles, as Government Appointee on Committee of Management, Ovens and Murray Hospital for the Aged, pursuant to the provisions of section 48(1)(a)(ii) of the *Hospitals and Charities Act 1958*, the period of office expiring on 30 September 1986.

Peter Campisi and Antonio Salvatore Pisasale, Robinvale and District Hospital, 30 September 1984 and 30 September 1985 respectively; Lindsay Alexander Smith, Lorne Community Hospital, 30 September 1984; Barrie Alexander McDonald, Willaura and District Hospital, 30 September 1985; Manjeet Singh Mundae and Peter Wayne Eldred, Morwell and District Community Hospital, 30 September 1984; Kathleen Ann Baker, Rupanyup and District Hospital, 30 September 1986; Peter Leonard Wilson, Queen Victoria Medical Centre, 30 September 1985; Leslie William Powell, Ovens District Hospital, 30 September 1986; Edward Alexander Venables, Waranga Memorial Hospital, 30 September 1986;

to be Members of the Committees of Management of the abovementioned hospitals, pursuant to the provisions of section 63F(1) of the *Hospitals and Charities Act 1958*, the period of office expiring on the date indicated.

Psychiatrist Superintendents of Mental Hospitals

Terrence Mark Hardiker, M.B.B.S., C.OBST.R.C.O.G., D.C.H., D.P.M., M.R.A.N.Z.C.P., to be Psychiatrist Superintendent, Dandenong Psychiatric Centre, pursuant to the provisions of section 26(1) of the *Mental Health Act 1959*, for period 19 December 1983 to 13 January 1984, vice D. Leonard on leave;

Lois Philippa Harms, M.B.B.S., D.P.M., to be Deputy Psychiatrist Superintendent, Dandenong Psychiatric Centre, pursuant to the provisions of section 26(1) of the *Mental Health Act 1959*, for the period 19 December 1983 to 13 January 1984, vice T.M. Hardiker higher duties;

Maxwell Bruce Gayner, M.B.B.S., D.P.M. M.R.C.Psych. M.A.N.Z.C.P., to be Psychiatrist Superintendent, Ararat Mental Hospital and Training Centre, and Pleasant Creek Training Centre, Stawell, pursuant to the provisions of section 26(1) of the *Mental Health Act 1959*, for period 14 January to 27 January 1984 vice B.M. Currie, on leave;

Michael Duke, M.B.B.S., D.P.M. to be Psychiatrist Superintendent, Mont Park Mental Hospital and Psychiatric Hospital, pursuant to the provisions of section 26(1) of the *Mental Health Act 1959*, from 16 January 1984, vice A. Rodda;

Alexandra Rodda, M.B.B.S., D.P.M., to be Deputy Psychiatrist Superintendent, Mont Park Mental Hospital and Psychiatric Hospital, pursuant to the provisions of section 26(1) of the *Mental Health Act 1959*, from 16 January 1984, vice M.B. Gayner;

Walimuni Chandra Padmanatha De Silva Wijesinghe, M.B.B.S., M.D., D.P.M., M.R.A.N.Z.C.P., to be Psychiatrist Superintendent, Traralgon Mental Hospital and Psychiatric Hospital, pursuant to the provisions of section 26(1) of the *Mental Health Act 1959*, for period 23 January 1984 to 27 January 1984, vice A.F. Bell resigned.

Trustees of Public Cemeteries

John Mills, to be a Trustee of the Bright Public Cemetery, vice Bernard Lawler (resigned).

Mervyn John Willis, to be a Trustee of the Hazelwood Public Cemetery, vice Michael Ryan (resigned).

Stanley William Pearse, to be a Trustee of the Donald Public Cemetery, vice Lancelot Gordon Bassett (resigned).

Benjamin Carruthers, to be a Trustee of the Cheltenham Public Cemetery, vice John Craven McDermid (resigned).

Gordon Wallace Templeton, Andrew Gordon Templeton, Thomas Dickson and Leslie Arckle, to be Trustees of the Caramut Public Cemetery, vice T. Dermond (deceased), Donald McLeod (resigned), Frank Lumb (resigned), and Patrick O'Connor (resigned), respectively;

Noel Stanley McKinnon, to be a Trustee of the Mallacoota Public Cemetery, vice Hugh Brady (deceased);

William McKellar Jnr., Steven Vick and Ian Askew, to be Trustees of the Ballangeich Public Cemetery, vice Sydney Knight (deceased), John Muir (deceased), George Threfall (deceased), respectively; pursuant to section 3(1) of the *Cemeteries Act 1958*.

Law Department

Justices of the Peace

Lawrence Michael Abrahams, 196 Burwood Road, Hawthorn; Sandra Margaret Allmand, 23 Marriage Road, East Brighton; Suzanne Jane Coghill, 33 Alex Avenue, Wheeler's Hill; Duncan Moir Malcolm, "Glen Avon", Malcolms Road, Boisdale; Kim Norcote Parry, 7A Wray Crescent, Mount Evelyn;

to be Justices of the Peace for the State of Victoria.

Commissioner for Taking Declarations &c.

Kenneth John Allender, Burleigh Street, Newport; Clive Wallace Baldwin, 60 Kawarren Street, North Balwyn; Warwick Crel Ball, 385 Bourke Street, Melbourne; Gerhard Beilharz, 31 Elizabeth Street, Bayswater; Wilson Harry Blakeborough, 500 Collins Street, Melbourne; Thomas James Vincent Joseph Burns, 51 Hender Street, Bayswater North; Gregory Brian Butt, 4 Allora Close, Hoppers Crossing; Donald Wasson Couper, Mardan-Dumbalk Road, Dumbalk; George Francis Crockett, Cnr. Elizabeth and Bourke Streets, Melbourne; Michael John Duffett, 45 Poplar Road, Parkville; Gregory Charles Fetterplace, 48 Bailey Street, Bairsdale; Clifford Arthur Fothergill, 480 Collins Street, Melbourne; David John Francis, Toolamba Road, Mooroopna; Elspeth Faith Gardner, 150 Lonsdale Street, Melbourne; Arthur Henry Gayleard, 171 Flinders Street, Melbourne; Charles Ernest Gladman, Serpentine; Alan Bruce Guerin, Tivoli Court, 239 Bourke Street, Melbourne; Geoffrey Michael Hall, 55 Swanston Street, Melbourne; Roderick William Harding, 228 Church Street, Richmond; Timothy John Hollier, 117 Hotham Street, Traralgon; Alan Charles Jackson, Cnr. Kardinia and Nepean Streets, Greensborough; Oskar Krockenberger, 152 Tucker Road, Bentleigh; Stephen Joseph Leahy, 1 Sumner Avenue, Northcote; David Kok Chye Lee, 29 McFadzean Avenue, Reservoir; Bruno Ernst August Lux, 480 Collins Street, Melbourne; John Francis Mackie, 480 Collins Street, Melbourne; Edward John McDade, 140 Bourke Street, Melbourne; Brian John McDougall, 351 William Street, Melbourne; Donald George John McLean, 207 Glenhuntly Road, Elsternwick; Graham Keith Palmer, 360 Collins Street, Melbourne; James Quigg, Rintoul Street, Morwell; Lynette Anne Reid, 433A Centre Road, Bentleigh; Arthur John Rinaldi, 72 Bridge Street, Benalla; Leslie Joseph Rountree, 241 William Street, Melbourne; James Anthony Sabine, 350 Collins Street, Melbourne; Kevin John Shannahan, Drummond Street, Chadstone; Albert Rex Smith, 241 William Street, Melbourne; Mark Steven Spiers, 1102 Toorak Road, Hartwell; Anthony Spink, 118 Lime Avenue, Mildura; Robert Maxwell Swanson, 143 Queen Street, Melbourne; Stanley

Andrew Szalek, 443 Raymond Street, Sale; John Walter Wilkins, Loy Yang; John Yanko, 152 Churchill Avenue, Braybrook;

to be Commissioners for taking declarations and affidavits under the *Evidence Act 1958*.

TOM FORRISTAL
Clerk of the Executive Council

At the Executive Council Chamber
Melbourne, 25 January 1984

Liquor Control Act 1968

APPOINTMENT OF LICENSING INSPECTORS

In accordance with the authority conferred upon me by section 6 of the *Police Regulation Act 1958*, I, Eric Thomas Millar, Deputy Commissioner of Police, do hereby appoint under sub-section (1) of section 22 of the *Liquor Control Act 1968*, the following Officers of Police as Licensing Inspectors for the Divisions of the Police Districts as shown:

Division Number	Police District	Rank and Name
1	Heidelberg	Inspector Clifford Neil Foard, No. 13765 (from 22.1.84 to 11.2.84).
2	Heidelberg	Inspector David John Wooster, No. 13535 (from 5.2.84 to 25.2.84)
4	Malvern	Inspector Raymond Ernest Ridley, No. 12988 (from 15.1. 84 to 6.2.84).

Dated 26 January 1984 E.T. MILLAR
Deputy Commissioner

Liquor Control Act 1968

APPOINTMENT OF LICENSING INSPECTOR

In accordance with the authority conferred upon me by section 6 of the *Police Regulation Act 1958*, I, Eric Thomas Millar, Deputy Commissioner of Police, do hereby appoint under sub-section (1) of section 22 of the *Liquor Control Act 1968*, the following Officer of Police as Licensing Inspector for the Division of the Police District as shown:

Division Number	Police District	Rank and Name
1	Heidelberg	Superintendent Peter Maurice Stafford, No. 11106 (vice Chief Superintendent A.W. Snell, No. 10044)

Dated 26 January 1984 E.T. MILLAR
Deputy Commissioner

MENTAL HEALTH ACT 1959, Section 26

Notice is hereby given that the following appointments have been made pursuant to section 26 of the *Mental Health Act 1959*.

Paul William Christopher Collins, Manager, Bundoora Repatriation Mental Hospital, for period 28 December 1983 to 20 January 1984, vice W.R. Dobson on leave.

Jeffrey Michael Andrews, Deputy Manager, Bundoora Repatriation Mental Hospital, for period 28 December 1983 to 20 January 1984, vice P.W.C. Collins higher duties.

Dated 16 January 1984

G. TREVAKS
Chairman, Health Commission of Victoria

MENTAL HEALTH ACT 1959, Section 26

Notice is hereby given that the following appointment has been made pursuant to section 26 of the *Mental Health Act 1959*.

Noel James McArdle, Deputy Manager, Lakeside Hospital and Parklands Clinic, Ballarat, from 5 March 1984, vice D.T. Dennett.

Dated 16 January 1984

G. TREVAKS
Chairman, Health Commission of Victoria

REVOCATION OF APPOINTMENTS

His Excellency the Governor of the State of Victoria by and with the advice of the Executive Council thereof has by Order made on 25 January 1984, revoked the appointment of the person named hereunder to the office mentioned, viz:

Department of Community Welfare Services

Honorary Probation Officer

Bates, Lee, as Honorary Probation Officer, pursuant to the provisions of section 507(2) of the *Crimes Act 1958* and section 9 of the *Children's Court Act 1973*, for all Adult and Children's Courts in Victoria.

TOM FORRISTAL
Clerk of the Executive Council

At the Executive Council Chamber
Melbourne, 25 January 1984

RESIGNATIONS

His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof has by Orders made on 25 January 1984, accepted the resignations of the persons named hereunder of the offices mentioned, viz:

Department of Community Welfare Services

Honorary Probation Officers

Benfield, Rev. Desmond Earnest; Burdon, Leonie; Canny, Joan Margaret; Fernandez, Derek; Holz, Beverley; Hotchberg, Ivan; Lambert, Richard Anthony; Quick, Rev. Aubrey; as Honorary Probation Officers pursuant to the provisions of section 507(2) of the *Crimes Act 1958* and section 9 of the *Children's Court Act 1973*, for all Adult and Children's Courts in Victoria.

Health Commission

Members of Committees of Management of Hospitals

Arthur Adderley Farn, as Member of the Committee of Management, Casterton Memorial Hospital, from 25 October 1983;

Gwendoline Ethel Farrington, as Member of the Committee of Management, Central Gippsland Hospital, from 20 December 1983;

James Frederick Bumstead, as Member of the Committee of Management, Ovens District Hospital, from 20 September 1983;

Vito Guiseppe Russo, as Member of the Committee of Management, Mordialloc-Cheltenham Community Hospital, from 29 December 1983;

Robert Edward Appleby, as Member of the Committee of Management, William Angliss Hospital, Upper Ferntree Gully, from 19 December 1983;

TOM FORRISTAL
Clerk of the Executive Council

At the Executive Council Chamber,
Melbourne 25 January 1984

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984.*

PRESENT:

His Excellency the Governor of Victoria
Mr Simpson | Mr Kennan
Mr Mackenzie

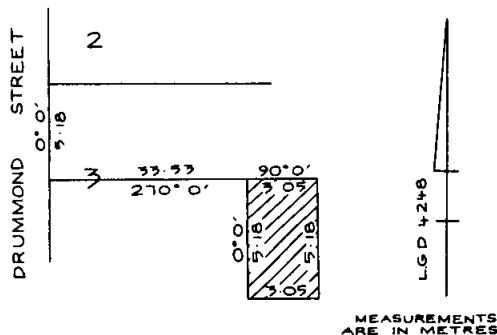
ROAD DISCONTINUED—CITY OF MELBOURNE

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may be Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Melbourne has requested that the Governor in Council direct that part of a road at the rear of 670 Drummond Street, Carlton be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs:—

- that the said part of a road which is shown by hatching on the plan hereunder shall be discontinued;
- that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- that, subject to any such right title power authority or interest the land in the said part of a road may be sold by the Council of the City of Melbourne by agreement;



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria
Mr Simpson | Mr Kennan
Mr Mackenzie

CONSENT TO VARIATION OF USE OF A RESERVE
SHIRE OF ELTHAM

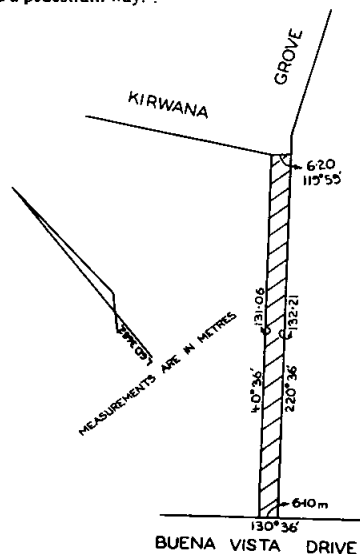
Whereas certain land being the Reserve for Drainage Purposes on Plan of Subdivision No. 13612 lodged in the Office of Titles was vested in the Council of the Shire of Eltham by Order published in the *Government Gazette* No. 62 dated 23 June 1982 and the said Council is now of the opinion that the land is no longer required for the purpose for which it was reserved and has requested that consent be given, pursuant to the provisions of section 569BA of the *Local Government Act 1958*, for the use of the said land for the purpose of a pedestrian way.

And whereas the said Council:

- has published in a newspaper generally circulating in the municipal district a notice describing the land and the proposal for the altered use thereof and stating that at the next ordinary meeting of the Council after the expiration of forty days after publication of the notice the Council would consider any objection to the proposal; and
- has posted a similar notice upon the land in question.

And whereas no objections to the proposal have been received.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section 2 of section 569BA of the *Local Government Act 1958* hereby consents to the use of the Reserve for Drainage Purposes of Plan of Subdivision No. 13612 and being the land shown by hatching on the attached plan for drainage purposes and a pedestrian way.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

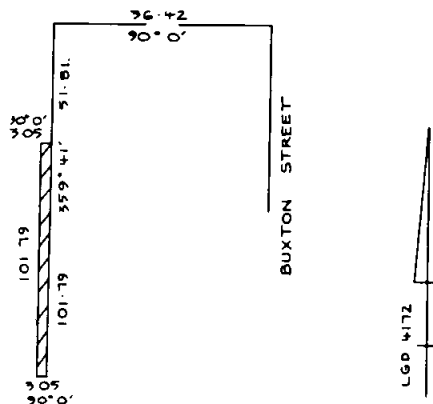
Mr Simpson	Mr Kennan
Mr Mackenzie	

ROAD DISCONTINUED—CITY OF FOOTSCRAY

Whereas it is provided in section 528 (2) of the *Local Government Act* 1958, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Footscray has requested that the Governor in Council direct that part of a road between Blandford and Buxton Streets, Footscray be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said part of a road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said part of a road may be sold by the Council of the City of Footscray by agreement.



MEASUREMENTS ARE IN METRES

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

VESTING OF RESERVE IN THE MORNINGTON SHIRE COUNCIL

Whereas it is provided by section 569BA of the *Local Government Act 1958*, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of Land Act 1958*, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act 1958*) and any allotment on that map or plan has been transferred the Governor in Council on the request of the council of the municipality may by Order published in the *Government Gazette* direct that the whole or any part of the land comprised in any reserve shown on that map or plan shall vest in the council whereupon such land shall so vest freed and discharged from any mortgage charge lease or sub-lease:

And whereas the Council of the Shire of Mornington has requested that a reserve shown on plan of subdivision be vested in the Council and a lot on that plan has been transferred.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section 1 of section 569BA of the *Local Government Act 1958* doth by this Order vest in the Council of the Shire of Mornington the Public Purposes Reserve coloured green and blue hatched on Plan of Subdivision No. 75843 lodged in the Office of Titles.

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

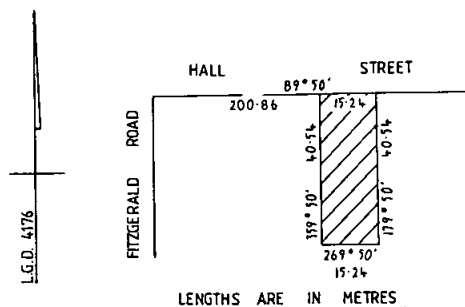
ROAD DISCONTINUED—CITY OF SUNSHINE

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Sunshine has requested that the Governor in Council direct that part of Charlotte Street, West Sunshine be discontinued and not less than one month previously has published in a newspaper generally circulating in the dis-

trict and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said road may be sold by the Council of the City of Sunshine by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

CONSENT TO SALE OF PART OF A RESERVE BY THE WAVERLEY CITY COUNCIL

Whereas certain land being the Reserve for Municipal Purposes on Plan of Subdivision No. 111444 lodged in the Office of Titles was transferred to the Council of the City of Waverley pursuant to the provisions of section 569B (8A) (a) of the *Local Government Act 1958* and the said Council is now of the opinion that part of the land is no longer required for the purposes for which it was reserved and has requested that consent be given to the sale of that land.

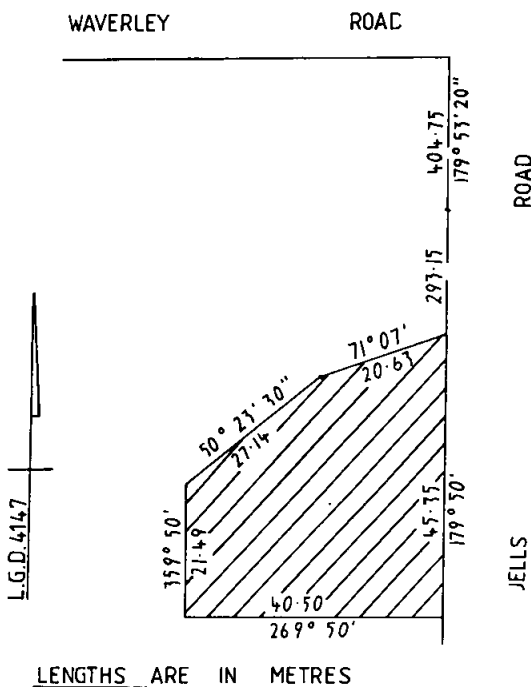
And whereas the said Council—

- has published in a newspaper generally circulating in the municipal district a notice describing the land and the proposal for the sale of the land and stating that at the next ordinary meeting of the Council after the expiration of 40 days after publication of the notice the Council would consider any objections to the proposal and receive any representations as to the disposal of any purchase money;
- being the registered proprietor of the land in question and there being no mortgagee chargee or lessee thereof has posted a similar notice upon the land.

And whereas no objection has been made against the proposal and no representations have been made as to the disposal of any purchase money.

And whereas the consideration for the sale is an equivalent area of land.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section (2) of section 569BA of the *Local Government Act 1958* doth hereby consent to the Council of the City of Waverley selling by private treaty part of the Reserve for Municipal Purposes on Plan of Subdivision No. 111444 lodged in the Office of Titles being the land shown by hatching on the attached plan.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

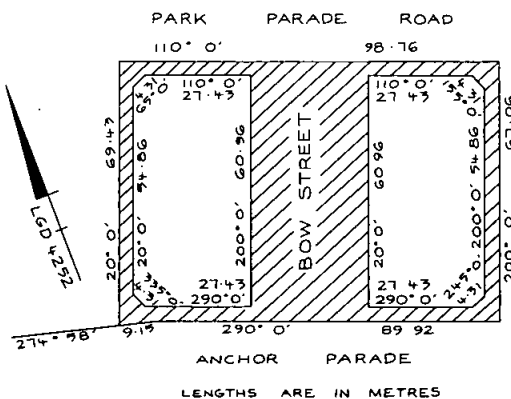
ROADS DISCONTINUED—BOROUGH OF WONTHAGGI

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if

any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the Borough of Wonthaggi has requested that the Governor in Council direct that roads between Park Parade Road and Anchor Parade, Cape Patterson be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said roads which are shown by hatching on the plan hereunder, shall be discontinued and the land in the said roads may be sold by the Council of the Borough of Wonthaggi by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

PART OF A ROAD DISCONTINUED—CITY OF CROYDON

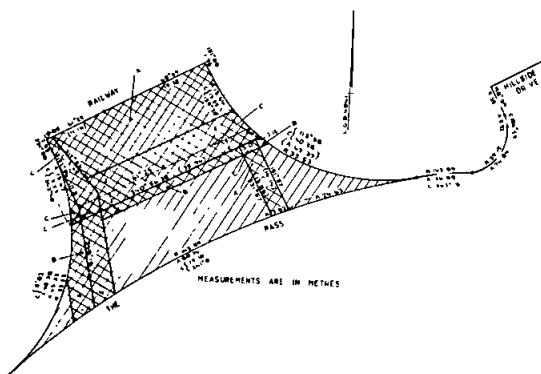
Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to

make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Croydon has requested that the Governor in Council direct that part of The Pass, Croydon be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a requested.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- (a) that the said part of a road which is shown by hatching and cross hatching marked A, B and C on the plan hereunder shall be discontinued;
- (b) that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by cross hatching marked A and C on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- (c) that notwithstanding such discontinuance the State Electricity Commission of Victoria shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by cross hatching marked B and C on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any wires or cables laid or erected in on or over such land for the purposes of electricity supply;
- (d) that, subject to any such right title power authority or interest the land in the said part of a road shall be retained by the Council of the City of Croydon for municipal purposes.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria
Mr Simpson | Mr Kennan
Mr Mackenzie

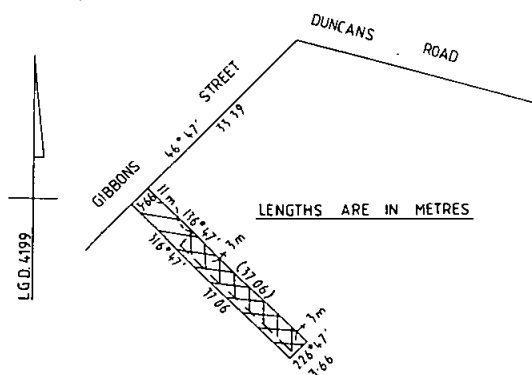
ROAD DISCONTINUED—CITY OF CAMBERWELL

Whereas it is provided in section 528 (2) of the *Local Government Act* 1958, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Camberwell has requested that the Governor in Council direct that a road off Croydon Road, Surrey Hills be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- (a) that the said road which is shown by hatching and cross-hatching on the plan hereunder shall be discontinued;
- (b) that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by cross-hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- (c) that, subject to any such right title power authority or interest the land in the said road may be sold by the Council of the City of Camberwell by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

CONSENT TO VARIATION OF USE OF PART OF A RESERVE
CITY OF KEILOR

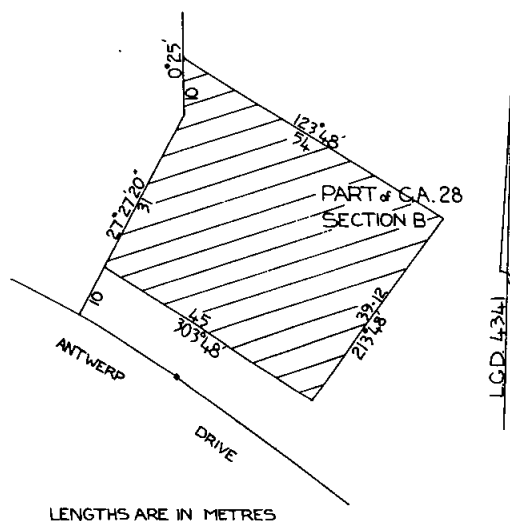
Whereas, pursuant to the provisions of section 569BA of the *Local Government Act 1958*, certain land being the Reserve for Public Resort and Recreation Purposes on Plan of Subdivision No. 125010 lodged in the Office of Titles was transferred to the Council of the City of Keilor pursuant to the provisions of section 569B (8A) (a) of the *Local Government Act 1958* and the Council of the City of Keilor is now of the opinion that part of the land is no longer required for the purposes for which it was reserved and has requested that consent be given to the use of the land as the site for a pre-school/infant welfare centre.

And whereas the said Council:

- (a) has published in a newspaper generally circulating in the municipal district a notice describing the land and the proposal for the altered use thereof and stating that at the next ordinary meeting of the council after the expiration of forty days after publication of the notice the Council would consider any objection to the proposal;
- (b) has served a copy of the said notice upon any other person whom the Council considered should be so served; and
- (c) has posted a similar notice upon the land in question.

And whereas all objections to the proposal have been considered by the Council.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section 2 of section 569BA of the *Local Government Act 1958* hereby consents to the use of part of the land shown as the Reserve for Public Resort and Recreation Purposes on Plan of Subdivision No. 125010 lodged in the Office of Titles as shown by hatching on the plan hereunder as the site for a pre-school/infant welfare centre.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

VESTING OF A RESERVE IN THE WOORAYL SHIRE
COUNCIL

Whereas it is provided by section 569BA of the *Local Government Act 1958*, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of Land Act 1958*, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act 1958*) and any allotment on that map or plan has been transferred the Governor in Council on the request of the council of the municipality may by Order published in the *Government Gazette* direct that the whole or any part of the land comprised in any reserve shown on that map or plan shall vest in the council whereupon such land shall so vest freed and discharged from any mortgage charge lease or sub-lease;

And Whereas the Council of the Shire of Woorayl has requested that a reserve shown on a plan of subdivision be vested in the Council and a lot on the subdivision has been transferred.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section 1 of section 569BA of the *Local Government Act 1958* doth by this Order vest in the Council of the Shire of Woorayl the Reserve for Public Purposes and Recreation coloured green on Plan of Subdivision No. 57665 lodged in the Office of Titles.

And the Honourable James Harley Kennan, Her Majesty's Acting Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

ROAD DISCONTINUED—CITY OF NORTHCOTE

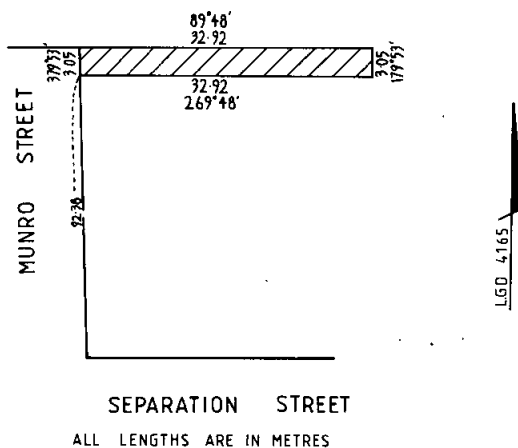
Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Northcote has requested that the Governor in Council direct that a road off Munro Street, Northcote be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and

posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- (a) that the said road which is shown by hatching on the plan hereunder shall be discontinued;
- (b) that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- (c) that, subject to any such right title power authority or interest the land in the said road may be sold by the council of the City of Northcote by agreement;



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984.

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

ROAD DISCONTINUED—CITY OF DONCASTER AND TEMPLESTOWE

Whereas it is provided in section 528 (2) of the *Local Government Act* 1958, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands

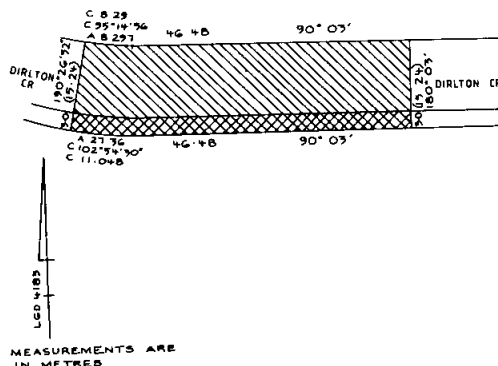
abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Doncaster and Templestowe has requested that the Governor in Council direct that part of Dirlton Crescent, Park Orchards be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

And whereas objections from owners and occupiers of land abutting or immediately adjacent to the road have been received and have been considered.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- (a) that the said part of a road which is shown by hatching and cross-hatching on the plan hereunder shall be discontinued;
- (b) that notwithstanding such discontinuance the Gas and Fuel Corporation of Victoria shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by cross-hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any pipes laid or erected in on or over such land for the purposes of supply of gas;
- (c) that, subject to any such right title power authority or interest the land in the said part of a road shall be retained by the Council of the City of Doncaster and Templestowe for municipal purposes.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984.

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

VESTING OF RESERVE IN THE KEILOR CITY COUNCIL

Whereas it is provided by section 569BA of the *Local Government Act* 1958, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of Land Act* 1958, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act*

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

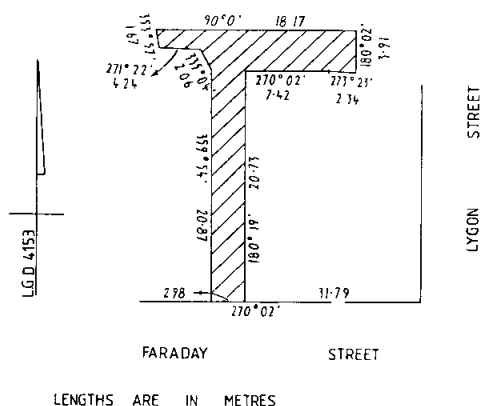
Mr Kennan

ROAD DISCONTINUED—CITY OF MELBOURNE

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Melbourne has requested that the Governor in Council direct that a road off Faraday Street, Carlton be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said road may be sold by the Council of the City of Melbourne by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria

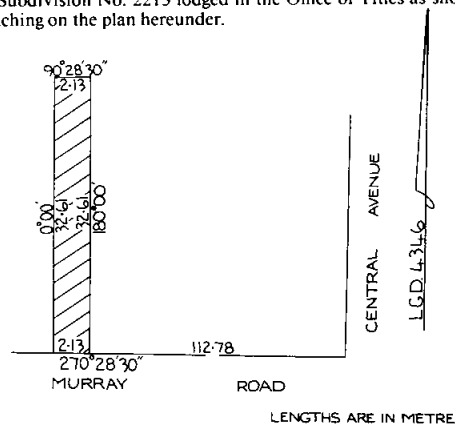
Mr Simpson | Mr Kennan
Mr Mackenzie

VESTING OF PART OF A RESERVE IN THE PRESTON CITY COUNCIL

Whereas it is provided by section 569BA of the *Local Government Act 1958*, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of Land Act 1958*, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act 1958*) and any allotment on that map or plan has been transferred the Governor in Council on the request of the council of the municipality may by Order published in the *Government Gazette* direct that the whole or any part of the land comprised in any reserve shown on that map or plan shall vest in the council whereupon such land shall so vest freed and discharged from any mortgage charge lease or sub-lease:

And whereas the Council of the City of Preston has requested that part of a reserve shown on a plan of subdivision be vested in the Council and a lot on the subdivision has been transferred.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section 1 of section 569BA of the *Local Government Act 1958* doth by this Order vest in the Council of the City of Preston part of the Drainage Reserve on Plan of Subdivision No. 2213 lodged in the Office of Titles as shown by hatching on the plan hereunder.



And the Honourable James Harley Kennan, Her Majesty's Acting Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson | Mr Kennan
Mr Mackenzie

VESTING OF RESERVE IN THE SHEPPARTON CITY COUNCIL

Whereas it is provided by section 569BA of the *Local Government Act 1958*, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of*

Land Act 1958, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act 1958*) and any allotment on that map or plan has been transferred the Governor in Council on the request of the council of the municipality may by Order published in the *Government Gazette* direct that the whole or any part of the land comprised in any reserve shown on that map or plan shall vest in the council whereupon such land shall so vest freed and discharged from any mortgage charge lease or sub-lease:

And whereas the Council of the City of Shepparton has requested that a reserve shown on plan of subdivision be vested in the Council and a lot on that plan has been transferred.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section 1 of section 569BA of the *Local Government Act 1958* doth by this Order vest in the Council of the City of Shepparton the Reserve coloured green on Plan of Subdivision No. 28069 lodged in the Office of Titles.

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson | Mr Kennan
Mr Mackenzie

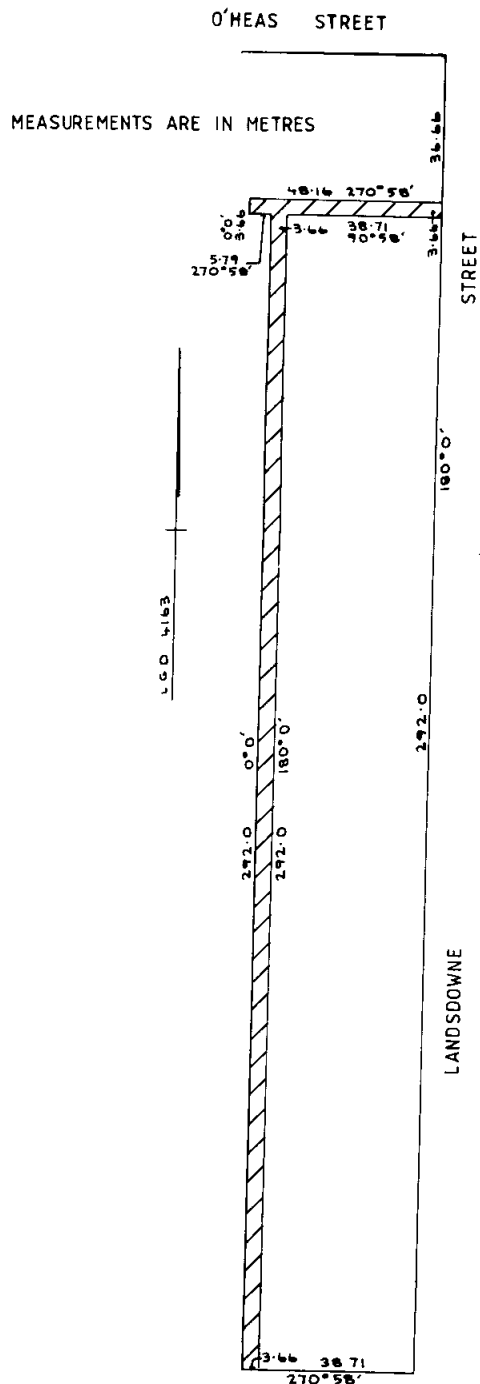
ROAD DISCONTINUED—CITY OF COBURG

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Coburg has requested that the Governor in Council direct that a road off Lansdowne Street, Pascoe Vale South be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- (a) that the said road which is shown by hatching on the plan hereunder shall be discontinued;
- (b) that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- (c) that, subject to any such right title power authority or interest the land in the said road may be sold by the Council of the City of Coburg by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

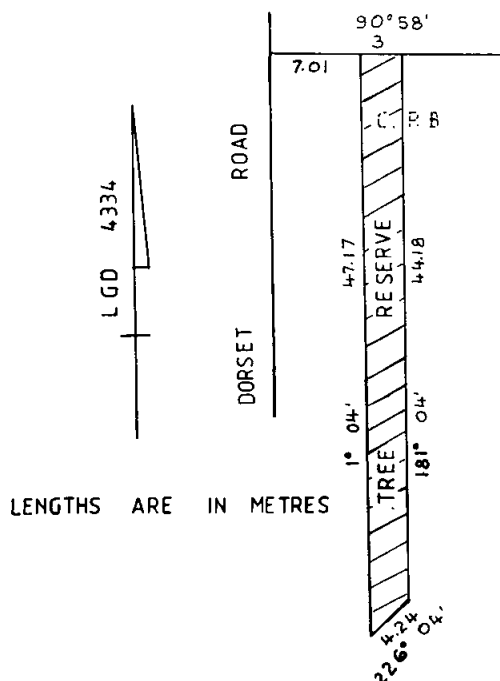
Mr Kennan

VESTING OF RESERVE IN THE CROYDON CITY COUNCIL

Whereas it is provided by section 569BA of the *Local Government Act 1958*, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of Land Act 1958*, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act 1958*) and any allotment on that map or plan has been transferred the Governor in Council on the request of the council of the municipality may by Order published in the *Government Gazette* direct that the whole or any part of the land comprised in any reserve shown on that map or plan shall vest in the council whereupon such land shall so vest freed and discharged from any mortgage charge lease or sub-lease:

And whereas the Council of the City of Croydon has requested that a reserve shown on plan of subdivision be vested in the Council and an allotment on that plan has been transferred.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section 1 of section 569BA of the *Local Government Act 1958* doth by this Order vest in the Council of the City of Croydon the Tree Reserve on Plan of Subdivision No. 137798 lodged in the Office of Titles being the land shown by hatching on the attached plan.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

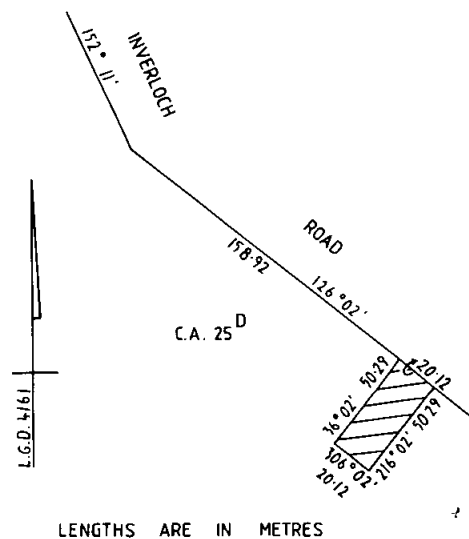
ROAD DISCONTINUED—BOROUGH OF WONTHAGGI

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the Borough of Wonthaggi has requested that the Governor in Council direct that a road off Inverloch Road, Wonthaggi be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

And whereas an objection from an owner or occupier of land abutting or immediately adjacent to the road has been received and has been considered.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said road may be sold by the Council of the Borough of Wonthaggi by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

CONSENT TO SALE OF PART OF A RESERVE BY THE PRESTON CITY COUNCIL

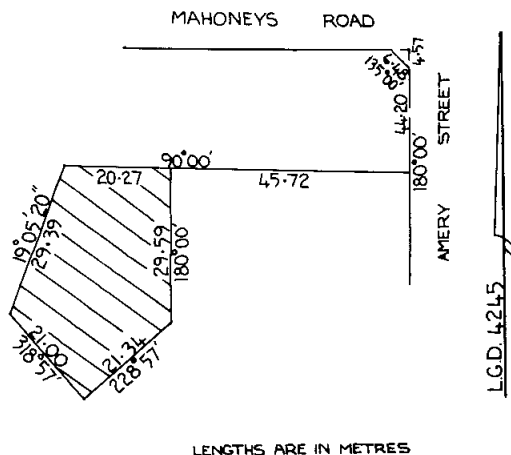
Whereas certain land being the Park Reserve on Plan of Subdivision No. 8538 lodged in the Office of Titles was transferred to the Council of the City of Preston pursuant to the provisions of section 569B(8A) (a) of the *Local Government Act 1958* and the said Council is now of the opinion that part of the land is no longer required for the purposes for which it was reserved and has requested that consent be given to the sale of that land.

And whereas the said Council—

- (a) has published in a newspaper generally circulating in the municipal district a notice describing the land and the proposal for the sale of the land and stating that at the next ordinary meeting of the Council after the expiration of 40 days after publication of the notice the Council would consider any objections to the proposal and receive any representations as to the disposal of any purchase money;
- (b) being the registered proprietor of the land in question and there being no mortgagee chargee or lessee thereof has posted a similar notice upon the land.

And whereas no objection has been made against the proposal and no representations have been made as to the disposal of any purchase money.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section (2) of section 569BA of the *Local Government Act 1958* doth hereby consent to the Council of the City of Preston selling by private treaty that part of the Park Reserve on Plan of Subdivision No. 8538 lodged in the Office of Titles as shown by hatching on the attached plan.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

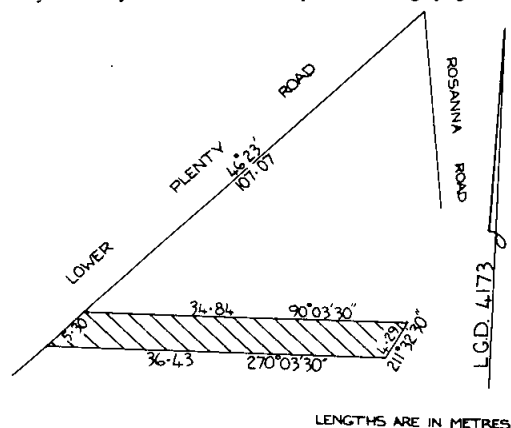
Mr Kennan

ROAD DISCONTINUED—CITY OF HEIDELBERG

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Heidelberg has requested that the Governor in Council direct that a road between Nos. 250–252 Lower Plenty Road, Rosanna be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said road may be sold by the Council of the City of Heidelberg by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

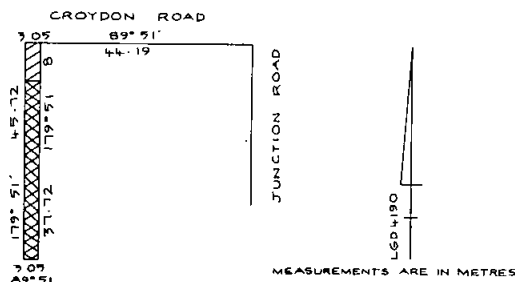
ROAD DISCONTINUED—SHIRE OF WERRIBEE

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the Shire of Werribee has requested that the Governor in Council direct that a road off Gibbons Street, Werribee be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- that the said road which is shown by hatching and cross-hatching on the plan hereunder shall be discontinued;
- that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by cross-hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- that, subject to any such right title power authority or interest the land in the said road may be sold by the council of the Shire of Werribee by agreement;



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

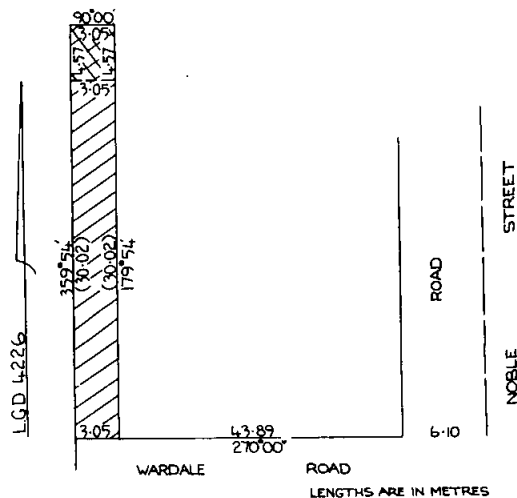
ROAD DISCONTINUED—CITY OF SPRINGVALE

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Springvale has requested that the Governor in Council direct that a road off Wardale Road, Springvale South be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- that the said road which is shown by hatching and cross-hatching on the plan hereunder shall be discontinued;
- that notwithstanding such discontinuance the Springvale and Noble Park Sewerage Authority shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by cross-hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- that, subject to any such right title power authority or interest the land in the said road may be sold by the council of the City of Springvale by agreement;

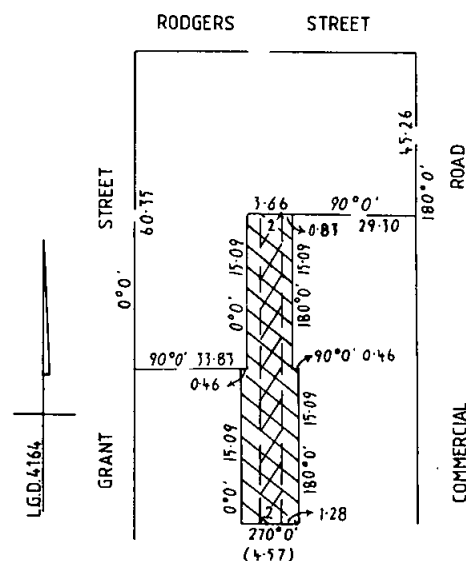


TOM FORRISTAL
Clerk of the Executive Council

PRESENT:

Mr Kennan

(c) that, subject to any such right title power authority or interest the land in the said part of a road may be sold by the Council of the Shire of Alberton by agreement;



TOM FORRISTAL
Clerk of the Executive Council

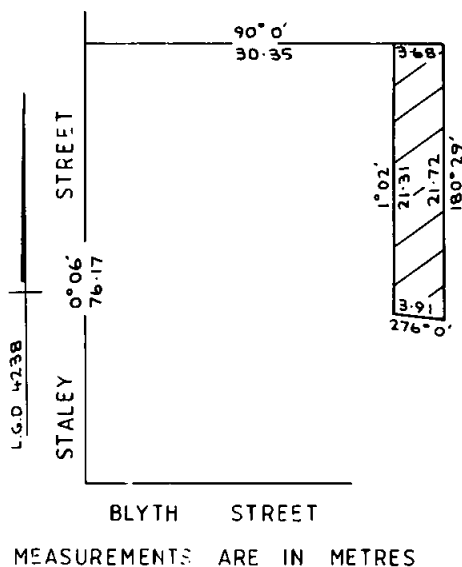
PRESENT:

Mr Kennan

And whereas the Council of the City of Brunswick has requested that the Governor in Council direct that a road at the rear of Nos. 19 and 21 Staley Street, Brunswick be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs:—

- that the said road which is shown by hatching on the plan hereunder shall be discontinued;
- that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by hatching on the said plan as it has or possessed prior to such discontinuance with respect to or in connexion with any drains or pipes laid or erected in or over such land for the purposes of drainage or sewerage;
- that, subject to any such right title power authority or interest the land in the said road may be sold by the Council of the City of Brunswick by agreement;



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

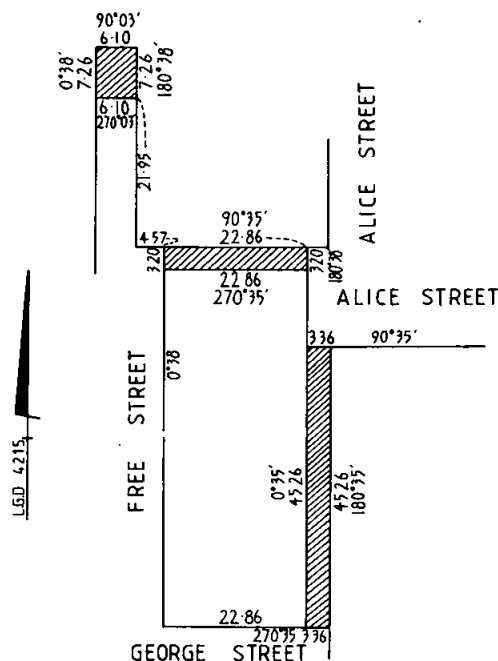
ROADS DISCONTINUED—CITY OF FOOTSCRAY

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to

make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Footscray has requested that the Governor in Council direct that roads at the rear of 9 Alice Street and 8-18 Free Street and a road adjacent to 13 Alice Street, Footscray be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the roads and to the owners and occupiers of lands abutting or immediately adjacent to the roads notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said roads which are shown by hatching on the plan hereunder, shall be discontinued and the land in the said roads may be sold by the Council of the City of Footscray by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson Mr Kennan
Mr Mackenzie

CONSENT TO SALE OF RESERVE BY THE
MORDIALLOC CITY COUNCIL

Whereas certain land being the reserve for recreation purposes on Plan of Subdivision No. 76499 lodged in the Office of Titles was transferred to the Council of the City of Mordialloc pursuant to the provisions of section 569B(8A)(a) of the *Local Government Act 1958* and the said council is now of the opinion that the land is no longer required for the purposes for which it was reserved and has requested that consent be given to the sale of that land.

And whereas the said Council:

- (a) has published in a newspaper generally circulating in the municipal district a notice describing the land and the proposal for the sale of the land and stating that at the next ordinary meeting of the Council after the expiration of forty days after publication of the notice the Council would consider any objections to the proposal and receive any representations as to the disposal of any purchase money;
- (b) being the registered proprietor of the land in question and there being no mortgagee chargee or lessee thereof has posted a similar notice upon the land.
- (c) has taken into consideration all objections made against the proposal.

And whereas no representations have been made as to the disposal of any purchase money.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section (2) of section 569BA of the *Local Government Act 1958*, doth hereby consent to the Council of the City of Mordialloc selling by public auction the reserve for recreation purposes on Plan of Subdivision No. 76499 lodged in the Office of Titles.

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson Mr Kennan
Mr Mackenzie

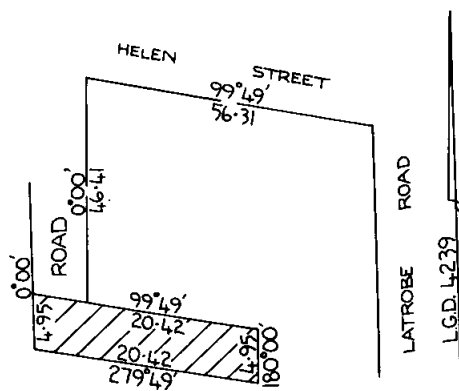
ROAD DISCONTINUED—SHIRE OF MORWELL

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of

the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the Shire of Morwell has requested that the Governor in Council direct that part of a road off Helen Street, Morwell be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said road may be sold by the Council of the Shire of Morwell by agreement.



LENGTHS ARE IN METRES

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson Mr Kennan
Mr Mackenzie

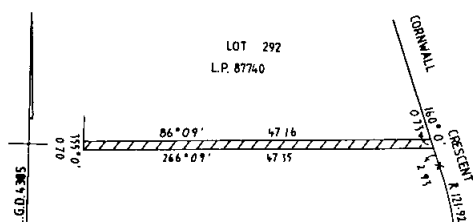
CONSENT TO SALE OF PART OF A RESERVE BY THE
MORNINGTON SHIRE COUNCIL

Whereas certain land being the public open space drainage and sewerage reserve on Plan of Subdivision No. 87740 lodged in the Offices of Titles was vested in the Council of the Shire of Mornington by order published in the *Government Gazette* No. 118, dated 24 November 1982, and the said Council is now of the opinion that part of the land is no longer required for the purposes for which it was reserved and has requested that consent be given to the sale of that land.

(a) has published in a newspaper generally circulating in the municipal district a notice describing the land and the proposal for the sale of the land and stating that at the next ordinary meeting of the Council after the expiration of forty days after publication of the notice the Council would consider any objections to the proposals and receive any representations as to the disposal of any purchase money;

(b) has posted a similar notice upon the land.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section (2) of section 569BA of the *Local Government Act* 1958, doth hereby consent to the Council of the Shire of Mornington, selling by private treaty part of the public open space drainage and sewerage reserve coloured green on Plan of Subdivision No. 87740 lodged in the office of Titles being the land shown by hatching on the attached plan.

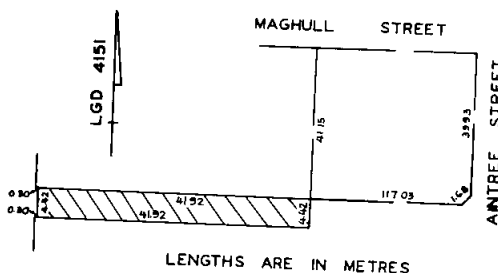


TOM FORRISTAL
Clerk of the Executive Council

His Excellency the Governor of Victoria	
Mr Simpson	Mr Kennan
Mr Mackenzie	

And whereas the Council of the City of Brunswick has requested that the Governor in Council direct that part of a road off Aintree

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said part of a road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said road shall be retained by the Council of the City of Brunswick for municipal purposes.

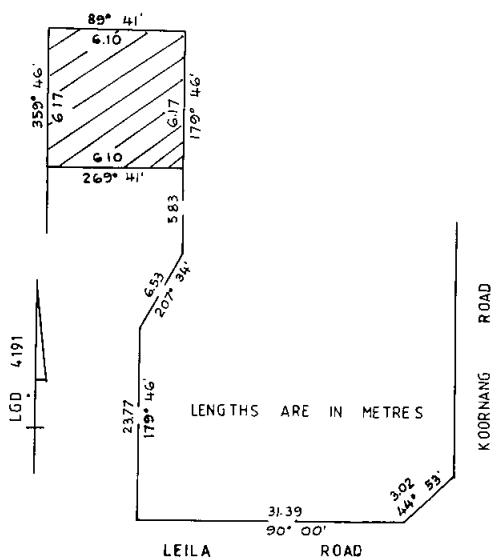


TOM FORRISTAL
Clerk of the Executive Council

Mr Simpson Mr Mackenzie	Mr Kennan
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And whereas an objection from an owner or occupier of land abutting or immediately adjacent to the road has been received and has been considered.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said part of a road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said part of a road may be sold by the Council of the City of Caulfield by agreement.



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

ROAD DISCONTINUED—CITY OF KEW

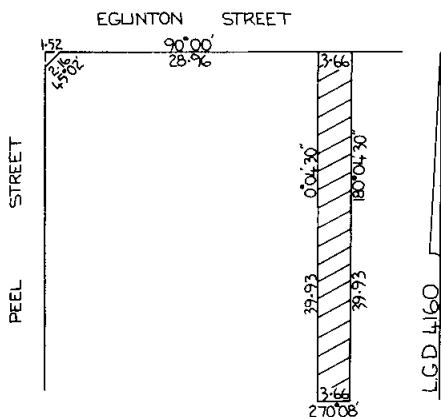
Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Kew has requested that the Governor in Council direct that a road off Eglinton Street, Kew be discontinued and not less than one month previously has pub-

lished in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- that the said road which is shown by hatching on the plan hereunder shall be discontinued;
- that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- that, subject to any such right title power authority or interest the land in the said road may be sold by the Council of the City of Kew by agreement;



LENGTHS ARE IN METRES

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

VESTING OF A RESERVE IN THE OAKLEIGH CITY COUNCIL

Whereas it is provided in section 569 BA of the *Local Government Act 1958*, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of Land Act 1958*, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act 1958*) and any allotment on that map or plan has been transferred the Governor in Council on the request of the council of the municipality may by Order published in the *Government Gazette* direct

that the whole or any part of the land comprised in any reserve shown on that map or plan shall vest in the council whereupon such land shall so vest freed and discharged from any mortgage charge lease of sub-lease;

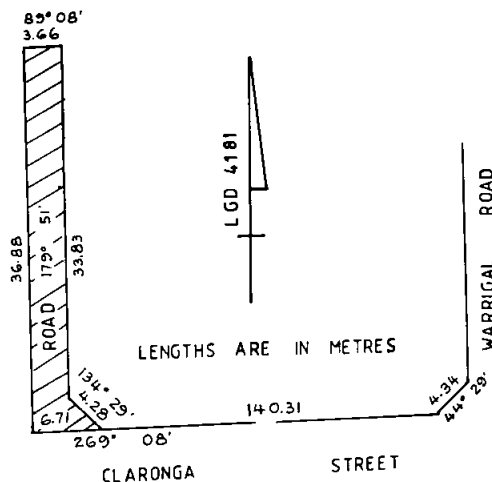
And whereas the Council of the City of Oakleigh has requested that a reserve shown on a plan of subdivision be vested in the Council and an allotment on that plan has been transferred.

Whereas it is provided by section 569BA of the *Local Government Act 1958*, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of Land Act 1958*, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act 1958*) and any allotment on that map or plan has been transferred the Governor in Council on the request of the council of the municipality may by Order published in the *Government Gazette* direct that the whole or any part of the land comprised in any reserve shown on that map or plan shall vest in the council whereupon such land shall so vest freed and discharged from any mortgage lease or sub-lease:

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, and in pursuance of the provisions of sub-section 1 of section 569 BA of the *Local Government Act 1958* doth by this Order vest in the Council of the City of Oakleigh the reserve for Parking Purposes and Parking and Sewerage Purposes coloured purple on Plans of Subdivision Nos. 44820 and 55811 lodged in the Office of Titles.

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984.

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

ROAD DISCONTINUED—CITY OF MOORABBIN

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Moorabbin has requested that the Governor in Council direct that a road off Claronga Street, Oakleigh South be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said road may be sold by the Council of the City of Moorabbin by agreement.

LOCAL GOVERNMENT ACT 1958

At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

ROAD DISCONTINUED—CITY OF CAULFIELD

Whereas it is provided in section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

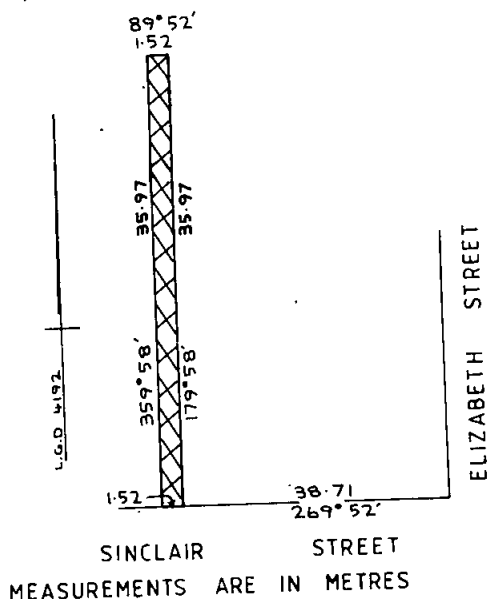
And whereas the Council of the City of Caulfield has requested that the Governor in Council direct that a road off Sinclair Street, Elsternwick be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request;

And whereas objections from owners or occupiers of land abutting or immediately adjacent to the road have been received and have been considered;

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs—

- (a) that the said road which is shown by cross-hatching on the plan hereunder shall be discontinued;

- (b) that notwithstanding such discontinuance the Melbourne and Metropolitan Board of Works shall continue to have and possess the same right title power authority or interest in or in relation to the whole of the land shown by cross-hatching on the said plan as it had or possessed prior to such discontinuance with respect to or in connection with any drains or pipes laid or erected in on or over such land for the purposes of drainage or sewerage;
- (c) that, subject to any such right title power authority or interest the land in the said road may be sold by the Council of the City of Caulfield by agreement;



And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

VESTING OF RESERVE IN THE FLINDERS SHIRE COUNCIL

Whereas it is provided in section 569 BA of the *Local Government Act 1958*, that where any map or plan has been lodged or deposited with the Registrar of Titles pursuant to section 97 of the *Transfer of Land Act 1958*, or any corresponding previous enactment (whether before or after the commencement of the *Local Government Act 1958*) and any allotment on that map or plan has been transferred the Governor in Council on the request of the council of the municipality may by Order published in the *Government Gazette* direct that the whole or any part of the land comprised in any reserve

shown on that map or plan shall vest in the council whereupon such land shall so vest freed and discharged from any mortgage charge lease or sub-lease;

And whereas the Council of the Shire of Flinders has requested that a reserve shown on plan of subdivision be vested in the Council and a lot on that plan has been transferred.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section 1 of section 569BA of the *Local Government Act 1958* doth by this Order vest in the Council of the Shire of Flinders the Reserve for Drainage and Recreation Purposes coloured green on Plan of Subdivision No. 52557 lodged in the Office of Titles.

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January, 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

CONSENT TO SALE OF RESERVES BY THE SHERBROOKE SHIRE COUNCIL

Whereas certain land being the Recreation Reserves on Plan of Subdivision No. 12973 lodged in the Office of Titles was vested in the Council of the Shire of Sherbrooke by Order published in the *Government Gazette* No. 98 dated 29 September, 1982 and the said Council is now of the opinion that the land is no longer required for the purposes for which it was reserved and has requested that consent be given to the sale of that land.

And whereas the said Council—

- (a) has published in a newspaper generally circulating in the municipal district a notice describing the land and the proposal for the sale of the land and stating that at the next ordinary meeting of the Council after the expiration of 40 days after publication of the notice the Council would consider any objections to the proposal and receive any representations as to the disposal of any purchase money;
- (b) has posted a similar notice upon the land.

And whereas no objection has been made against the proposal and no representations have been made as to the disposal of any purchase money.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council thereof and in pursuance of the provisions of sub-section (2) of section 569BA of the *Local Government Act 1958* doth hereby consent to the Council of the Shire of Sherbrooke selling by private treaty the Recreation Reserves on Plan of Subdivision No. 12973 lodged in the Office of Titles.

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

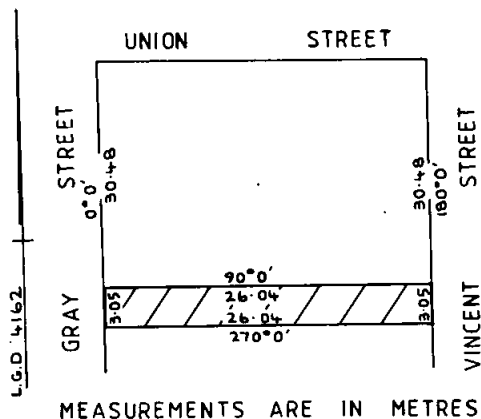
Mr Kennan

ROAD DISCONTINUED—CITY OF CAULFIELD

Whereas it is provided by section 528 (2) of the *Local Government Act 1958*, that where a road (whether or not a public highway but not being a road set out on land of the Crown) or any part thereof is not required for public use, the Governor in Council on the request of the council of the municipality in which such road is situated made not less than one month after publishing in a newspaper generally circulating in the district and posting to the registered proprietor (if any) of the land and the owners and occupiers (if any) of lands abutting or immediately adjacent to the road notice of intention to make such a request may by Order published in the *Government Gazette* direct that such road or part shall be discontinued and thereupon such road or part shall be discontinued accordingly;

And whereas the Council of the City of Brunswick has requested that the Governor in Council direct that a road between Gray and Vincent Streets, Brunswick be discontinued and not less than one month previously has published in a newspaper generally circulating in the district and posted to the registered proprietor of the land in the road and to the owners and occupiers of lands abutting or immediately adjacent to the road notice of intention to make such a request.

Now therefore, His Excellency, the Governor of the State of Victoria, by and with the advice of the Executive Council thereof, hereby directs that the said road which is shown by hatching on the plan hereunder, shall be discontinued and the land in the said road may be sold by the Council of the City of Brunswick by agreement.



MEASUREMENTS ARE IN METRES

And the Honourable Frank Noel Wilkes, Her Majesty's Minister for Local Government for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LOTTERIES, GAMING AND BETTING ACT 1966
LOCAL GOVERNMENT ACT 1958

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984.*

PRESENT:

His Excellency the Governor of Victoria

Mr Simpson | Mr Kennan
Mr Mackenzie

His Excellency 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, and in pursuance of the powers him thereunto enabling, does by this Order appoint as members of the Raffles and Bingo Permits Board—

Roy Glenister —a person nominated by the Minister, who shall be Chairman;

Raymond Thomas Paul Chapman—a person who in the opinion of the Minister is experienced in the management and conduct of fund-raising activities and in the keeping of accounts in relation to the funds so raised;

John O'Connor —a person nominated by the Chief Commissioner of Police.

these appointments to be current for the period 1 February to 31 July, 1984.

And the Honourable Neil Benjamin Trezise, Her Majesty's Minister for Youth, Sport and Recreation for the State of Victoria shall give the necessary direction taken accordingly.

TOM FORRISTAL
Clerk of the Executive Council

FIRST MILDURA IRRIGATION TRUST
MILDURA URBAN WATER TRUST

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson | Mr Kennan
Mr Mackenzie

SEVERANCE OF A PORTION OF THE FIRST MILDURA
IRRIGATION TRUST DISTRICT AND ANNEXATION TO
THE MILDURA URBAN WATER TRUST DISTRICT

Under the powers conferred by the Mildura Irrigation and Water Trusts Act and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby declare, order and direct that as on and from the date hereof the land shown by red colour on the plan approved by the Governor in Council and deposited in the office of the Ministry of Water Resources and Water Supply, Melbourne (Corr. No. 80/4325/60) shall be severed from the District of the First Mildura Irrigation Trust and annexed to the District of the Mildura Urban Water Trust.

And the Honourable David Ronald White, Her Majesty's Minister of Water Supply for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

**WATER AND SEWERAGE AUTHORITIES
(RESTRUCTURING) ACT 1983
WATER ACT 1958
TUNGAMAH SHIRE WATER BOARD**

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

EXCHANGE OF LAND

Whereas by an Order in Council dated 11 June 1885, made under the provisions of the *Victorian Water Conservation Act* 1881, and published in the *Government Gazette* on 19 June 1885, the Governor in Council constituted a Waterworks Trust under the corporate name of the Shire of Yarrawonga Waterworks Trust.

And whereas by an Order in Council dated 11 September 1893, made under the provisions of the *Water Act* 1890, and published in the *Government Gazette* dated 15 September 1893, the Governor in Council amended the aforementioned order of 11 June 1885, to inter alia, alter the corporate name of the Shire of Yarrawonga Waterworks Trust to the Shire of Tungamah Waterworks Trust.

And whereas the Shire of Tungamah Waterworks Trust, signed and sealed a plan dated 13 December 1983, describing the boundaries of the lands to be exchanged in connection with the replacement of the Nooramunga Railway Culvert and has sought the sanction of the Governor in Council to the exchange of such lands.

And whereas by an Order in Council dated 20 December 1983, made under the provisions of the *Water and Sewerage Authorities (Restructuring) Act* 1983, and published in the *Government Gazette* on 21 December 1983, the Governor in Council abolished the aforesaid Trust, constituted the Tungamah Shire Water Board, and transferred among other things the powers and functions of the aforesaid Trust to the Tungamah Shire Water Board.

And whereas under the provisions of section 51(j) of the *Water and Sewerage Authorities (Restructuring) Act* 1983, all acts matters and things of a continuing nature made done or commenced by or on behalf of or in relation to a former authority before it was abolished shall be deemed and taken to have been made done or commenced by or on behalf of or in relation to the Board.

And whereas under the provisions of section 29(1) of the *Water and Sewerage Authorities (Restructuring) Act* 1983 and section 325 of the *Water Act* 1958, the Governor in Council may by Order in Council sanction the exchange of lands.

Now therefore, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby sanction the exchange by the Tungamah Shire Water Board of the portions of land shown by blue colour on the attached plan being parts of Allotment 17A3, Parish of Devenish, and being parts of the land comprised in Certificate of Title Volume 2199 Folio 707 for the land shown by red colour on the said plan being part of said Allotment 17A3, Parish of Devenish and being part of the land comprised in Certificate of Title Volume 5862 Folio 242 owned by L.L. Mitchell P/L., and the said plan is approved by the Governor in Council by and with this order and deposited in the office of the Director of Water Resources (Corres. No. 81/1922/62).

And the Honourable David Ronald White, Her Majesty's Minister of Water Supply for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

HAMILTON WATER BOARD

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

SALE OF LAND

Under the powers conferred by the *Water Act* and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby consent to the sale by the Hamilton Water Board of Lot 1 on L.P. No. 92430, Parish of South Hamilton, County of Normanby, Certificate of Title Volume 8909, Folio 780.

And the Honourable David Ronald White, Her Majesty's Minister of Water Supply for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

FORESTS ACT 1958, No. 6254

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

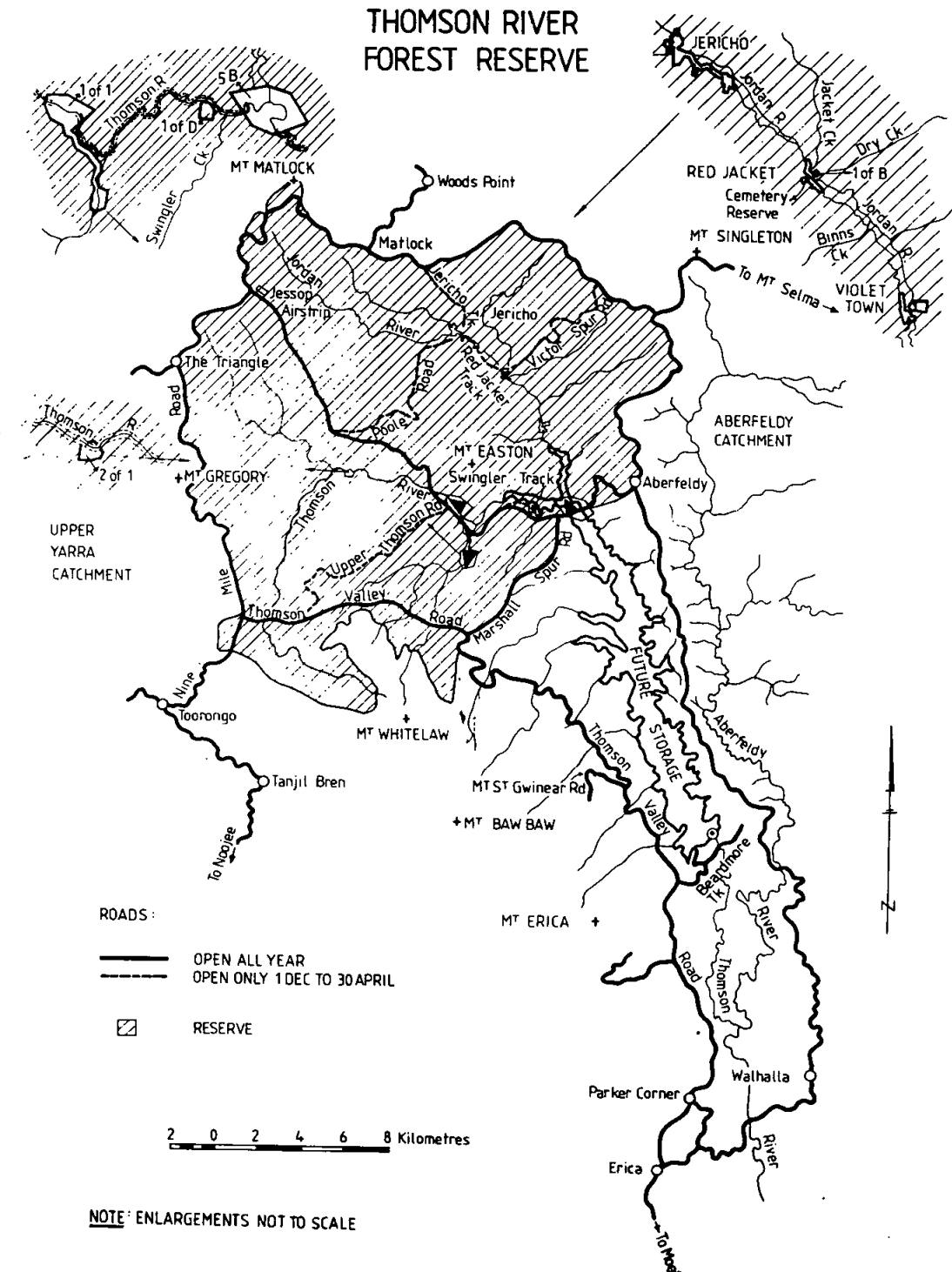
ORDER SETTING ASIDE AND DECLARING THE THOMSON RIVER FOREST RESERVE

Under the powers conferred by the *Forests Act* and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State doth by this order set aside and declare the area of Reserved Forest described in the schedule hereto to be a special purpose reserve known as the Thomson River Forest Reserve.

Schedule

The Reserved Forest in the Parishes of Coornburt, Baw Baw, Bullung, Toombon, Binnuc and Moolpah containing 31,640 hectares shown by shading on the plan hereunder.

THOMSON RIVER FOREST RESERVE



And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation, Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

CROWN LAND (RESERVES) ACT 1978

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

APPOINTMENT OF TRUSTEE — KILMORE
RACECOURSE AND RECREATION RESERVE

His Excellency 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, pursuant to the provisions of section 12 of the *Crown Land (Reserves) Act 1978*, doth hereby appoint the undermentioned person as a Trustee of the land in the Parish of Glenburnie, at Kilmore, permanently reserved for a Racecourse and other purposes of Public Recreation by Order in Council of 8 August 1887 (see *Government Gazette* dated 12 August 1887) viz.:

Christopher BIVIANO of Diggings Road Willowmavin, Bakery Manager, in the place of Patrick Dallas FitzPatrick (resigned) — (Rs 1423)

And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

CROWN LAND (RESERVES) ACT 1978

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CROWN RESERVE VESTED IN THE CORPORATION
OF THE CITY OF WANGARATTA

His Excellency 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, pursuant to section 16(1) of the *Crown Land (Reserves) Act 1978*, doth hereby direct that the Crown land described in the schedule hereunder be vested in the Corporation of the City of Wangaratta on trust for the purposes for which the land has been reserved, and, pursuant to section 16(2) of the said Act, doth also empower the said Corporation to grant leases and licences for a term not exceeding 21 years in respect of the land for the purposes of the reservation.

Schedule

The Municipal District of the City of Wangaratta — Township of Wangaratta, being the land known as Wareena Park temporarily reserved for Public Park and Recreation Purposes by Order published in the *Government Gazette* of 5 May 1926 and 26 February 1969. — (Rs. 3303)

And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation, Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

CROWN LAND (RESERVES) ACT 1978

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

Present:

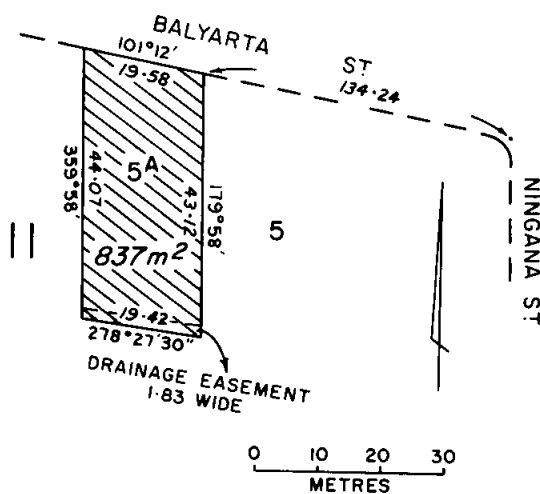
His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CROWN LAND TEMPORARILY RESERVED

His Excellency 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, pursuant to the provisions of sections 4 and 7 of the *Crown Land (Reserves) Act 1978*, and being of the opinion that the crown lands concerned are required for the public purposes respectively mentioned, doth hereby temporarily reserve and also except from prospecting or from occupation for mining purposes under any miner's right, the Crown lands hereinafter described, viz.:

Municipal District of the Shire of Ballarat —

CARDIGAN — For Health Commission purposes — 837 square metres, being Crown allotment 5A, section 11, Parish of Cardigan, as indicated by hatching on plan hereunder — (Parish 2344) (Rs. 12498)



Municipal District of the Borough of Eaglehawk — SANDHURST (at Eaglehawk) — For Children's Playground — 3453 square metres, being Crown allotment 133, section M, at Eaglehawk, Parish of Sandhurst as shown on Certified Plan No. 106662 lodged in the Central Plan Office — (Parish 3473-2) (Rs. 12558)

And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

CROWN LAND (RESERVES) ACT 1978

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr. Simpson Mr Kennan
Mr. MacKenzie

REVOCATION OF TEMPORARY RESERVATIONS OF
LANDS BY ORDERS IN COUNCIL

His Excellency 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, pursuant to the provisions of section 10 of the *Crown Land (Reserves) Act 1978*, doth hereby revoke the temporary reservations of lands by Orders in Council hereinafter described, viz.:

BOROONDARA — The temporary reservation by Order in Council of 23 May 1972 of 2125 square metres, more or less, of land in the Parish of Boroondara (at Lisson Grove Hawthorn) for public purposes (Social Welfare Department purposes) — (Rs. 9356)

KEELBUNDORA — The temporary reservation by Order in Council of 9 May 1972 of 3060 square metres of land in the Parish of Keelbundora (corner Duncan and Epping Roads Lalor) for public purposes (Police purposes) — (Rs. 9596)

SOUTH MELBOURNE — The temporary reservation by Order in Council of 17 February 1948 of 3819 square metres of land in the City of South Melbourne Parish of Melbourne South for a Children's Playground and the temporary reservation by Order in Council of 10 August 1954 of the same land for the additional purpose of Recreation for Elderly People — (Rs. 5669)

OAKLEIGH — The temporary reservation by Order in Council of 12 May 1925 of 1.378 hectares of land in the township of Oakleigh for Public Gardens, revoked as to part by various Orders, so far as the balance thereof containing 1745 square metres — (Rs. 3100)

PATCHEWOLLOCK — The temporary reservation by Order in Council of 22 May 1928 of 2.023 hectares of land in the Parish of Patchewollock (north of allotments 35 and 35A) for Public Recreation — (Rs. 3679)

PATCHEWOLLOCK — The temporary reservation by Order in Council of 27 May 1930 of 2.023 hectares of land in the Parish of Patchewollock (north of allotments 35 and 35A) for Public Recreation — (Rs. 3679)

WALLAN WALLAN — The temporary reservation by Order in Council of 20 September 1881 of 8094 square metres of land in the Parish of Wallan Wallan for a Quarry — (M. 26630)

And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

CROWN LAND (RESERVES) ACT 1978

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

REVOCATION OF TEMPORARY RESERVATIONS OF
LANDS BY ORDERS IN COUNCIL

His Excellency 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, pursuant to section 10 of the *Crown Land (Reserves) Act 1978*, doth hereby revoke the temporary reservations of lands by Orders in Council hereinafter described, viz.:

BARWO — The temporary reservation by Order in Council of 15 May 1956 of 6677 square metres of land in the Parish of Barwo for Police purposes, revoked as to part by various Orders, so far only as the portion thereof containing 408 square metres, as defined by description and hatching on plan published in the *Government Gazette* dated 7 December 1983, is concerned — (B690(A3) (Rs. 7449)

WILL-WILL-ROOK — The temporary reservation by Order in Council of 18 May 1965 of 683 square metres of land in the Parish of Will-will-rook (in section 11) for Public purposes (Police purposes) — (Rs 8443).

SANDHURST (at Bendigo) — The temporary reservation for Railway purposes by Order in Council of 23 November 1868 of the land comprised within the line of railway from Melbourne to Echuca, so far only as the portion thereof at Bendigo in the Parish of Sandhurst containing 9749 square metres, as defined by description and hatching on plan published in the *Government Gazette* dated 7 December 1983, is concerned (S372(122) (L6-1959)

And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

CROWN LAND (RESERVES) ACT 1978

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

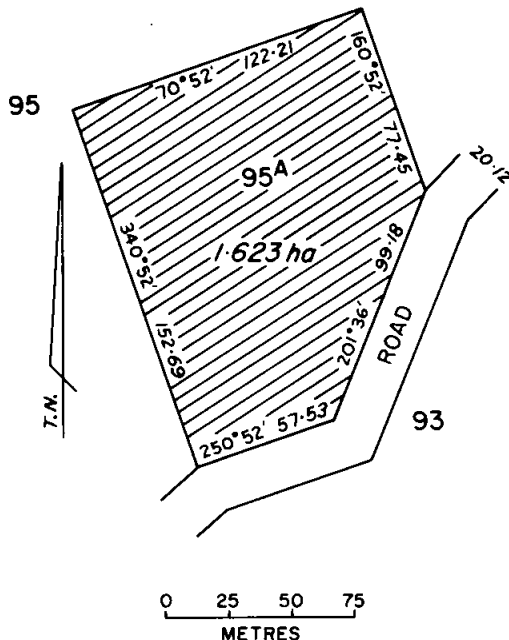
Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CROWN LANDS TEMPORARILY RESERVED

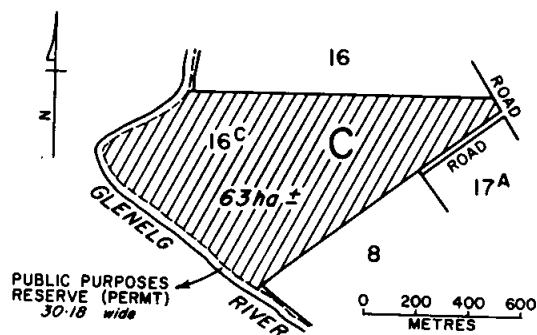
His Excellency the Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council of the said State, pursuant to the provisions of sections 4 and 7 of the *Crown Land (Reserves) Act 1978*, and being of the opinion that the Crown lands concerned are required for the purposes respectively mentioned, doth hereby temporarily reserve and also except from prospecting or from occupation for mining purposes under any miner's right, the Crown lands hereinafter described, viz.:

Municipal District of the Shire of Buln Buln —
FUMINA — For public recreation — 1.623 hectares, being Crown allotment 95A, Parish of Fumina, as indicated by hatching on plan hereunder — (F 103(6) (Rs. 12505))

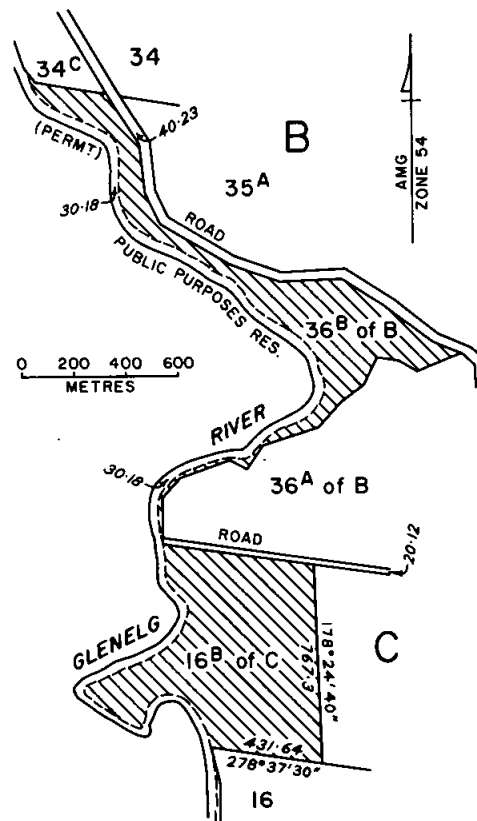


Municipal District of the Shire of Marong —
KANGAROO FLAT — For Promotion of Tourism — 2077 square metres, being Crown allotment 5, section 4A, township of Kangaroo Flat, as shown on Certified Plan No. 106751 lodged in the Central Plan Office — (K 217(2) (Rs. 12584))

Municipal District of the Shire of Glenelg —
MYARING — For Conservation of an Area of Natural Interest — 63 hectares, more or less, being Crown allotment 16C, section C, Parish of Myaring, as indicated by hatching on plan hereunder — (M 503(4) (Rs. 11487))



Municipal District of the Shire of Glenelg —
MYARING — For Conservation of an Area of Natural Interest — 72.5 hectares, more or less, being Crown allotment 36B, section B, Parish of Myaring and Crown allotment 16B, section C, Parish of Myaring, as indicated by hatching on plan hereunder — (M 503(4) (Rs. 11488))



TOTAL AREA OF HATCHED PORTIONS 72.5 ha ±

Municipal District of the Shire of Kilmore —
WALLAN — For State School purposes — 2696 square metres, being Crown allotment 13, section 14, township of Wallan, as shown on Certified Plan No. 106510 lodged in the Central Plan Office — (W 18(6) (Rs. 12552))

Municipal District of the City of Doncaster and Templestowe
WARRANTYTE — For Pre-school and Community purposes - 1737 square metres, being Crown allotment 25B, Parish of Warrandyte, as shown on Certified Plan No. 106494 lodged in the Central Plan Office — (W 26(5) (Rs. 12581))

And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
 Clerk of the Executive Council

CROWN LAND (RESERVES) ACT 1978

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson Mr Kennan
Mr MacKenzie

REVOCATION OF TEMPORARY RESERVATIONS OF LANDS BY ORDERS IN COUNCIL

His Excellency 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, pursuant to section 10 of the *Crown Land (Reserves) Act 1978*, doth hereby revoke the temporary reservations of lands by Order in Council hereinafter described, viz.:

BOORT — The temporary reservation by Order in Council of 25 February 1890 of 594 square metres of land in the township of Boort (in section 2) for a Court House — (Rs. 2008)

FRANKSTON — The temporary reservation by Order in Council of 25 January 1972 of 4.907 hectares of land in the Parish of Frankston (adjoining allotment 38) for Public purposes (Social Welfare Department purposes) — (Rs. 9583)

And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

CROWN LAND (RESERVES) ACT 1978

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson Mr Kennan
Mr MacKenzie

REVOCATION OF TEMPORARY RESERVATION OF LAND BY ORDER IN COUNCIL

His Excellency 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, pursuant to the provisions of section 10 of the *Crown Land (Reserves) Act 1978*, doth hereby revoke the temporary reservation of land by Order in Council hereinafter described, viz.:

MORANGHURK — The temporary reservation of land in the Parish of Moranghurk being the land deemed to be temporarily reserved for the purposes of section 127 of the *Racing Act 1958*, and being the land contained in transfer dealing numbered F622878 registered in the Office of Titles on 5 March 1975 — (Rs. 10186)

And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LAND ACT 1958

*At the Executive Council Chamber, Melbourne, the
25 day of January 1984*

Present:

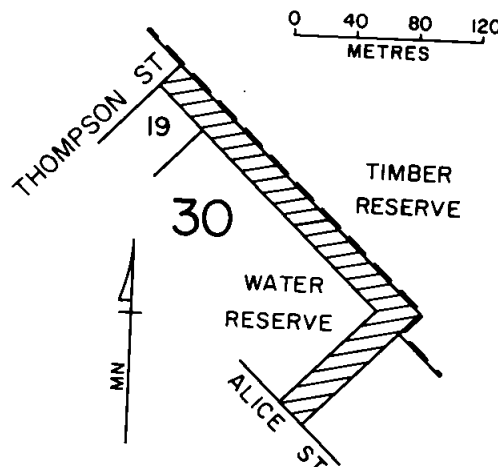
His Excellency the Governor of Victoria

Mr Simpson Mr Kennan
Mr Mackenzie

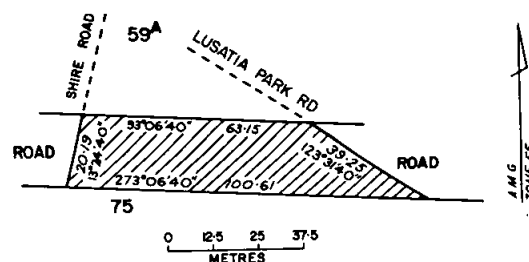
UNUSED ROADS CLOSED

His Excellency 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, pursuant to the provisions of section 349 of the *Land Act 1958* and with the concurrence in writing of the council of the municipality concerned and that of any adjoining land owners, doth hereby close the unused roads hereinafter described, viz.:

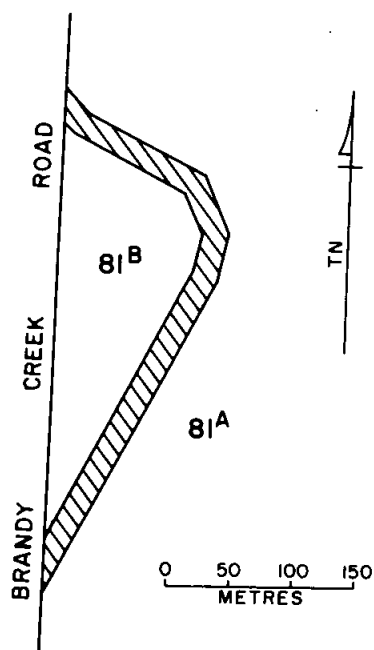
Municipal District of the Shire of Bet Bet —
Township of Dunolly, being the roads indicated by hatching on plan hereunder — (D 124(3) (L6-950))



Municipal District of the Shire of Upper Yarra —
Parish of Woori Yallock, being the road indicated by hatching on plan hereunder — (W351(7) (L11-2195))



Municipal District of the Shire of Warragul —
Parish of Drouin East, being the road indicated by hatching
on plan hereunder — (Parish 2547) (L10-341)



And the Honourable Roderick Alexander Mackenzie, Her Majesty's Minister for Conservation Forests and Lands for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

SWAN HILL SEWERAGE AUTHORITY

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

APPROVAL TO SALE OF LAND

Under the powers conferred by the Sewerage Districts Act and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby consent to the Swan Hill Sewerage Authority selling by public auction the allotment known as number 13 High Street, Swan Hill, being part of Crown allotment 7, section 42, Township of Swan Hill and being the land more particularly described in Certificate of Title Volume 5998, Folio 441. (Corr. No. 80/4697/23,26.

And the Honourable David Ronald White, Her Majesty's Minister of Water Supply 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF WANGARATTA 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:

- (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 Council of the Wangaratta College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Wangaratta College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities

through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Wangaratta 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 Wangaratta College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Wangaratta 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 not more than seventeen (17) members and shall be constituted as follows:

- (a) Eleven (11) 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 (a).

- (b) The Principal of the College shall be a member ex officio.
- (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
- (e) The Vice-Principal of the College shall be a member ex officio.
- (f) One (1) shall be a member nominated by the Committee of the Wangaratta Centre for Continuing Education and co-opted by the College Council but no member of staff or any student of the College shall be eligible to be a member under this paragraph (f).
- (2) A member of Council elected pursuant to paragraphs (c) and (d) of subclause 4(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 Council (other than the Principal or Vice-Principal) shall be entitled to hold office for three (3) years.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (f) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (6) If a member of the Council (other than the Principal or Vice-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 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 paragraphs (a) or (f) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
- (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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 (f) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) Where for any reason the Council appoints a person to be Acting Principal or Acting Vice-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 powers, duties, rights and the privileges of the position in which he is acting.

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 subclause 4(1) and less than half of the members present shall be members of staff. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) of subclause 4(1) to fill an original or 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 members (other than the Principal, Vice-Principal or any member of staff) 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, Vice-Principal or any member of staff) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and or (f) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.

- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
 - (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
 - (24) 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.
 - (25) Act either solely or jointly as trustee or custodian of any property or funds.
 - (26) 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.
 - (27) Constitute and appoint such committees as it determines.
 - (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
 - (29) By resolution or Regulation 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 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.
 - (30) Do all such 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.
- (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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who

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.

Delegation

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 organisation and management of the College.

shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.

- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF WILLIAM ANGLISS COLLEGE

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:

- (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 Council of the William Angliss College (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the William Angliss College has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means William Angliss College including the Council, staff, students, facilities, land buildings and equipment.

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

"Council" means the Council of the William Angliss College established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 William Angliss College 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 not more than thirteen (13) members and shall be constituted as follows:

- (a) Seven (7) members appointed by the Governor in Council as members having a special interest in Technical and Further Education or an expert knowledge of at least one branch of the work performed in the educational programs of the College, but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (a).
- (b) The Director of the College shall be a member ex officio.

- (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.

- (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.

- (e) One (1) shall be a member of the student body elected by the students in a manner prescribed.

- (f) The Deputy Director shall be a member ex officio.

- (2) A member of Council elected pursuant to paragraphs (c) (d) and (e) of subclause 4(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 Council (other than the student member, Director or the Deputy Director) shall be entitled to hold office for three (3) years.

- (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.

- (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 appointed or elected for more than three successive terms.

- (6) If a member of the Council (other than the Director or Deputy Director):

- (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 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 paragraphs (a) or (f) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
- (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) Where for any reason the Council appoints a person to be Acting Director or Acting Deputy Director 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 powers, duties, rights and the privileges of the position in which he is acting.

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 subclause 4(1) and not less than 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 Director, Deputy Director, any member of 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 Director, Deputy Director, any member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

6. The Council shall have the power from time to time to:
- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
 - (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
 - (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
 - (5) Establish and administer a student loan fund.
 - (6) Do all such things as are calculated to advance the interests of the students and staff.
 - (7) 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.
 - (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
 - (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Director or members of the teaching staff.
 - (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
 - (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
 - (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
 - (13) Enter into arrangements with any 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.
 - (14) 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.
 - (15) 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.
 - (16) Provide maintain and establish lecture rooms 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.
 - (17) 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 TAFE Board.
 - (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
 - (19) 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 authorised investments within the meaning of the law relating to trustees.
 - (20) 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.
 - (21) 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.
 - (22) Accept gifts of real or personal property to the College.

- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises of the powers conferred on the Council.
- (d) The discipline of the College including provisions for the imposition of fines and other penalties.
- (e) The educational programs of the College and the granting of certificates or other awards.
- (f) The management and procedures of the student loan fund.
- (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
- (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
- (i) The manner and time of convening meetings of the Council and the conduct thereof.
- (j) The association or affiliation with the College of any other bodies institutions or persons.
- (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
- (l) The conduct of elections of members of the Council or of committees constituted by the Council.
- (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by 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 organisation 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 program.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.

- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson

Mr Kennan

Mr Mackenzie

CONSTITUTION OF COUNCIL OF SUNRAYSIA 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:

- (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 Council of the Sunraysia College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Sunraysia College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows.

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Sunraysia 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 Sunraysia College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Sunraysia 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 not more than fifteen (15) members and shall be constituted as follows:

- (a) Five (5) 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 (a).
 - (b) The Director of the College shall be a member *ex officio*.
 - (c) Two (2) shall be members of the full time teaching staff elected by the full time teaching staff in a manner prescribed.
 - (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
 - (e) One (1) shall be a student of the College elected by the students in a manner prescribed.
 - (f) Five (5) shall be persons having a special interest in Technical and further Education from the geographic areas covered by the College's activities appointed by co-option by the Council but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (f).
- (2) A member of Council elected pursuant to paragraphs (c) (d) and (e) of subclause 4(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 Council (other than the student member or the Director) shall be entitled to hold office for three (3) years.
 - (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
 - (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (f) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
 - (6) If a member of the Council (other than the Director):
 - (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 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 (f) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
 - (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) or (f) of subclause 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 class 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 subclause 4(5).
 - (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
 - (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
 - (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
 - (14) Where for any reason the Council appoints a person to be Acting Director 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 powers, duties, rights and the privileges of the Director.

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 subclause 4(1) and less than half of the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) or subclause 4(1) to fill an original or 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 members (other than the Director, any member of 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 Director, any member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and/or (f) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.

Powers of the Council

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.

(20) 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.

(21) 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.

(22) Accept gifts of real or personal property to the College.

(23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.

(24) 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.

(25) Act either solely or jointly as trustee or custodian of any property or funds.

(26) 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.

(27) Constitute and appoint such committees as it determines.

(28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.

(29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.

(30) Do all such 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 organisation 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 program.

(d) The discipline of the College including provisions for the imposition of fines and other penalties.

(e) The educational programs of the College and the granting of certificates or other awards.

(f) The management and procedures of the student loan fund.

(g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.

(h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.

(i) The manner and time of convening meetings of the Council and the conduct thereof.

(j) The association or affiliation with the College of any other bodies institutions or persons.

(k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.

(l) The conduct of elections of members of the Council or of committees constituted by the Council.

(m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984

Present:

His Excellency the Governor of Victoria

Mr Simpson

Mr Kennan

Mr Mackenzie

CONSTITUTION OF COUNCIL OF RICHMOND 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:

- (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 Council of the Richmond College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Richmond College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its

Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Richmond 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 Richmond College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Richmond 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 not more than twelve (12) members and shall be constituted as follows:

- (a) Eight (8) 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 (a).
- (b) The Director of the College shall be a member *ex officio*.
- (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.

(2) A member of Council elected pursuant to paragraphs (c) and (d) of subclause 4(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 Council (other than the Director) shall be entitled to hold office for three (3) years.

(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 appointed or elected for more than three successive terms.

(6) If a member of the Council (other than the Director):

- (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 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) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
- (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) Where for any reason the Council appoints a person to be Acting Director 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 powers, duties, rights and the privileges of the director.

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 subclause 4(1) and less than half of the members present shall be members of staff.
- (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 Director or any member of staff) 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 Director or any member of staff) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
 - (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
 - (24) 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.
 - (25) Act either solely or jointly as trustee or custodian of any property or funds.
 - (26) 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.
 - (27) Constitute and appoint such committees as it determines.
 - (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the Council any member of staff any committee of members of the Council and members of staff or any committee of persons the majority of whom are members of Council or members of staff.
 - (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
 - (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.
- (d) The discipline of the College including provisions for the imposition of fines and other penalties.
- (e) The educational programs of the College and the granting of certificates or other awards.
- (f) The management and procedures of the student loan fund.
- (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
- (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
- (i) The manner and time of convening meetings of the Council and the conduct thereof.
- (j) The association or affiliation with the College of any other bodies institutions or persons.
- (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
- (l) The conduct of elections of members of the Council or of committees constituted by the Council.
- (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who

shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.

- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

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:

- (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 Council of the Preston College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Preston College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 23 December 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"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 program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 not more than nineteen (19) members and shall be constituted as follows:
 - (a) Five (5) members shall be appointed by the Governor in Council but no member of the staff or student of the College shall be eligible to be a member under this paragraph (a).

- (b) One (1) shall be a nominee of the Minister of Education.
- (c) The Director of the College shall be a member ex officio.
- (d) The Deputy Director of the College shall be a member ex officio.
- (e) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (f) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
- (g) Eight (8) shall be persons who have a special interest in Technical and Further Education appointed by co-option by the Council but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (g).

- (2) A member of Council elected pursuant to paragraphs (e) and (f) of subclause 4(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 Council (other than the Director or Deputy Director) shall be entitled to hold office for three (3) years.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (g) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (6) If a member of the Council (other than the Director or Deputy Director):
 - (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 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 paragraphs (a) or (g) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 (g) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally

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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.

- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) Where for any reason the Council appoints a person to be Acting Director or Acting Deputy Director 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 powers, duties, rights and the privileges of the position in which he is acting.

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 subclause 4(1) and less than half of the members present shall be members of staff. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (g) of subclause 4(1) to fill an original or 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 members (other than the Director, Deputy Director or any member of staff) 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 Director, Deputy Director or any member of staff) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and/or (g) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.

- (21) 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.
 - (22) Accept gifts of real or personal property to the College.
 - (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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 seems 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.
 - (24) 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.
 - (25) Act either solely or jointly as trustee or custodian of any property or funds.
 - (26) 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.
 - (27) Constitute and appoint such committees as it determines.
 - (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
 - (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
 - (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises of the powers conferred on the Council.
- concerning the College and in particular without affecting the generality of the foregoing for or with respect to:
- (a) The organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by 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

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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

any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF PRAHRAN
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:

- (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 Council of the Prahran College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Prahran College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 9 December 1981 and by this Order provides as follows:

Objects

1. There shall be a Prahran College of Technical and Further Education having as its purpose the provision of technical and further education that—

- (a) prepares students for the carrying on of a trade, technical occupation or other skilled occupation; or
- (b) imparts to students information, understanding or skills intended to be used for their benefit or for the benefit of the community.

Definitions

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

“Act” means the *Post-Secondary Education Act 1978*.

“Chairman TAFE Board” means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

“College” means Prahran 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 Prahran College of Technical and Further Education established under this Order.

“educational program” means an organised 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 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 programs of the College as are prescribed.

“TAFE Board” means the Technical and Further Education Board established under the Act.

“TAFE Teaching Service” means the Technical and Further Education Teaching Service established under the Act.

“teaching staff” means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Prahran 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 not more than sixteen (16) members and shall be constituted as follows:

- (a) Not more than six (6) 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 (a).
 - (b) The Director of the College shall be a member *ex officio*.
 - (c) One (1) shall be a member of the Board of Studies elected by the members of the Board of Studies in a manner prescribed.
 - (d) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed; provided that for the purpose of this paragraph (d) the teaching staff shall include only such members of the teaching staff as are employed on at least a half-time basis.
 - (e) One (1) 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 (e) the general staff shall include only such members of the general staff as are employed on at least a half-time basis.
 - (f) One (1) shall be a student elected by the students in a manner prescribed.
 - (g) Four (4) shall be persons from time to time appointed by co-option by the Council, at least two of whom shall have a special interest in Technical and Further Education.
- (2) A member of Council elected pursuant to paragraphs (c) (d) (e) and (f) of subclause 4(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 Council (other than the elected student member or the Director) shall be entitled to hold office for three (3) years.
- (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (g) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (6) If a member of the Council (other than the Director):
- (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 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 paragraphs (a) or (g) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
 - (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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 (g) of subclause 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 class 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 subclause 4(5).
 - (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof, or of any person acting as a member of 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 any of them was incapable of being a member 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.
 - (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
 - (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
 - (14) Where for any reason the Council appoints a person to be Acting Director 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 powers, duties, rights and the privileges of the Director.

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 subclause 4 (1) and not less than half of the members present shall be neither members of staff nor students. If the numbers of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (g) of subclause 4(1) to fill an original or 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 members (other than the Director any member of 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 Director, any member of staff or student) to preside at the meeting.
 - (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and/or (g) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.
- Powers of the Council*
6. The Council shall have the power from time to time to:
- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
 - (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
 - (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
 - (5) Establish and administer a student loan fund.
 - (6) Do all such things as are calculated to advance the interests of the students and staff.
 - (7) 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.
 - (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
 - (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Director or members of the teaching staff.
 - (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
 - (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
 - (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
 - (13) Enter into arrangements with any 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.
 - (14) 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.
 - (15) 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.
 - (16) Provide maintain and establish lecture rooms 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.
 - (17) 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 TAFE Board.
 - (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.

- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director

shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.

- (30) Do all such 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Constitute and appoint a Board of Studies by that name or any other name to advise the Council on educational programs and to have such other powers and duties as are conferred or imposed by the Council, the Director or the Regulations.
- (5) Except as otherwise required by the TAFE Board, 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.
- (6) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (7) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (8) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of the Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF NEWPORT
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:

- (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 Council of the Newport College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Newport College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 17 November 1982 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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 provide such education for students of all kinds, both full-time and part-time and to impart to such students information understanding or skills suitable for either their own or community benefit.
- (3) To award certificates or other qualifications.

Definitions

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

"Act" means the *Post-Secondary Education Act 1978*.

"Board of Studies" means the body constituted and appointed by the Council pursuant to sub-clause 10 (4).

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Newport 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 Newport College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Newport 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 not more than seventeen (17) 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 or any student of the College shall be eligible to be a member under this paragraph (a).
- (b) The Director of the College shall be a member *ex officio*.
- (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
- (e) One (1) shall be a member of the student body elected by the students in a manner prescribed.
- (f) Five (5) shall be persons having a special interest in Technical and Further Education appointed by co-option by the 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 (1) shall be a member of the Board of Studies elected by the members of the Board of Studies in a manner prescribed.

(2) A member of Council elected pursuant to paragraphs (c) (d) (e) and (g) of subclause 4(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 Council (other than the student member of the Director) shall be entitled to hold office for three (3) years.

(b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.

- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (f) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (6) If a member of the Council (other than the Director):
 - (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 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 (f) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) or (f) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) Where for any reason the Council appoints a person to be Acting Director 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 powers, duties, rights and the privileges of the director.

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 subclause 4(1) and not less than half of the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) of subclause 4(1) to fill an original or 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 members (other than the Director any member of 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 Director any member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and (f) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard

in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.

- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
 - (17) 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 TAFE Board.
 - (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
 - (19) 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 authorised investments within the meaning of the law relating to trustees.
 - (20) 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.
 - (21) 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.
 - (22) Accept gifts of real or personal property to the College.
 - (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
 - (24) 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.
 - (25) Act either solely or jointly as trustee or custodian of any property or funds.
 - (26) 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.
 - (27) Constitute and appoint such committees as it determines.
 - (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
 - (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
 - (30) Do all such 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.

- (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Constitute and appoint a Board of Studies by that name or any other name to advise the Council on educational programs and to have such other powers and duties as are conferred or imposed by the Council, the Director or the Regulations.

- (5) Except as otherwise required by the TAFE Board, 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.
- (6) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (7) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (8) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

- 11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF MELBOURNE COLLEGE OF TEXTILES

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:

- (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 Council of the Melbourne College of Textiles (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Melbourne College of Textiles has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Melbourne College of Textiles including the Council, staff, students, facilities, land buildings and equipment.

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

"Council" means the Council of the Melbourne College of Textiles established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Melbourne College of Textiles 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 not more than fourteen (14) members and shall be constituted as follows:
 - (a) Eleven (11) members shall be appointed by the Governor in Council as members having a special interest in Technical and Further Education or an expert knowledge of at least one branch of the work performed in the educational program of the College, but no member of the staff or any student shall be eligible to be a member under this paragraph (a).
 - (b) The Principal of the College shall be a member *ex officio*.
 - (c) One (1) shall be a member of the teaching staff elected by the teaching staff from among their number in the manner prescribed.
 - (d) One (1) shall be a member of the general staff elected by the general staff from among their number in the manner prescribed.
- (2) A member of Council elected pursuant to paragraphs (c) and (d) of subclause 4(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 Council (other than the Principal) shall be entitled to hold office for three (3) years.
- (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 appointed or elected for more than three successive terms.

- (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 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) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
- (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) 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 powers, duties, rights and the privileges of the Principal.

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 subclause 4(1) and less than half of the members present shall be members of staff.

- (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 or any member of staff) 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 or any member of staff) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.

Powers of the Council

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.

- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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 seems 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation 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 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.
- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF MELBOURNE
COLLEGE OF PRINTING AND GRAPHIC ARTS

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:

- (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 Council of the Melbourne College of Printing and Graphic Arts (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Melbourne College of Printing and Graphic Arts has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Melbourne College of Printing and Graphic Arts including the Council, staff, students, facilities, land buildings and equipment.

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

"Council" means the Council of the Melbourne College of Printing and Graphic Arts established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Melbourne College of Printing and Graphic Arts 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 not more than sixteen (16) members and shall be constituted as follows:
 - (a) Twelve (12) members shall be appointed by the Governor in Council as members having a special interest in Technical and Further Education or the expert knowledge of at least one branch of the work performed in the educational programs of the college, but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (a).
 - (b) The Principal of the College shall be a member *ex officio*.
 - (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
 - (d) One (1) shall be a member of the general staff of the College elected by the general staff in a manner prescribed.
- (2) A member of Council elected pursuant to paragraphs (c) and (d) of subclause 4(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 Council (other than the Principal) shall be entitled to hold office for three (3) years.
- (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 appointed or elected for more than three successive terms.
- (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 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) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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) subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) 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 powers, duties, rights and the privileges of the Principal.

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 subclause 4(1) and less than half of the members present shall be members of staff.
- (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 or any member of staff) 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 or any member of staff) to preside at the meeting.

- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.

(20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation 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 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.
- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF MELBOURNE COLLEGE OF DECORATION

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:

- (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 Council of the Melbourne College of Decoration (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Melbourne College of Decoration has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Melbourne College of Decoration including the Council, staff, students, facilities, land buildings and equipment.

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

"Council" means the Council of the Melbourne College of Decoration established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Melbourne College of Decoration 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 not more than sixteen (16) members and shall be constituted as follows:

- (a) Eleven (11) members shall be appointed by the Governor in Council as members having a special interest in Technical and Further Education or an expert knowledge of at least one branch of the work performed in the educational programs of the College, but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (a).
- (b) The Principal of the College shall be a member *ex officio*.
- (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
- (e) One (1) shall be a member of the student body elected by the students in a manner prescribed.
- (2) A member of Council elected pursuant to paragraphs (c) (d) and (e) of subclause 4(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 Council (other than the student member or the Principal) shall be entitled to hold office for three (3) years.
- (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms.
- (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 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) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability as incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) 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 powers, duties, rights and the privileges of the Principal.

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 subclause 4(1) and not less than 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 or any member of 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 member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.

- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.

- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation 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 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.
- (30) Do all such 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF HOLMESGLEN 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:

- (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 Council of the Holmesglen College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Holmesglen College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its

Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 6 January 1982 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Holmesglen 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 Holmesglen College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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

No. 12—73140/84—8

Constitution of Council

3. There shall be a Council to be known as the Council of the Holmesglen 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 not more than eighteen (18) 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 or any student shall be eligible to be a member under this paragraph (a).
 - (b) The Director of the College shall be a member ex officio.
 - (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
 - (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
 - (e) One (1) shall be a member of the student body elected by the students in a manner prescribed.
 - (f) Seven (7) shall be persons who have a special interest in Technical and Further Education appointed by co-option by the Council from time to time, but no member of the staff nor student shall be eligible to be a member under this paragraph (f).
- (2) A member of Council elected pursuant to paragraphs (c), (d) and (e) of subclause 4(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 Council (other than the student member or the Director) shall be entitled to hold office for three (3) years.
 - (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (f) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (6) If a member of the Council (other than the Director):
 - (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 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 (f) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 (f) of subclause 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 class 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 subclause 4(5).
 - (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
 - (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
 - (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
 - (14) Where for any reason the Council appoints a person to be Acting Director 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 powers, duties, rights and the privileges of the Director

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 subclause 4(1) and not less than half of the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) of subclause 4(1) to fill an original or 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 members (other than the Director or any member of 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 Director any member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and or (f) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.

- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director

shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.

- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.

- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson

Mr Kennan

Mr Mackenzie

CONSTITUTION OF COUNCIL OF FRANKSTON
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:

- (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 Council of the Frankston College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Frankston College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Frankston 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 Frankston College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Frankston 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 not more than sixteen (16) members and shall be constituted as follows:
 - (a) Nine (9) 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 (a).
 - (b) The Principal of the College shall be a member *ex officio*.
 - (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
 - (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
 - (e) One (1) shall be a student elected by the students in a manner prescribed.
 - (f) The Deputy Principal of the College shall be a member *ex officio*.
 - (g) The Business Manager of the College shall be a member *ex officio*.
- (2) A member of Council elected pursuant to paragraphs (c) (d) and (e) of subclause 4(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 Council (other than the student member the Principal Deputy Principal or Business Manager) shall be entitled to hold office for three (3) years.
 - (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms.
- (6) If a member of the Council (other than the Principal Deputy Principal or Business Manager):
 - (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 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) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
 - (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) of subclause 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 class 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 subclause 4(5).
 - (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
 - (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
 - (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
 - (14) Where for any reason the Council appoints a person to be Acting Principal Acting Deputy Principal or Acting Business Manager 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 powers, duties, rights and privileges of the position in which he is acting.

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 subclause 4(1) and not less than 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, Deputy Principal, Business Manager or any member of 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, Deputy Principal, Business Manager or any member of staff or any student) to preside at the meeting.

- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.

(20) 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.

(21) 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.

(22) Accept gifts of real or personal property to the College.

(23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.

(24) 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.

(25) Act either solely or jointly as trustee or custodian of any property or funds.

(26) 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.

(27) Constitute and appoint such committees as it determines.

(28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.

(29) By resolution or Regulation 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 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.

(30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.

(d) The discipline of the College including provisions for the imposition of fines and other penalties.

(e) The educational programs of the College and the granting of certificates or other awards.

(f) The management and procedures of the student loan fund.

(g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.

(h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.

(i) The manner and time of convening meetings of the Council and the conduct thereof.

(j) The association or affiliation with the College of any other bodies institutions or persons.

(k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.

(l) The conduct of elections of members of the Council or of committees constituted by the Council.

(m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.

- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date on terms and conditions of employment which until an applicable determination is made by the Post-Secondary Education Remuneration Tribunal or any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson

Mr Kennan

Mr Mackenzie

CONSTITUTION OF COUNCIL OF FOOTSCRAY
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:

- (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 Council of the Footscray College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Footscray College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 17 November 1982 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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 impart to students understanding or skills intended to be used for their benefit or for the benefit of the community.
- (3) To award certificates or other qualifications.

Definitions

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

"Act" means the *Post-Secondary Education Act 1978*.

"Board of Studies" means the body constituted and appointed by the Council pursuant to sub-clause 10(4).

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Footscray 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 Footscray College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Footscray 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 not more than twenty-two (22) members and shall be constituted as follows:
 - (a) Ten (10) members shall be appointed by the Governor in Council but no member of the staff and no student shall be eligible to be a member under this paragraph (a).
 - (b) The Director of the College shall be a member ex officio.
 - (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
 - (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
 - (e) one (1) shall be a member of the student body elected by the students in a manner prescribed.
 - (f) six (6) 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 staff or student shall be eligible to be a member under this paragraph (f).
 - (g) one (1) shall be a member of the Board of Studies elected by the members of the Board of Studies in a manner prescribed.
- (2) A member of Council elected pursuant to paragraphs (c) (d) (e) and (g) of subclause 4(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 Council (other than the student member or the Director) shall be entitled to hold office for three (3) years.
 - (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (f) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.

- (6) If a member of the Council (other than the Director):
- (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 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 paragraphs (a) or (f) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) or (f) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) Where for any reason the Council appoints a person to be Acting Director the persons appointed shall, while holding such office, be entitled to attend and vote at any meeting of the Council and shall have all the power, duties, rights and the privileges of the Director.

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 subclause 4(1) and not less than half of

the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) of subclause 4(1) to fill an original or 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 members (other than the Director any member of 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 Director any member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and/or (f) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.

- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in

this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.

- (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.

- (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.
- (6) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (7) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (8) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Constitute and appoint a Board of Studies by that name or any other name to advise the Council on educational programs and to have such other powers and duties as are conferred or imposed by the Council, the Director or the Regulations.
- (5) Except as otherwise required by the TAFE Board, 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.

- 11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of the Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF FLAGSTAFF 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:

- (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 Council of the Melbourne Technical College of Hairdressing (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Melbourne Technical College of Hairdressing has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the said Council has requested that the Melbourne Technical College of Hairdressing be known in future as the Flagstaff College of Technical and Further Education.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Flagstaff 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 Flagstaff College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Flagstaff 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 not more than thirteen (13) members and shall be constituted as follows:

- (a) Four (4) members shall be appointed by the Governor in Council two (2) of whom shall have a special interest in Technical and Further Education and the other two (2) shall have an expert knowledge in at least one branch of the work performed in the educational programs of the College but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (a).
- (b) The Principal of the College shall be a member ex officio.
- (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
- (e) One (1) shall be a member of the student body elected by the students in a manner prescribed.
- (f) Four (4) members shall be appointed by co-option by the Council two (2) of whom shall have a special interest in Technical and Further Education and the other two (2) shall have an expert knowledge in at least one

- branch of the work performed in the educational program of the College but no member of staff or any student of the College shall be eligible to be a member under this paragraph (f).
- (2) A member of Council elected pursuant to paragraphs (c) (d) and (e) of subclause 4(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 Council (other than the student member or the Principal) shall be entitled to hold office for three (3) years.
(b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
 - (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (f) or subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
 - (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 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 (f) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 (f) of subclause 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 class 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 subclause 4(5).
 - (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
 - (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
 - (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.

- (14) 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 powers, duties, rights and the privileges of the Principal.

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 subclause 4(1) and not less than half of the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) of subclause 4(1) to fill an original or 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 members (other than the Principal any member of 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 member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and or (f) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.

- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation 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 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.
- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.

- (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council,

responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.

- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisers whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

- 11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria

Mr Simpson

Mr Kennan

Mr Mackenzie

CONSTITUTION OF COUNCIL OF DANDENONG
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:

- (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 Council of the Dandenong College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Dandenong College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities

through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Dandenong 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 Dandenong College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Dandenong 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 not more than eighteen (18) members and shall be constituted as follows:

(a) Nine (9) members shall be appointed by the Governor in Council of whom:

Eight (8) shall be members having a special interest in Technical and Further Education or

- an association with those fields of industry and commerce relating to the educational programs of the College,
- One (1) shall be a member of or a senior officer of a local government authority, but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (a).
- (b) The Principal of the College shall be a member *ex officio*.
- (c) The Deputy Principal of the College shall be a member *ex officio*.
- (d) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (e) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
- (f) One (1) shall be a student of the College appointed in a manner prescribed but no member of staff shall be eligible to be a member under this paragraph (f).
- (g) Three (3) shall be appointed by co-option by the Council from the community as persons having a special interest in Technical and Further Education and shall be from various localities, groups interests but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (g).
- (2) A member of Council elected pursuant to paragraphs (d) and (e) of subclause 4(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 Council (other than the student member the Principal or Deputy Principal) shall be entitled to hold office for three (3) years.
- (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (g) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (6) If a member of the Council (other than the Principal or Deputy 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 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 (g) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) or (g) of subclause 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 class 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 subclause 4(5).

- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) Where for any reason the Council appoints a person to be Acting Principal or Acting Deputy 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 powers, duties, rights and the privileges of the position in which he is acting.
- (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, Deputy Principal or any member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and or (g) and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the 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 subclause 4(1) and not less than half of the members present shall be neither members of staff nor students. If the numbers of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (g) of subclause 4(1) to fill an original or 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 members (other than the Principal, Deputy Principal or any member of staff or any student) to be President of the Council and Vice-President of the Council respectively.
6. The Council shall have the power from time to time to:
 - (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
 - (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existing prior to the commencement of this Order.
 - (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
 - (5) Establish and administer a student loan fund.
 - (6) Do all such things as are calculated to advance the interests of the students and staff.
 - (7) 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.
 - (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
 - (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Principal or members of the teaching staff.

- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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 seems 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation 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 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.

- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.

- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF COLLINGWOOD 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:

- (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 Council of the Collingwood College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Collingwood College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Collingwood 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 Collingwood College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Collingwood 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 not more than fifteen (15) 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 or any student of the College shall be eligible to be a member under this paragraph (a).
 - (b) The Director of the College shall be a member ex officio.
 - (c) Two (2) shall be members of the teaching staff of the College elected by the teaching staff in a manner prescribed.
 - (d) One (1) shall be a member of the general staff of the College elected by the teaching staff in a manner prescribed.
 - (e) One (1) shall be a member of the student body of the College elected by the students in the manner prescribed.
 - (f) Four (4) shall be persons having a special interest in Technical and Further Education appointed by co-option by the Council but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (f).
- (2) A member of Council elected pursuant to paragraphs (c) (d) and (e) of subclause 4(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 Council (other than the student member or the Director) shall be entitled to hold office for three (3) years.
 - (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (f) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (6) If a member of the Council (other than the Director):
 - (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 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 (f) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
- (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) or (f) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) Where for any reason the Council appoints a person to be Acting Director 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 powers, duties, rights and the privileges of the Director.
- (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 Director any member of 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 Director any member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and or (f) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

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 subclause 4(1) and less than half of the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) of subclause 4(1) to fill an original or a casual vacancy or vacancies.

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.

- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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 seems 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.

- (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the

audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

**CONSTITUTION OF COUNCIL OF BENDIGO 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:

- (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 Council of the Bendigo College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Bendigo College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 29 June 1983 and by this Order provides as follows:

Objects

1. there shall be a Bendigo College of Technical and Further Education to serve the community by providing Technical and Further Education to serve the community by providing opportunities to enhance the personal and vocational development of members of the community. 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 both part-time and full-time.
- (2) To award certificates or other qualifications.

Definitions

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

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Bendigo 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 Bendigo College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Bendigo 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 not more than seventeen (17) members and shall be constituted as below, provided that at least one of the appointees under the provisions of paragraphs 4(1)(a) or 4(1)(g) shall be a member of the Council of the Bendigo College of Advanced Education.

- (a) Four (4) members shall be appointed by the Governor in Council but no member of the staff nor any student shall be eligible to be a member under this paragraph (a).
- (b) The Director of the College shall be a member ex officio.
- (c) The Deputy Director of the College shall be a member ex officio.
- (d) The Director of the Bendigo College of Advanced Education shall be a member ex officio.
- (e) Two (2) shall be members of the full-time teaching staff elected by the full-time teaching staff in a manner prescribed.
- (f) One (1) shall be a member of the full-time general staff elected by the full-time general staff in a manner prescribed.
- (g) Up to six (6) shall be persons who have a special interest in Technical and Further Education appointed by co-option by the Council, but no member of the staff nor any student shall be a member under this paragraph (g).
- (h) One (1) shall be a student appointed in a manner prescribed by the Council; but no member of staff shall be eligible to be a member under this paragraph (h).

(2) A member of Council elected pursuant to paragraphs (e) and (f) of subclause 4(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 Council (other than those appointed under paragraphs 4(1)(b) (c) (d) and (h)) shall be entitled to hold office for three (3) years.
- (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (g) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (6) If a member of the Council (other than the Director or Deputy Director):
 - (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 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 (g) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
- (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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.

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.

- (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 (g) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause

4(13) 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.

- (14) Where for any reason the Council appoints a person to be Acting Director or Acting Deputy Director 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 powers, duties, rights and the privileges of the position in which he is acting.

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 subclause 4(1) and not less than half of the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (g) of subclause 4(1) to fill an original or 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 members (other than ex officio members any member of 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 ex officio members any member of staff or student of the College) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 members appointed under paragraph (a) and/or (g) or subclause 4(1) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

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

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.

- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.

- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
- (30) Do all such 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.

Board of Educational Programs

- 8. (1) The Council shall establish a Board of Educational Programs either by that name or by any other name from time to time considered appropriate by the Council.
- (2) The functions of the Board shall be—
 - (i) to advise the Council on the educational programs of the College;
 - (ii) to exercise such of the powers of the Council as the Council may delegate to it from time to time.
- (3) The members of the Board shall be such persons as may be appointed from time to time by the Council and such other representatives of the staff or classes of the staff as the Council may from time to time determine who shall be elected in a manner prescribed.
- (4) Members of the Board shall hold office for such period as the Council may from time to time determine.

Regulations

- 9. (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 organisation and management of the College.
- (b) The number of and the conditions of employment of the staff.
- (c) The pre-requisites and educational standards for enrolment of students and other persons in any educational program.
- (d) The discipline of the College including provisions for the imposition of fines and other penalties.
- (e) The educational programs of the College and the granting of certificates or other awards.
- (f) The management and procedures of the student loan fund.
- (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
- (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
- (i) The manner and time of convening meetings of the Council and the conduct thereof.
- (j) The association or affiliation with the College of any other bodies institutions or persons.
- (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
- (l) The conduct of elections of members of the Council or of committees constituted by the Council.
- (m) Generally prescribing or providing for any matter or need authorised or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.
- (n) Boards and committees of the Council.
- (2) No motion to make, revoke or amend any Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

- 10. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the College, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF BATMAN AUTOMOTIVE 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:

- (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 Council of the Batman Automotive College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Batman Automotive College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth

hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Batman Automotive 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 Batman Automotive College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Batman Automotive 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 not more than twelve (12) members and shall be constituted as follows:

- (a) Four (4) members shall be appointed by the Governor in Council from the Automotive Industry but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (a).
- (b) The Principal of the College shall be a member *ex officio*.
- (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
- (e) Four (4) members shall be persons from the Automotive Industry or the community chosen for their ability to contribute to the efficient operation of this College and appointed by co-option by the Council, but no member of the staff or student of the College shall be eligible to be a member under this paragraph (e).

(2) A member of Council elected pursuant to paragraphs (c) and (d) of subclause 4(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 Council (other than the Principal) shall be entitled to hold office for three (3) years.

(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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (e) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.

(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 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 paragraphs (a) or (e) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 (e) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) 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 powers, duties, rights and the privileges of the Principal.

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 subclause 4(1) and less than half of the members present shall be members of staff. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (e) of subclause 4(1) to fill an original or 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 members (other than the Principal or any member of staff) 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 or any member of staff) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and or (e) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.

- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.

- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation 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 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.
- (30) Do all such 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisers whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date on terms and conditions of employment which until an applicable determination is made by the Post-Secondary Education Remuneration Tribunal or any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF YALLOURN
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:

- (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 Council of the Yallourn College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Yallourn College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth

hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Yallourn 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 Yallourn College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Yallourn 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 not more than sixteen (16) members and shall be constituted as follows:

- (a) Ten (10) members shall be appointed by the Governor in Council but not member of staff or any student of the College shall be eligible to be a member under this paragraph (a).
 - (b) The Principal of the College shall be a member ex officio.
 - (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
 - (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
 - (e) One (1) shall be a member of the student body elected by the students in a manner prescribed.
 - (f) One (1) shall be a member of the Academic Board appointed by the Board in a manner prescribed.
- (2) A member of Council elected pursuant to paragraphs (c) (d) and (e) of subclause 4(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 Council (other than the student member or the Principal) shall be entitled to hold office for three (3) years.
- (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms.
- (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 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) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
- (14) 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 powers, duties, rights and the privileges of the Principal.

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 subclause 4(1) and not less than 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 member of 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 member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.

- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.

- (22) Accept gifts of real or personal property to the College.
 - (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
 - (24) 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.
 - (25) Act either solely or jointly as trustee or custodian of any property or funds.
 - (26) 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.
 - (27) Constitute and appoint such committees as it determines.
 - (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
 - (29) By resolution or Regulation 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 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.
 - (30) Do all such 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.
- (c) The pre-requisites and educational standards for enrolment of students and other persons in any educational program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by 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 organisation and management of the College.
 - (b) The number of and conditions of employment of the staff.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council,

responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.

- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisers whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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

GORDON TECHNICAL COLLEGE ACT 1976

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL TO MANAGE GORDON TECHNICAL COLLEGE

Whereas the Governor in Council by Order made pursuant to sub-section (2)(a) of section 4 of the *Gordon Technical College Act 1976*, and published in the *Government Gazette* on 2 March 1977, constituted a Council to manage and control the Gordon Technical College.

And whereas sub-section (4) of section 4 of the *Gordon Technical College Act 1976* provides that the Governor in Council may on the recommendation of the Minister, by any subsequent Order made in relation to the Council further provisions with respect to any matter or thing that is authorised to be done under paragraphs (b), (c) or (d) of sub-section 2 of section 4 of the *Gordon Technical College Act 1976*, or amend or vary any provision of a previous order relating to the Council with respect to any such matter or thing.

And whereas the existing Council of the Gordon Technical College has consented to the revocation of the said Order in Council made pursuant of the Act and recommended to the Minister that a new Council be incorporated to manage and control the said College on the terms hereinafter contained.

And whereas pursuant to sub-section (2)(d) of section 4 of the *Gordon Technical College Act 1976*, upon the publication of this Order all the real and personal property vested immediately before the making of this Order in the said College or its Council, or in any person in trust for the said College or its council incorporated by this Order, subject to any trusts attaching to the property, and all the liabilities and obligations of the said College or its councillor trustees existing immediately before the making of this Order shall by virtue of the *Gordon Technical College Act 1976* 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 hereby with the consent of the said Council revoke the said order made pursuant to the Act on 15 February 1977 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"College" means Gordon Technical College including the Council, staff, students, facilities, land, buildings and equipment.

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

"Council" means the Council of the Gordon Technical College established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board of Victoria.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post Secondary Education Act 1978*.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Gordon Technical College" 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

4. (1) The Council shall consist of not more than eighteen (18) members and shall be constituted as follows:

- (a) The Principal and Deputy Principal of the College shall be members ex officio;
- (b) two members shall be members of the full-time teaching staff elected by the full-time teaching staff in a manner determined by Council;
- (c) one member shall be a member of the full-time general staff elected by the full-time general staff in a manner determined by the Council;
- (d) not more than five members shall be appointed by the Governor in Council to represent commerce, industry, the professions and other community interests who shall not be students or staff of the College;
- (e) not more than seven members shall be persons associated with or having a special interest in technical and further education and, in particular, its relationship with commerce,

industry, the professions and other community interests, from time to time appointed by co-option by the Council who shall not be students or staff of the College; and

- (f) one member shall be a member of the student body of the College elected by that body in a manner determined by the Council to hold office until 31 December in the year for which he is elected.
- (2) A member of the Council appointed by the Governor in Council may be removed by the Governor in Council.
- (3) Members of Council (other than the Principal, Deputy Principal and the member appointed pursuant to para 4(1)(f)) shall be entitled to hold office for a period of four years from the dates of their respective appointments and elections, except as provided in subclause (6).
- (4) A member of the Council shall be eligible to be re-appointed or re-elected (as the case may be), but no member (other than a member appointed pursuant to paragraph (d) of sub-clause 4(1)) shall be elected or appointed for more than three successive terms unless he is appointed by co-option for one further term under paragraph (e) of subclause 4(1).
- (5) If a member of the Council (other than the Principal or Deputy 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 or being appointed pursuant to paragraphs (d) or (e) of subclause 2(1) becomes a member of staff;
 - (g) being a member appointed by the Governor in Council is removed from office;
 - (h) dies
 his office shall become vacant so as to create a casual vacancy.
- (6) A member appointed or elected to fill a casual vacancy shall be entitled to hold office for the unexpired portion of the original term of office.
- (7) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them

was incapable of being a member 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.

- (8) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage result from their wilful act default neglect or fraud.
- (9) Where for any reason the Council appoints a person to be Acting Principal or Acting Deputy 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 powers, duties, rights and privileges of the position in which he is acting.

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 subclause 4(1) and not less than one half of the members present shall be neither members of staff nor students. 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 4(1)(e) to fill an original or 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 members (other than the Principal, Deputy Principal, any other member of staff or 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, Deputy-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 calendar 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 student, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

- (9) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 of any subject in which he has a direct pecuniary interest: provided that nothing in this subclause 5(9) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters effecting the general terms and conditions of the staff of the College.

Powers of the Council

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

- (1) Appoint and employ members of the general staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.
- (2) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (3) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Principal or members of the teaching staff.
- (4) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (5) Establish College Selection Committees in accordance with the provisions of the Act.
- (6) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (7) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (8) Charge fees or make 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 program and for the use of any premises equipment facilities or services of the College.
- (9) Hold examinations and make assessemnts whenever it deems necessary or desirable in the several subjects and educational programs offered by the College and issued appropriately entitled documentary evidence other than the award of Degrees,

- Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (10) Grant scholarships and prizes on such terms and conditions as it thinks fit.
 - (11) Purchase taken on lease or in exchange or hire, and sell mortgage lease or dispose of any real 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 TAFE Board.
 - (12) 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.
 - (13) 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.
 - (14) 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 authorised investments within the meaning of the law relating to trustees.
 - (15) Accept gifts of real or personal property to the College.
 - (16) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
 - (17) Do all such things as are calculated to advance the interests of the staff and students of the College.
 - (18) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises of the powers conferred on the Council.
 - (19) Enter into arrangements with any body or authority for the service 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.
 - (20) 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.
 - (21) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
 - (22) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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 seems 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.
 - (23) 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.
 - (24) Act either solely or jointly as trustee or custodian of any property or funds.
 - (25) By resolution or Regulation 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 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.
- 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs 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 program of examinations passed in any educational institution or any other relevant experience.
 - (g) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the 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 authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the College, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Except as otherwise required by the TAFE Board 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 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 subject 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 Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.
- (6) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, provided that the Council shall not have to invite tenders for the engagement of architects, consultants, and professional advisers whose charges are normally made at rates fixed and published by statutory bodies or professional associations.

Transitional Provisions

- 11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

AMALGAMATION OF COUNCILS OF THE BOX HILL COLLEGE OF TECHNICAL AND FURTHER EDUCATION AND THE WHITEHORSE COLLEGE OF TECHNICAL AND FURTHER EDUCATION - CONSTITUTION OF COUNCIL OF THE BOX HILL COLLEGE OF TECHNICAL AND FURTHER EDUCATION

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 authorised 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 Order made on 29 September 1981, pursuant to sub-section (2) of section 23 of the Act and published in the *Government Gazette* on 30 September 1981 constituted a Council to manage and control the Box Hill College of Technical and Further Education.

And whereas the Governor in Council by Order made on 15 December 1981, pursuant to sub-section (2) of section 23, of the Act and published in the *Government Gazette* on 16 December 1981, constituted a Council to manage and control the Whitehorse College of Technical and Further Education.

And whereas the Commission at the written request of the Councils of the Box Hill College of Technical and Further Education and Whitehorse College of Technical and Further Education (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 the Box Hill College of Technical and Further Education 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 either of the amalgamating Councils, or in any person in trust for either 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 Box Hill College of Technical and Further Education and the Council of the Whitehorse College of Technical and Further Education shall be amalgamated so as to form a single Council to be known as the Council of the Box Hill College of Technical and Further Education (hereinafter called "the 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 institution having as its purpose the objects specified in Clause 2.
- (4) The College shall comprise such faculties, schools, departments, sections, divisions, or units by whatever name known as shall be prescribed by the Council.

Objects

2. The objects of the College are:

- (1) To serve the community by providing Technical and Further Education opportunities through which all enrolled students will better fit themselves for life.
- (2) 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.
- (3) To award certificates or other qualifications.

Definitions

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

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Box Hill 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 Box Hill College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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

Membership of Council

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

- (a) Ten (10) shall be appointed by the Governor in Council as members who have a special interest in Technical and Further Education and shall be from those fields of industry and commerce and the community in general as related to the programs provided within the

- College but no member of staff or any student of the College shall be eligible to be a member under this paragraph (a).
- (b) The Director of the College shall be a member *ex officio*.
 - (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
 - (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
 - (e) One (1) shall be a member of the student body elected by the students in a manner prescribed.
 - (f) The Deputy Director of the College shall be a member *ex officio*.
 - (g) Five (5) shall be persons appointed by co-option by the Council having a special interest in Technical and Further Education who shall be from various localities, groups and interests but no member of the staff or any student of the College shall be eligible to be a member under this paragraph (g).
- (2) A member of Council elected pursuant to paragraphs (c), (d) and (e) of subclause 4(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 Council (other than the elected members, Director and Deputy Director) shall be entitled to hold office for three (3) years from the date of such member's appointment provided that in the case only of the first members (other than the elected members, Director and Deputy Director) five (5) members appointed under paragraph (a) subclause 4(1) shall hold office for two years and two (2) members appointed under paragraph (g) shall hold office for two years. Such members shall be chosen in a manner determined by Council.
 - (b) Each elected staff member shall hold office for three (3) years from the day after the date of expiry of the term of office of that elected member's predecessor in office except that in the case only of the first such members, two who shall be chosen in a manner determined by the Council shall hold office for two (2) years and the others shall hold office for three (3) years from the date of their respective elections.
 - (c) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
 - (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option for one further term under paragraph (g) of subclause 4(1) when the member may be appointed for one further term only.
 - (6) If a member of the Council (other than the Director or Deputy Director):
 - (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 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 paragraphs (a) or (g) of subclause 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) 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 subclause 4(10) an election to fill a casual vacancy 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 (g) of subclause 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 class 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 subclause 4(5).
 - (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
 - (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
 - (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.
 - (14) Where for any reason the Council appoints a person to be Acting Director or Acting Deputy Director 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 powers, duties, rights and the privileges of the position in which he is acting.
- appointing a person or persons pursuant to paragraph (g) of subclause 4(1) to fill an original or 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 members (other than the Director, Deputy Director, any member of 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 Director, Deputy Director, any member of staff or any student) to preside at the meeting.
 - (4) The Council shall meet at least six times in each calendar 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 appointed under paragraphs (a) and (g) of subclause 4(1) and shall be countersigned by the Director or by some other person appointed by the Council for that purpose.

Powers of the Council

6. The Council shall have the power from time to time to:
- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
 - (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
 - (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
 - (5) Establish and administer a student loan fund.
 - (6) Do all such things as are calculated to advance the interests of the students and staff.
 - (7) 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.

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 subclause 4(1) and the majority of those appointed under paragraphs (a) and (g) of subclause 4(1). If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of

- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Director or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) 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.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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 seems 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.
- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation delegate to the Director authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless expressly provided by this Order the Regulations or the Council the Director shall have the power to delegate any of his powers and duties other than this power of delegation to any person or committee.
- (30) Do all such things as are necessary or incidental to the proper management and control of the College or the effective exercises 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 organisation 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 program.
 - (d) The procedures of the College, as related to the student body, including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.
 - (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Director who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, providing that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisers whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.

- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

11. (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 the teaching and all members of the general staff employed by either 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) 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 either of the amalgamating Councils, the Council shall take all steps necessary to ensure that the person's membership of the scheme shall be continued.
- (3) 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.
- (4) Those persons holding office as Principal and Acting Principal of the amalgamating Colleges immediately prior to the date of publication of this Order in the *Government Gazette* shall as from that date hold interim office as Acting Director and Acting Deputy Director of the merged College until appointments are made in accordance with the Act.
- (5) Students of the amalgamating Colleges who have commenced educational programs shall be permitted to continue and complete those programs for the award for which they are enrolled on terms complying prior to the making of this Order in so far as those Regulations prescribe the general structure and organisation of the program.
- (6) A student who completes his educational program in an amalgamating College in 1983 shall be permitted during 1984 to receive the award in the name of that College in which the course was completed issued under the authority of the Council.
- (7) At the expiration of two years from the date of publication of this Order in the *Government Gazette* the Council shall review this Order and make recommendations for change if any.
- (8) All acts done prior to the date of publication of this Order in the *Government Gazette* by any meeting of

either of the amalgamating Councils or a committee thereof of 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.

- (9) 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 technical and further education purposes of the amalgamating Colleges.
- (b) Use all equipment which immediately prior to the date of this Order in the *Government Gazette* was being used solely for technical and further education purposes of the amalgamating Colleges and was owned by or held in trust for the Councils thereof
- in case of any dispute the Minister of Education or his nominee shall determine the matter.
- (10) 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.
- (11) All decisions made by the amalgamating Councils or delegates thereof in force immediately prior to the date of publication of this Order in the *Government Gazette* shall be deemed to be decisions of the Council and shall remain in full force and effect until the Council otherwise decides.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

CONSTITUTION OF COUNCIL OF MOORABBIN 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:

- (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 Council of the Moorabbin College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Moorabbin College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Moorabbin 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 Moorabbin College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 programs of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Moorabbin 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 not more than sixteen (16) members and shall be constituted as follows:
 - (a) Seven (7) 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 (a).
 - (b) The Principal of the College shall be a member ex officio.
 - (c) One (1) shall be a nominee of the City of Moorabbin.
 - (d) Two (2) shall be members of teaching staff elected by the teaching staff in a manner prescribed.
 - (e) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
 - (f) One (1) shall be a student of the College appointed in a manner prescribed but no member of staff shall be eligible to be a member under this paragraph (f).
 - (g) Three (3) shall be persons having 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 or any student of the College shall be eligible to be a member under this paragraph (g).

- (2) A member of Council elected pursuant to paragraphs (d) and (e) of subclause 4(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 Council (other than the student member or the Principal) shall be entitled to hold office for three (3) years.
 - (b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (g) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (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 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 paragraphs (a) or (g) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
- (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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 (g) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereof or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.

- (14) 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 powers, duties, rights and the privileges of the Principal.

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 subclause 4(1) and not less than half of the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (g) of subclause 4(1) to fill an original or 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 members (other than the Principal, any member of staff or 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 member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and/or (g) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.
- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act* 1981, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act* 1983 (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.

- (15) 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.
- (16) Provide maintain and establish lecture rooms 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.
- (17) 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 TAFE Board.
- (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
- (19) 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 authorised investments within the meaning of the law relating to trustees.
- (20) 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.
- (21) 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.
- (22) Accept gifts of real or personal property to the College.
- (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.

- (24) 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.
- (25) Act either solely or jointly as trustee or custodian of any property or funds.
- (26) 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.
- (27) Constitute and appoint such committees as it determines.
- (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
- (29) By resolution or Regulation 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 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.
- (30) Do all such 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.

- (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.
- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of

Victoria inviting tenders, provided that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisers whose charges are normally made at rates fixed and published by statutory bodies or professional associations.

- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

- 11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date employing such 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 any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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-fifth day of January 1984

Present:

His Excellency the Governor of Victoria

Mr Simpson
Mr Mackenzie

Mr Kennan

CONSTITUTION OF COUNCIL OF SHEPPARTON 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:

- (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 Council of the Shepparton College of Technical and Further Education (being a Council incorporated by Order in Council made under sub-section (2) of section 23 of the Act) has applied in writing to the Commission for the incorporation under the Act of a new Council to manage and control the institution.

And whereas the existing Council of the Shepparton College of Technical and Further Education has consented to the revocation of the said Order in Council made pursuant to the Act.

And whereas the Commission has recommended to the Governor in Council that a new Council be incorporated to manage and control the said College 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 College or its Council, or in any person in trust for the said College or its Council, 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 College or its Council or trustees 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, and on the recommendation of the Commission doth hereby with the consent of the said Council revoke the said Order made pursuant to the Act on 30 September 1981 and by this Order provides as follows:

Objects

1. The major object of the College is to serve the community by providing Technical and Further Education opportunities through which all enrolled students may 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:

"Act" means the *Post-Secondary Education Act 1978*.

"Chairman TAFE Board" means the person appointed under section 45(1) of the *Post-Secondary Education Act 1978*.

"College" means Shepparton 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 Shepparton College of Technical and Further Education established under this Order.

"educational program" means an organised 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 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 program of the College as are prescribed.

"TAFE Board" means the Technical and Further Education Board established under the Act.

"TAFE Teaching Service" means the Technical and Further Education Teaching Service established under the Act.

"teaching staff" means those persons who are performing teaching duties at the College and who are either officers of the Technical and Further Education Teaching Service, or seconded to or assigned to or employed by the Council together with such other persons or classes of persons as are prescribed.

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 Shepparton 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 not more than fourteen (14) members and shall be constituted as follows:

- (a) Eight (8) 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 (a).
- (b) The Principal of the College shall be a member *ex officio*.
- (c) Two (2) shall be members of the teaching staff elected by the teaching staff in a manner prescribed.
- (d) One (1) shall be a member of the general staff elected by the general staff in a manner prescribed.
- (e) One (1) shall be a member of the student body elected by the students in a manner prescribed.

- (f) One (1) shall be appointed by co-option by the Council on the joint nomination of the Municipal bodies of the City of Shepparton and the Shires of Shepparton, Rodney and Numurkah.
- (2) A member of Council elected pursuant to paragraphs (c), (d) and (e) of subclause 4(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 Council (other than the student member or the Principal) shall be entitled to hold office for three (3) years.
(b) A student member of Council shall hold office for a period of one (1) year commencing on a date to be prescribed.
- (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 appointed or elected for more than three successive terms unless such member is eligible to be appointed by co-option under paragraph (f) of subclause 4(1) when the member may be appointed pursuant to that paragraph for one further term only.
- (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 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 paragraphs (a) or (f) of subclause 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) 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 any manner contrary to the Regulations shall be void and of no effect.
- (9) Subject to paragraph (a) of subclause 4(10) an election to fill a casual vacancy 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 paragraph (a) or (f) of subclause 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 class 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 subclause 4(5).
- (11) 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 one or more casual vacancy and all proceedings of the Council or of any committee thereon or of any person acting as a member of 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 any of them was incapable of being a member 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.
- (12) Notwithstanding anything contained in this Order members of the Council shall not be personally 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, but in any case shall be indemnified by the Crown for any personal liability so incurred, save and except loss or damage resulting from their wilful act default neglect or fraud.
- (13) Any person who has a pecuniary interest, whether directly or indirectly, in any business of the Council or of any committee 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 subclause 4(13) 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.

- (14) 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 powers, duties, rights and the privileges of the Principal.

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 subclause 4(1) and not less than half of the members present shall be neither members of staff nor students. If the number of members of Council are such that the conditions for a quorum cannot be met, the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) of subclause 4(1) to fill an original or 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 members (other than the Principal, any member of 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 member of staff or student) to preside at the meeting.
- (4) The Council shall meet at least six times in each calendar 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 appointed under subclause 4(1)(a) and or (f) 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 the power from time to time to:

- (1) Determine the terms and conditions under which students and any other persons may attend classes or make use of any premises equipment facilities or services of the College.

- (2) Charge fees or make 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 program 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 programs offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas or Graduate Diplomas to students who reach the required standard in any subject or educational program; except that Council may continue to make such awards as existed prior to the commencement of this Order.
- (4) Grant scholarships and prizes on such terms and conditions as are prescribed.
- (5) Establish and administer a student loan fund.
- (6) Do all such things as are calculated to advance the interests of the students and staff.
- (7) 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.
- (8) Enter into arrangements with the Chairman of the TAFE Board to obtain the services of persons employed under the TAFE Teaching Service in accordance with the provisions of the Act.
- (9) Enter into arrangements with the Minister of Education or the Chairman of the TAFE Board to obtain the services of persons employed under the *Education Service Act 1981*, to serve as Principal or members of the teaching staff.
- (10) Appoint and employ teaching staff in accordance with the provisions of the Act or the *Teaching Service Act 1983* (as amended from time to time) subject to such terms and conditions as are determined by the Victorian Teaching Service Conciliation and Arbitration Commission or other relevant authority.
- (11) Define the duties of members of the teaching and general staff subject to the provisions of awards, determinations or guidelines established by appropriate authorities.
- (12) Suspend dismiss or otherwise discipline 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 procedures from time to time prescribed. Except as otherwise provided by such industrial award or determination, the dismissal of a member of the 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.
- (13) Enter into arrangements with any 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.
- (14) 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.
- (15) 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.
 - (16) Provide maintain and establish lecture rooms 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.
 - (17) 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 TAFE Board.
 - (18) Let hire or make available the premises amenities and property of the College to such person or persons as the Council shall determine.
 - (19) 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 authorised investments within the meaning of the law relating to trustees.
 - (20) 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.
 - (21) 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.
 - (22) Accept gifts of real or personal property to the College.
 - (23) Apply for purchase or otherwise acquire any patents, patent rights copyrights, trademarks 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.
 - (24) 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.
 - (25) Act either solely or jointly as trustee or custodian of any property or funds.
 - (26) 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.
 - (27) Constitute and appoint such committees as it determines.
 - (28) By resolution or Regulation delegate subject to such conditions as it thinks fit any powers (other than this power of delegation except as otherwise provided in this Order) or functions vested in the Council to any committee of the 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 Council or members of staff.
 - (29) By resolution or Regulation 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 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.
 - (30) Do all such 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 organisation 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 program.
 - (d) The discipline of the College including provisions for the imposition of fines and other penalties.
 - (e) The educational programs of the College and the granting of certificates or other awards.
 - (f) The management and procedures of the student loan fund.

- (g) The recognition in lieu of or for the purpose of an examination or educational program of examinations passed in any educational institution or any other relevant experience.
 - (h) Fees to be charged for enrolments in classes educational programs or lectures or for the use of the premises equipment facilities or services.
 - (i) The manner and time of convening meetings of the Council and the conduct thereof.
 - (j) The association or affiliation with the College of any other bodies institutions or persons.
 - (k) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
 - (l) The conduct of elections of members of the Council or of committees constituted by the Council.
 - (m) Generally prescribing or providing for any matter or need authorised 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 Regulation shall be put unless a notice 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 and each Regulation shall come into effect at such later date as is determined by the Council.

Use of Land and Buildings Vested in the Minister of Education

9. 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, and from time to time any other land buildings and equipment 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.

Duties of Council

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

- (1) Recommend to the Chairman of the TAFE Board in accordance with the procedures set out in the Act the appointment of a person to be the Principal who shall be the chief executive officer of the Council, responsible to the Council for the proper management and control of the College and with such powers duties and responsibilities as may be determined from time to time by the Council.
- (2) Establish College Selection Committees in accordance with the provisions of the Act.

- (3) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the costs of such goods, services or works is estimated by the Council to exceed \$10 000 by publishing an advertisement in a newspaper circulating generally throughout the State of Victoria inviting tenders, provided that the Council shall not have to invite tenders for the engagement of architects, consultants and professional advisors whose charges are normally made at rates fixed and published by statutory bodies or professional associations.
- (4) Except as otherwise required by the TAFE Board, 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.
- (5) 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 subject the accounts annually for audit by the Auditor General in compliance with section 27 of the Act.
- (6) Keep or cause to be kept a proper record of the proceedings and decisions of the Council.
- (7) As soon as practicable after 31 March in each year report the proceedings of the Council and the audited accounts for the year ended on 31 December then last past to the Minister of Education the Commission and the TAFE Board.

Transitional Provisions

- 11. (1) Council members immediately prior to the commencement of this Order shall continue as Council members under the most appropriate paragraph of subclause 4(1) for the remainder of the term of their last appointment or election prior to the commencement of this Order.
- (2) In compliance with section 26 of the Act the Council shall as from the date of commencement of this Order assume all liabilities and obligations to all staff employed immediately prior to that date on terms and conditions of employment which until an applicable determination is made by the Post-Secondary Education Remuneration Tribunal or any other appropriate arbitral tribunal shall be identical with those enjoyed by such persons immediately prior to that date.

And the Honourable Robert Clive Fordham, 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

GEELONG WATERWORKS AND SEWERAGE TRUST

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

SITE INVESTIGATION FOR EXTENSION OF WURDEE BOLUC RESERVOIR AND ANCILLARY WORKS APPROVED

Under the powers conferred by the Water Act and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby consent to the conduct of site investigations for the proposed extension of Wurdee Boluc Reservoir and ancillary works by the Geelong Waterworks and Sewerage Trust in the areas shown by pink colour on the plan approved by the Governor in Council and deposited in the office of the Ministry of Water Resources and Water Supply, Melbourne (Corr. No. P83/190/A, 82/694).

And the Honourable David Ronald White, Her Majesty's Minister of Water Supply for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

THE BALLARAT WATER COMMISSIONERS

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

APPROVAL TO SITE OF PIPEHEAD BASIN

Under the powers conferred by the Water Act and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby approve of the site required for the construction of a pipehead basin as shown by pink colour on the plan approved by the Governor in Council and deposited in the office of the Ministry of Water Resources and Water Supply, Melbourne (Corr. No. P83/197/A, 83/2072).

And the Honourable David Ronald White, Her Majesty's Minister of Water Supply for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

THE BALLARAT WATER COMMISSIONERS

*At the Executive Council Chamber, Melbourne, the
twenty-fifth day of January 1984*

Present:

His Excellency the Governor of Victoria
Mr Simpson Mr Kennan
Mr Mackenzie

APPROVAL TO SITE OF SERVICE BASIN

Under the powers conferred by the Water Act and all other powers enabling him in that behalf, His Excellency the Governor of the State of Victoria, by and with the advice of the Executive Council of the said State, doth hereby approve of the site required for the construction of a service basin as shown by pink colour on the plan approved by the Governor in Council and deposited in the office of the Ministry of Water Resources and Water Supply, Melbourne (Corr. No. P83/197/B, 83/2072).

And the Honourable David Ronald White, Her Majesty's Minister of Water Supply for the State of Victoria, shall give the necessary directions herein accordingly.

TOM FORRISTAL
Clerk of the Executive Council

LANDS DEPARTMENT NOTICES

APPROACHING LAND SALES

Sale of Crown Land, will be held at the under-mentioned places and dates, viz.:

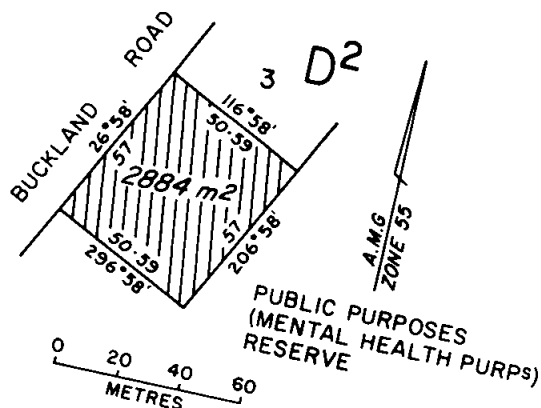
Airport West—Saturday, 18 February 1984
Clifton Hill—Saturday, 25 February 1984
Cobram—Friday, 24 February 1984

No.
of Gazette
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PROPOSED REVOCATION OF TEMPORARY RESERVATION OF LAND BY ORDER IN COUNCIL

In pursuance of the provisions of section 10 of the *Crown Land (Reserves) Act 1978*, notice is hereby given that it is the intention of the Governor in Council to revoke the temporary reservation of land by order in Council hereunder referred to, viz:

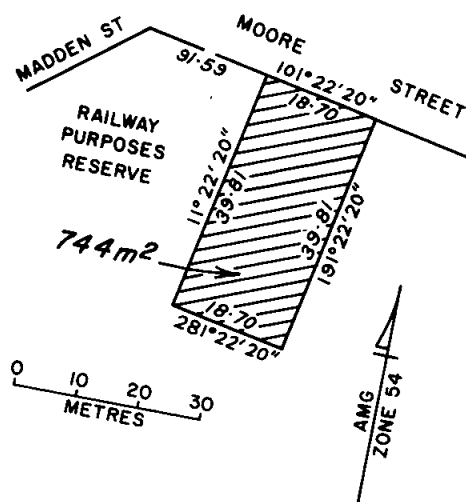
BEECHWORTH — The temporary reservation by order in Council of 1 June 1971 of 4.694 hectares of land in the township of Beechworth for public purposes (Mental Health purposes), so far only as the portion thereof containing 2884 square metres, as indicated by hatching on plan hereunder, is concerned — (B 348⁽⁸⁾) (Rs. 9471)



WULLA WULLOCK — The temporary reservation for public purposes (State School) and the withholding from sale leasing and licensing by Order in Council of 7 July 1884 of 4047 square metres of land in the Parish of Wulla Wullock (in section D) — (84.E.7190) (L10-770)

MURGHEBOLUC — The temporary reservation by order in Council of 15 December 1873 of 2.023 hectares of land in the Parish of Murgheboluc (in section 3) for State School purposes — (Parish 3225) (Rs. 8724)

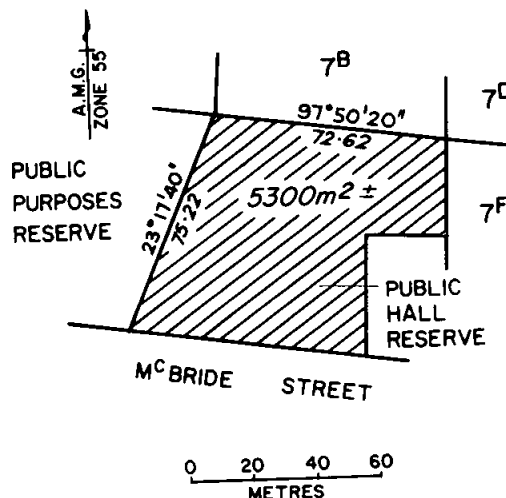
KANIVA — The temporary reservation by order in Council of 23 February 1886 of 9.760 hectares of land in the township of Kaniva for railway purposes, so far only as the portion thereof containing 744 square metres, as indicated by hatching on plan hereunder, is concerned — (K 147⁽⁷⁾) (L4-1616)



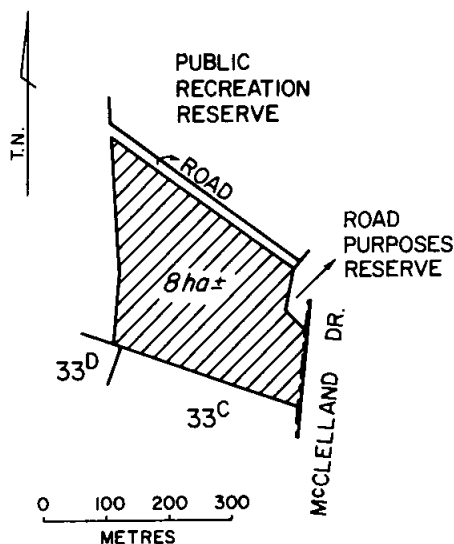
LANG LANG — The temporary reservation by order in Council of 20 December 1955 of 3.718 hectares, more or less, of land in the Parish of Lang Lang for Rubbish Depot and the Supply of Sand — (Rs. 7402)

LANG LANG — The temporary reservation by order in Council of 8 November 1887 of 38.07 hectares, more or less, of land in the Parish of Lang Lang for a Racecourse and other purposes of Public Recreation, revoked as to part by order 11 October 1955, so far as the balance thereof containing 34.35 hectares, more or less — (Rs. 2810)

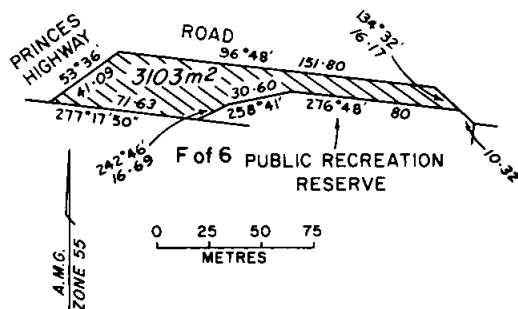
GEMBROOK — The temporary reservation by order in Council of 30 September 1912 of 7082 square metres of land in the Parish of Gembrook for public purposes, so far only as the portion thereof containing 5300 square metres, more or less, as indicated by hatching on plan hereunder, is concerned — (G 206⁽¹⁴⁾) (Rs. 144)



FRANKSTON — The temporary reservation by order in Council of 21 October 1969 of 67.30 hectares, more or less, of land in the Parish of Frankston for public recreation, so far only as the portion thereof containing 8 hectares, more or less, as indicated by hatching on plan hereunder, is concerned — (F 87⁽⁹⁾) (Rs. 9227)



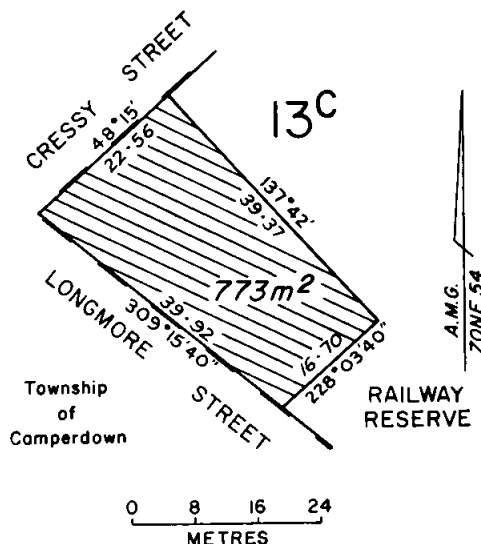
DUNEED — The temporary reservation by order in Council of 16 October 1979 of 5289 square metres of land in the Parish of Duneed for public recreation, so far only as the portion thereof containing 3103 square metres, as indicated by hatching on plan hereunder, is concerned — (Parish 2561) (Rs. 1406)



DERRIMUT (DEER PARK) — The temporary reservation by order in Council of 27 September 1966 of 974 square metres of land in the Parish of Derrimut (in section 22) for public purposes (Police purposes) — (Parish 2516) (Rs. 8725)

CRIB POINT — The temporary reservation by order in Council of 20 August 1968 of 2428 square metres of land in the township of Crib Point (in section 2) for public purposes (Hall) — (M531⁽²⁾) (Rs. 9011)

COLONGULAC — The temporary reservation by order in Council of 1 November 1886 of 2.104 hectares of land in the Parish of Colongulac (called Town of Camperdown and Parish of Colongulac in order) for railway purposes, so far only as the portion thereof containing 773 square metres, as indicated by hatching on plan hereunder, is concerned — (C 294⁽³⁾) (Rs. 12535)



YARTO — The temporary reservation by order in Council of 4 August 1931 of 5.428 hectares of land in the township of Yarto, Parish of Yallum for public recreation — (Rs. 4139)

MURRUNGOWAR — The temporary reservation by order in Council of 30 November 1925 of 1.687 hectares of land in the Parish of Murrungowar for a state school — (Rs. 1698)

NELSON — The temporary reservation by order in Council of 12 October 1937 of 1.548 hectares, more or less, of land in the township of Nelson Parish of Glenelg for Public purposes, revoked as to part by various orders, so far as the balance thereof containing 1.320 hectares, more or less — (N 51⁽³⁾) (Rs. 4731)

NELSON — The temporary reservation by order in Council of 18 January 1949 of 2.529 hectares, more or less, of land in the township of Nelson Parish of Glenelg for Public purposes — (N 51⁽³⁾) (Rs. 4731)

NELSON — The temporary reservation by order in Council of 23 February 1954 of 2529 square metres, more or less, of land in the township of Nelson Parish of Glenelg for Public purposes — (N 51⁽³⁾) (Rs. 4731)

TORRUMBERRY NORTH — The temporary reservation for public purposes (State School) and the withholding from sale, leasing and licensing by order in Council of 14 February 1876 of 8094 square metres of land in the Parish of Torrumberry North (in section 7) — (L6-3647[^])

STANLEY — The temporary reservation by order in Council of 11 November 1980 of 7840 square metres of land being Crown allotment 12E, section 12A, Parish of Stanley for Conservation of Area of Natural Interest — (S 339⁽¹⁰⁾) (Rs. 11170)

GOSCHEN — The temporary reservation by order in Council of 22 November 1937 of 8094 square metres of land in the township of Goschen (corner Canterbury Street and Tyrrell Road) for a State school — (Rs. 4744)

BALLARAT — The temporary reservation by order in Council of 17 June 1924 of 1517 square metres of land in the township of Ballarat (called City of Ballarat in order) for railway purposes, revoked as to part by order of 11 June 1957, so far as the balance thereof containing 1087 square metres — (Rs. 2949)

R.A. MACKENZIE
Minister for Conservation, Forests and Lands

**DEPARTMENT OF CONSERVATION,
FORESTS AND LANDS**

Sale of Crown Land by Auction (No. 12409)

On site, Narre Warren Road, Cranbourne on Thursday, 16 February 1984 at 2.30 p.m.

Terms: Deposit 12½%. Residue payable on 16 May 1984 or any earlier time.

Lot 1, being Allotment 27^A Parish of Cranbourne containing 65.99 hectares. — (M3088).

R.A. MACKENZIE

Minister for Conservation, Forests and Lands

TENDERS

PUBLIC WORKS DEPARTMENT

Tenders are invited for the purposes indicated hereunder and will be received at 2 Treasury Place, Melbourne, 3002, until **TWO** p.m. on dates shown.

Tenders must be addressed to the Minister of Public Works with the envelope endorsed "Tender for

". Hand-delivered tenders must be placed in the Department's tender box in foyer, Ground Floor, 2 Treasury Place, Melbourne.

Tenders documents are available from the Contracts Office, Room 29, 2 Treasury Place, Melbourne and where indicated, at offices of Inspectors of Works.

★Tenders for works identified with star (★) will only be considered from Contractors qualified for repairs and painting works. Any Tenderers wishing to qualify may obtain the application form from the Contracts Office.

Wednesday, 8 February 1984

Building, Electrical and Mechanical Services

ARTHURS SEAT—Erection of a radio tower, radio base hut, Police and Emergency Services. (W.O. Mornington).

VARIOUS—Annual maintenance thermal fire protection, 1.4.84 to 31.3.85—South Central Metropolitan Region, Area 1. Various Government Buildings.

VARIOUS—Annual maintenance thermal fire protection, 1.4.84 to 31.3.85—South Central Metropolitan Region, Area 3. Various Government Buildings.

Wednesday, 15 February 1984

Building, Electrical and Mechanical Services

ARARAT—Replacement of shower fittings etc., Ararat Prison. Community Welfare Services.

★**BALLARAT**—re-advertised: Repairs and painting to covered ways, Lakeside Mental Hospital. (W.O. Ballarat).

FERNTREE GULLY NORTH—Renewal of fire service, Primary School.

HEYFIELD—New police station and alterations, police station residence. Police and Emergency Services. (W.O. Traralgon)

JANEFIELD—Automatic fire alarm system, residences 1, 7, 12 and 13, Training Centre.

KEW—Boundary fencing, Willsmere Hospital.

OLINDA—Extensions, police station and residence. Police and Emergency Services.

ROYAL PARK—Demolition of temporary buildings, Psychiatric Hospital.

VARIOUS—Maintenance of oil burners and associated mechanical equipment, various schools, South Central Metropolitan Region.

VARIOUS—Maintenance, inspection and servicing of oil burners and associated equipment, various schools, Northern Metropolitan Region.

VARIOUS—Maintenance of oil burners and associated plant-room equipment, various schools, Eastern Metropolitan Region.

VARIOUS—Contract 11: 83/84: Supply and delivery of 44 No. modular buildings, F.O.G., P.W.D. Storeyard—69 Salmon Street. (W.O. Geelong, Bendigo and Ballarat).

Miscellaneous

CASTLEMAINE—Maintenance cleaning, public offices. (Public Offices, Castlemaine)

CASTERTON—Maintenance cleaning, public offices, 13 Henty Street. (W.O. Hamilton)

DAYLESFORD—Maintenance cleaning, police station and court house. (Police Station, Daylesford)

DOOKIE—Supply of drill rig, T23/15/2, Agriculture College.

KEW—Supply of food service trolleys, T020/15/2, Willsmere Hospital.

LARUNDEL—Supply of ward beds, T1479/15/2, Mental Hospital.

LARUNDEL—Supply of curtains, T1477/15/2, Mental Hospital.

MELBOURNE—Supply of co-axial cables and connectors, T019/15/2, Police Complex—376 Russell Street. Police and Emergency Services.

MORWELL—Maintenance cleaning, old shire offices, (Early Childhood Development Program), Commercial Road. (W.O. Traralgon)

POINT LONSDALE—Sale and removal of dwelling No. 19 Lighthouse Reserve, Bellarine Coastline—Ports and Harbors Division. (W.O. Geelong and Marine Depot, Queenscliff).

WILLIAMSTOWN—Supply of 32mm stud link chain, dredging depot—Ann Street. Ports and Harbors Division/Ministry of Transport.

Wednesday 22 February 1984

Building, Electrical and Mechanical Services

★**ALBERT PARK**—External repairs and painting, Primary School.

BEECHWORTH—Upgrading of north/east observation tower, H. M. Prison—Community Welfare Services. (W.O. Wangaratta).

★**BULLARTO**—Cyclic maintenance, Primary School.

★**CAMBERWELL**—Painting and repairs, External, High School.

DEER PARK—Alterations, Community residential unit, Health Commission.

FITZROY—Repair window winders and closers, High School.

GORDON—Restrump/replace windows, Police Residence, Police and Emergency Services.

★**HIGHETT**—External repairs and painting, High School.

KEW—Alterations to Pool, Childrens' Cottages.

MONT PARK—Amended and re-advertised: Supply and installation of an intruder detection system, Psychiatric Hospital.

MONT PARK—Upgrade automatic fire alarm system, Psychiatric Hospital.

MONT PARK—Re-advertised: Renovations to General surgical unit, Psychiatric Hospital.

★**NEWTOWN**—Re-advertised: internal and external repairs and painting, Arston Teachers' College (W.O. Geelong).

ROYAL PARK—Installation of thermal insulation to six wards and one annexe, Psychiatric Hospital.

★**SUNBURY**—External repairs and painting to administration building, Caloola Training Centre.

TOTTENHAM—Upgrading of engineering workshop practices area, Technical School.

VARIOUS—Maintenance, inspection and servicing of steam generator and auxiliary mechanical equipment, 1.4.84 to 31.3.85, Police and Emergency Services.

Siteworks

WATSONIA—Connection to sewer, Special School.

Miscellaneous

CHELTENHAM—Maintenance cleaning, Court House—Nepean Highway, Law Department.

WHITTLESEA—Maintenance cleaning, Court House—Church Street, Law Department. (Court House, Whittlesea).

EVAN WALKER, M.L.C.
Minister of Public Works

Public Works Department
Melbourne, 23 January 1984

LATE NOTICES

STATE TENDER BOARD
CONTRACTS ACCEPTED

Amendments

Schedule Number	Item Number	New Rate \$	Effective Date
Fire Protection Equipment, Fire Extinguishers, etc			
1/06	15	177.44	1.1.84
	17	63.50	
Toilet Requirements			
1/16	7	26.37	1.1.84
	8	26.66	
	9	27.24	
Motor Spirit, Kerosene, Fuel Oils and Lubricants			
1 January 1982 to 31 December 1983 Contract Period:			
1/53B	18	0.4617	1.10.83
	25	0.4772	23.12.83
1 January 1984 to 31 December 1985 Contract Period:			
1/53B	12	0.4355	1.1.84
	14	0.4355	
	16	0.4491	
	18	0.4491	
	19	0.4533	
	20	0.4533	
	28	0.4103	
	29	0.4173	

Note: Victoria Government Gazette No 4 dated 18 January 1984 page 107:

Schedule No 1/53A — Motor Spirit, (Bulk — State Petrol Centre) and Schedule No 1/53B — Motor Spirit, Kerosene, Fuel Oils and Lubricants amendments relate only to contract periods 1 January 1983 to 31 December 1983 and 1 January 1982 to 31 December 1983 respectively

Provisions — Melbourne and Metropolitan District

2/01	1	1.472	2.1.84
	2	Arnott Brockhoff Guest Price List 6.2.84 less 6%	6.2.84
	3	0.592	2.1.84
	24	3.47	*
	25	2.60	*
	26	2.73	2.1.84
	38	11.51	16.1.84
	39	16.12	
	41	16.12	
	62	24.08	10.1.84
	63	21.33	
	75	2.03	1.12.83
	83	22.97	16.1.84
	129	1.13B	2.1.84
	129	0.93NB	
	130	2.75NB	
	130	3.67B	
	131	22.92SB	
	131	22.89RB	
	131	15.96NB	
	132	44.39SB	

Schedule Number	Item Number	New Rate \$	Effective Date
	132	44.59RB	
	132	27.91NB	
	133	0.93M	
	134	2.77M	
	197	4.42	16.1.84

B — Berry
NB — Non-berry
RB — Raspberry
SB — Strawberry
M — Marmalade

* Victorian Government Gazette No 6 dated 25 January 1984 page No 163
Delete: 8.1.84
Add: 8.2.84

Provisions — Groceries, Melbourne and Metropolitan District

2/02	1	0.70	1.2.84
	2	1.62	
	3	1.62	
	8	4.29	
	11	1.53	
	12	1.03	
	14	0.82	
	15	1.01	
	16	7.63	
	17	7.63	Orange
	17	7.63	Teacake
	17	7.13	Utility
	17	7.63	Vanilla
	18	18.49	
	19	19.00	
	21	9.28	
	22	14.67	
	23	3.60	
	24	7.83	
	25	9.00	
	26	9.00	
	27	0.16	
	31	15.63	
	34	0.95	
	35	17.50	
	37	7.14	
	38	8.91	
	39	10.23	
	40	5.41	
	41	1.21	
	42	1.73	
	43	1.29	
	44	22.80	
	46	3.35	
	47	5.30	
	49	21.50	
	50	1.18	
	53	2.45	
	55	1.78	
	56	2.69	
	57	1.27	Lemon and orange
	57	1.56	Raspberry
	59	3.58	
	62	0.44	
	67	0.57	
	69	0.57	
	70	1.85	
	72	1.29	
	76	1.58	
	77	2.59	

[illegible]

J.M. PAWSON
Secretary to the Tender Board

Town and Country Planning Act 1961
GEELONG REGIONAL PLANNING SCHEME
 Amendment No. 86

Notice that a Planning Scheme (Amending) has been Prepared and is Available for Inspection

Notice is hereby given that the Geelong Regional Commission in pursuance of its powers under the *Town and Country Planning Act 1961*, has prepared an amending scheme for land within the following areas:

Item No. 1

Land fronting the southern side of Townsend Road, Whittington, east of Aitken Street. Zone change from Reserved Residential to Special Uses 11, private hospital, health centre and institutional home.

Item No. 2

Land fronting the southern side of The Terrace, Ocean Grove, (16 The Terrace) east of Sweetman Parade. Zone change from Residential A to Special Uses 4, recreational club.

Item No. 3

Land fronting Murray Road, Point Lonsdale, east of Rayleigh Avenue and north of Roddick Grove. Zone change from Reserved Industrial to Reserved Residential.

Item No. 4

Land located on the north east corner of Buckingham Street and Wells Street (McHarrys Road), Lara. Zone change from Rural General Farming to Rural Residential.

Item No. 5

Land located west of Thompsons Road and south of Cowies Creek, North Geelong. Zone change from Reserved Residential to Industrial A.

Item No. 6

Land forming parts of Crown Allotments 31, 32, 33, 65, 67, 68 and 69, Parish of Anakie, comprising approximately 60 ha. Zone change from Rural General Farming and Areas of Interest and Landscape Value to Extractive Industrial.

Item No. 7

Map and ordinance change proposes to include land fronting Kildoray Street, Moolap, immediately north of the railway reserve in Schedule I of the Geelong Regional Planning Scheme (table to sub-clause (7) of clause (18)).

Item No. 8

Map and ordinance change proposed to include land fronting Tower Road, Indented Head, bounded by Grassy Point Road and Pigdon Road, in Schedule I of the Geelong Regional Planning Scheme (table to sub-clause (7) of clause (18)).

Item No. 9

Ordinance change proposes to replace the wording in clause 25, condition 21 — service station; sub-condition (b) (iv) thereby permitting access to and from service stations to establish within 15 metres of traffic signals.

A copy of the amending scheme has been deposited at this office — Geelong Regional Commission, State Government Offices, corner of Little Malop and Fenwick Streets, Geelong, at the offices of the:

(insofar as the municipalities are affected) at the office of the: Bannockburn Shire Council, 12 Pope Street, Bannockburn; Barrabool Shire Council, 441 Moorabool Street, Geelong; Bellarine Shire Council, Collins Street, Drysdale; Corio Shire Council, "Osborne House", Swinburne Street, Geelong; Geelong West City Council, 12 Albert Street, Geelong West; Newton City Council, 263 Pakington Street, Newton; Queenscliffe Borough Council, 50 Learmonth Street,

Queenscliffe and South Barwon City Council, 2 Colac Road, Belmont

and at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th floor, 235 Queen Street, Melbourne, and will be open for inspection during office hours by any person, free of charge.

Any persons affected by the amending scheme are required to set forth in writing any submissions they may wish to make with respect to the amending scheme addressed to the Secretary, Mr G.R. Cowling, Geelong Regional Commission, P.O. Box 770, Geelong, by 1 March 1984, and to state whether you wish to be heard in respect of your submission.

G.R. COWLING

Secretary, Geelong Regional Commission

Town and Country Planning Act 1961
GEELONG REGIONAL PLANNING SCHEME

Amendment No. 91

Notice that a Planning Scheme (Amending) has been Prepared and is Available for Inspection

Notice is hereby given that the Geelong Regional Commission in pursuance of its powers under the *Town and Country Planning Act 1961*, has prepared an amending scheme for land within the following area:

Item No. 1

Land situated on the northern side of Windemere Road, Lara, directly opposite Caddy Road. Zone change from Public Purposes (Existing) 21, Social Welfare Department to Special Uses 7.

A copy of the amending scheme has been deposited at this office — Geelong Regional Commission, State Government Offices, corner of Little Malop and Fenwick Streets, Geelong, at the office of the Corio Shire Council, "Osborne House", Swinburne Street, North Geelong, and at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th floor, 235 Queen Street, Melbourne, and will be open for inspection during office hours by any person, free of charge.

Any persons affected by the amending scheme are required to set forth in writing any submissions they may wish to make with respect to the amending scheme addressed to the Secretary, Mr G.R. Cowling, Geelong Regional Commission, P.O. Box 770, Geelong, by 1 May 1984, and to state whether you wish to be heard in respect of your submission.

G.R. COWLING

Secretary, Geelong Regional Commission

Town and Country Planning Act 1961
GEELONG REGIONAL PLANNING SCHEME

Amendment No. 88

Notice that a Planning Scheme (Amending) has been Prepared and is Available for Inspection

Notice is hereby given that the Geelong Regional Commission in pursuance of its powers under the *Town and Country Planning Act 1961*, has prepared an (amending) scheme for land within the following area:

Item No. 1

Deletion of all reference to aircraft noise exposure forecasts (25 N.E.F. and 30 N.E.F.) from the Geelong Regional Planning Scheme Map Nos. 11E, 11F, 12A and 12B.

A copy of the amending scheme has been deposited at this office — Geelong Regional Commission, State Government Offices, corner of Little Malop and Fenwick Streets, Geelong, at the office of the Corio Shire Council, "Osborne House",

Swinburne Street, North Geelong, and at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th floor, 235 Queen Street, Melbourne, and will be open for inspection during office hours by any person, free of charge.

Any persons affected by the amending scheme are required to set forth in writing any submissions they may wish to make with respect to the amending scheme addressed to the Secretary, Mr G.R. Cowling, Geelong Regional Commission, P.O. Box 770, Geelong, by 1 March 1984, and to state whether you wish to be heard in respect of your submission.

G.R. COWLING

Secretary, Geelong Regional Commission

PRIVATE ADVERTISEMENTS

Town and Country Planning Act 1961

CITY OF ECHUCA PLANNING SCHEME

Notice that an Amendment has been Prepared and is Available for Inspection

Amendment No. 63

Notice is hereby given that the City of Echuca in pursuance of its powers under the *Town and Country Planning Act 1961* has prepared an amendment for the purpose of rezoning CA 3 and 4, section 41A, Township of Echuca, Parish of Echuca North, County of Rodney, from Residential A zone to "Public Purposes Reserve — Activity Therapy Centre".

A copy of the amendment has been deposited at the City Offices, cnr. Hare and Heygarth Streets, Echuca and at the office of the Ministry for Planning and Environment, 391 Hargreaves Street, Bendigo, and at the office of the Ministry of Planning and Environment (Plan Inspection section), 5th floor, 235 Queen Street, Melbourne, and will be open for inspection during office hours by any person free of charge.

Any persons affected by the amendment are required to set forth in writing any submission they may wish to make with respect to the amendment addressed to Town Clerk, City of Echuca, cnr. Hare and Heygarth Streets, Echuca, by 1 May 1984, and state whether you wish to be heard in respect of your submission.

Date: 24 January 1984

K.F. MCCARTNEY

0756

Town Clerk & Chief Executive Officer

CITY OF RICHMOND

Loan No. 82

Notice of Intention to Borrow the Sum of \$420 000 for Permanent Works and Undertakings

Notice is hereby given that the City of Richmond intends to borrow Four Hundred and Twenty Thousand Dollars (\$420 000) secured by a charge over the general rates of the municipality by the grant of a mortgage in accordance with the provisions of the *Local Government Act 1958* (as amended).

1. The maximum rate of interest to be paid is 14.9 per centum per annum.

2. The period of the loan shall be fifteen (15) years.

3. The purposes for which the loan is to be applied are:

	\$
Bendigo Street roadworks	90 000
Loughnan Hall refurbishing	35 000
Council Depot roofing	150 000
Airconditioning at Town Hall	15 000
Depot works	60 000
Rubbish skips	25 000
Rubbish bins	30 000
Rider mowers	15 000
	420 000

4. The loan is to be liquidated by providing out of the municipal fund thirty half yearly instalments of \$35 388.98 each, including principal and interest payable on 2 April and 2 October each year during the currency of the loan. The first instalment shall be payable on 2 October 1984.

5. Such moneys shall be repayable to the Local Authorities Superannuation Board, Rigby House, 15 Queens Road, Melbourne 3004.

The plans and specifications and estimates of the cost of such works and a statement showing the proposed expenditure of the moneys to be borrowed are open for inspection during office hours at the Town Hall, Bridge Road, Richmond.

M.D. HUTCHINSON
Acting Town Clerk

0745

CITY OF SANDRINGHAM

By-law No. 225

Caravan By-law 1983

A By-law of the City of Sandringham introduced under powers of the *Local Government Act 1958*, (as amended) and numbered 225 for the purpose of prohibiting or regulating the placing of caravans on private property.

In pursuance of the powers conferred by the *Local Government Act 1958*, the Mayor, Councillors and Citizens of the City of Sandringham order as follows:

1. This By-law shall be known as the Caravan By-law 1983.

2. In this By-law unless inconsistent with the context or subject matter:

"Caravan" includes any object or structure having the general characteristics of a caravan, a house on wheels, a covered van, and any vehicle used or adapted for living purposes whether the wheels or axles thereof have been removed or not and whether it is resting directly on the ground or is placed on blocks or other supports; and any structure, awning, verandah, lean-to, carport or other enclosed or partly enclosed area used or capable of being used in conjunction with or appurtenant to a caravan.

"Council" means the Council of the City of Sandringham.

"Private Property" shall have the same meaning as the expression has in section 197(1)(xxxi)(g) of the *Local Government Act 1958* and includes vacant land.

3. No person shall unless upon any caravan or camping park or site approved by the Council use any caravan on private property for the purpose of human habitation or leave any caravan on private property or land so that same could be used or with the intent that same be used for human habitation without the written permission of the Council, except in cases where a householder has visitors or family occupying a caravan on private property which occupation shall be allowed for a period of up to twenty-eight (28) days in any year provided that sanitation and laundry facilities of a dwelling house on the property are available to the occupants of the caravan.

4. This By-law shall apply to and have operation throughout the whole of the municipal district of the City of Sandringham.

5. This By-law shall have effect on the day following the date of its publication in the *Victoria Government Gazette*.

6. Any person guilty of a wilful breach of this By-law shall be liable to a penalty of not more than \$400.00 and to a further penalty of not more than \$10.00 for each day on which such offence is continued after a conviction or order by a Court.

Resolution for passing this By-law agreed to by the Council on 26 September 1983, and confirmed on 24 October 1983.

The common seal of the Mayor, Councillors and Citizens of the City of Sandringham was hereto affixed on 24 October 1983, in the presence of:

(SEAL) C.J. WATERS, Mayor
P.A. GUNDRY-WHITE, Councillor
J.L. JOHNSON, Acting Town Clerk

Approved by the Governor in Council, 29 November 1983

TOM FORRISTAL
Clerk of the Executive Council

Published in the *Victoria Government Gazette* on 1 February 1984. 0717

Town and Country Planning Act 1961

CITY OF WARRNAMBOOL PLANNING SCHEME

Notice that a Planning Scheme has been Prepared and is Available for Inspection.

Notice is hereby given that the Council of the City of Warrnambool in pursuance of its powers under the *Town and Country Planning Act 1961*, has prepared a scheme for the following areas:

Lots 3, 4, 5, 6 and adjoining road, C.A. 80 Parish of Wangoom, south west corner of Laverock Road and Hoddle Street.

Lots 7 and 8m C.A. 113 Parish of Wangoom, north west corner of Raglan Parade and William Street.

Part C.A. 15 section 64 City of Warrnambool, south west corner of Raglan Parade and Hider Street.

1143-1153 Part C.A. 85 Parish of Wangoom, south west corner of Raglan Parade and Walsh Road.

Lot 14 Part C.A. 70 Parish of Wangoom, Morriss Road.

Part C.A. 13B section 1 Parish of Wangoom, McKiernan Road.

A copy of the scheme has been deposited at the Warrnambool City Council, Municipal Offices, Liebig Street, Warrnambool at the Regional Office of the Department of Planning, corner Liebig and Lava Streets, Warrnambool, and at the office of the Department of Planning (Plan Inspection Section), 5th Floor, 235 Queen Street, Melbourne, and will be open for inspection during office hours by any person free of charge.

Any persons affected by the scheme are required to set forth in writing any submission they may wish to make with respect to the scheme, addressed to the Town Clerk, City of Warrnambool, P.O. Box 198, Warrnambool, by 1 March 1984, and state whether you wish to be heard in respect of your submission.

V.G. ROBSON
Town Clerk

0702

CITY OF WAVERLEY

Loan No. 145

Notice of Intention to Borrow the Sum of \$700 000 for Permanent Works and Undertakings

Notice is hereby given that the Council of the City of Waverley intends to borrow the principal sum of \$700 000

secured by a charge over the general rates of the municipality, such sum to be raised by the grant of a mortgage in accordance with the provisions of the *Local Government Act 1958*.

1. The maximum rate of interest that may be paid is 13.2% per annum.

2. The purpose for which the loan is to be applied is part cost of a new Council Chamber, municipal offices building and associated works in Springvale Road, Glen Waverley, immediately south of the existing municipal offices. The estimated total cost of the project as at 12 May 1982 is \$6 110 000. It is anticipated, depending upon economic conditions prevailing during the period of construction of the project, which is estimated for completion in July 1984, including increases in labour and material costs, that the actual cost of completing the project will vary from the above figure of \$6 110 000.

3. The period of the loan shall be 5 years.

4. The moneys borrowed shall be repayable by providing out of the Municipal Fund, nine half yearly instalments of approximately \$64 035.01 each including principal and interest on 17 April and 17 October during the currency of the loan and a final instalment of \$522 225.26.

5. Such moneys shall be repayable at the office of the Australian and New Zealand Savings Bank Limited, 363 Springvale Road, Glen Waverley.

The plans and specifications and the estimate of the cost of the proposed works and a statement showing the proposed expenditure of the moneys to be borrowed are open for inspection at the office of the Council, Springvale Road, Glen Waverley, 3150.

In accordance with section 401(1) of the *Local Government Act 1958* within one month of the publication of the Notice of Intention to Borrow the money not less than five per centum of the persons whose names are inscribed on the Municipal Roll may by writing under their hands delivered to the Chairman or the Clerk of the Municipality together with the sum of \$100, demand that the proposal be submitted to a poll of voters. However, under section 402(1A), no such poll of voters shall be necessary in the following circumstances:

- (a) Where the proposal is to borrow money to complete or continue a permanent work or undertaking in respect of which moneys have previously been borrowed subject to the provisions of subdivision (3) and (4) or Division 1; and
- (b) Where the first Notice of Intention to borrow money for such permanent work or undertaking was given not more than five years prior to the publication of the proposal, and
- (c) Where the estimated total cost of the proposal has been specified in a previous Notice of Intention to Borrow published under this section and the aggregate of moneys borrowed and proposed to be borrowed does not exceed that estimated total cost; or
- (d) Where the proposal is to borrow money to liquidate a previous loan.

This present proposal is to borrow money to complete or continue the construction of the new Council Chamber, Municipal Offices building and associated works in Springvale Road, Glen Waverley as described above, in respect of which the Council has previously borrowed the sum of \$1 600 000 subject to the provisions of subdivisions (3) and (4) of Division 1. Further the first Notice of Intention to Borrow that money was given on 19 May 1982 i.e. less than five years prior to the publication of this proposal, and the estimated total cost of the

proposal was specified in that previous Notice of Intention and the aggregate of moneys borrowed and proposed to be borrowed does not exceed that estimated total cost.

0746

COLIN J. BOCK, Town Clerk

RURAL CITY OF WODONGA

The Council having made provision for the carrying of sewage from each and every property which or any part of which is within the sewerage area hereinafter described doth hereby declare that on or after 1 March 1984, each and every property which or any part of which is within the said sewerage area shall be deemed to be a seweraged property within the meaning of the *Sewerage Districts Act 1958*.

The boundaries of the Sewerage Area No. 107 hereinbefore referred to are:

All lands within the boundaries defined by commencing at the south west corner of Lot 20 of Lodged Plan of Subdivision No. 133155:

thence bearing 20°07'10" for a distance of 287.65 metres
thence bearing 6°44' for a distance of 30 metres
thence bearing 284°52' for a distance of 104.73 metres
thence bearing 26°07'20" for a distance of 174.67 metres
thence bearing 279°00'40" for a distance of 10.46 metres
thence bearing 297°38' for a distance of 162 metres
thence bearing 278°15' for a distance of 80 metres
thence bearing 265°47'40" for a distance of 110.88 metres
thence bearing 297°52'40" for a distance of 240.02 metres
thence bearing 189°08'30" for a distance of 406.58 metres
thence bearing 96°27'40" for a distance of 35.81 metres
thence bearing 140°15'40" for a distance of 46.27 metres
thence bearing 183°40'40" for a distance of 58.83 metres
thence bearing 278°48'40" for a distance of 75.98 metres
thence bearing 189°08'30" for a distance of 20.12 metres
thence bearing 98°49'40" for a distance of 591.7 metres

to the point of commencement.

0703

I.J. MACAULAY, Chairman
R.I. O'TOOLE, Town Clerk

TOWN OF PORTLAND

Erratum

In *Government Gazette* No. 1 of 4 January 1984, on page 14 under the heading "By-law No. 93 - Street Trading By-law" the date of confirmation of the By-law by the Council of the Town of Portland was shown as 3 January 1984. The notice was published in error and the date of confirmation should read 17 January 1984.

0705

PK. SHANAHAN
Town Clerk

SHIRE OF HEALESVILLE

Allocation of Street Name

Notice is hereby given that the Council of the Shire of Healesville, pursuant to the provisions of the *Local Government Act 1958* (as amended), has allocated the following street name:

Old Name - Un-named Government Road.

New Name - Pollard Parade.

Description - The road running between Gepp Road and Ryans/Weiss Road intersection Parish of Tarrawarra.

0715

G.R. PEACOCK
Shire Secretary

Form 2.1

Town and Country Planning Act 1961

SHIRE OF MANSFIELD PLANNING SCHEME
INTERIM DEVELOPMENT ORDER

Notice that an Amendment has been prepared and is available for Inspection

Amendment No. 11

Notice is hereby given that the Shire of Mansfield in pursuance of its powers under the *Town and Country Planning Act 1961* has prepared an amendment allowing with the consent of the Responsible Authority subdivision of C.A. 16A, Section A, Parish of Boorolite, County of Wonnangatta, for purposes of tourist establishment and to remove any ambiguity in the land description introduced in the first document for Amendment No. 11, which has been available for inspection.

A copy of the amendment has been deposited at the office of the Shire of Mansfield, 33 Highett St., Mansfield, and at the office of the Ministry for Planning and Environment (Plan Inspection Section), 5th Floor, 235 Queen St., Melbourne, and will be open for inspection during office hours by any person free of charge.

Any person affected by the amendment are required to set forth in writing any submission they may wish to make with respect of the amendment addressed to the Shire Secretary by 2 March 1984, and state whether you wish to be heard in respect of your submission.

0725

M. LEE
Planning Officer

SHIRE OF MELTON

Loan No. 121

Notice of Intention to Borrow

Notice is hereby given that the Council of the Shire of Melton proposes to borrow the principal sum of \$153 000 secured by a charge over the general rates of the municipality, such sum to be raised by the grant of a mortgage in accordance with the provisions of the *Local Government Act 1958*.

The maximum rate of interest that may be paid is 13.6% per annum.

The purposes for which the loan is to be applied are: \$

Raleighs Road Construction (part cost)	21 500
Council Contribution for R.C.A. Works (part cost)	77 000
Unitt Street, High Street, Palmerston Street - Town Centre Verge and Footway Development	15 000
Western Highway Development	10 000
Purchase of Land for Municipal Purposes, Rockbank (part cost)	22 500
Purchase of Shop Sites, Melton South	7 000
	<u>153 000</u>

The period of the loan shall be 20 years.

The loan shall be liquidated by providing out of the municipal fund seven half-yearly instalments of \$11 210.84 each, including principal and interest, and an eighth payout of interest of \$9932.09 then the rate of interest payable on the balance outstanding at 1 February 1988, \$146 060.12, shall be renegotiated and further instalments re-calculated accordingly. Instalments shall be paid on 1 August and 1 February during the currency of the loan, commencing on 1 August 1984.

Such moneys shall be repayable to the National Australia Savings Bank Limited, 500 Bourke Street, Melbourne.

The plans and specifications and estimate of the cost of the proposed works, together with a statement showing the

proposed expenditure of the moneys to be borrowed, are open for inspection at the Shire Offices, cnr. High and Yuille Street, Melton.

0704

MARK N. LAWRENCE
Acting Shire Secretary

SHIRE OF UPPER YARRA

Loan No. 61

Notice of Intention to Borrow the Sum of \$177 500
for Permanent Works and Undertakings

Notice is hereby given that the Council of the Shire of Upper Yarra, proposes to borrow the principal sum of \$177 500, secured by a charge over the general rates of the municipality, such sum to be raised by the grant of a mortgage in accordance with the provisions of the *Local Government Act 1958*.

1. The maximum rate of interest that may be paid is 14.7 per cent per annum.

2. The purpose for which the loan is to be applied is:

Footpath construction - Woori Yallock School	\$
Access	8 000
Kerb & Channel - Yarra Street	4 000
Reseals - Sibley Estate	19 000
- Britannia Creek Road, Corners to Guidehouse Road	4 500
Road Pavements - McKenzie-King Drive	30 000
- Yarra Street-(Station to Hoddle)	28 000
Drainage Works - Riversdale Road	72 000
- Westley Street	12 000
	177 500

3. The period of the loan shall be ten years.

4. The moneys borrowed shall be repayable by providing out of the municipal fund half-yearly instalments of approximately \$17 213.23 each including principal and interest on 1 April and 1 September during the currency of the loan. The first instalment shall be payable on 1 September 1984.

5. Such moneys shall be repayable to the Commissioners of the State Bank of Victoria at the office of the said Commissioners, 385 Bourke Street, Melbourne.

The plans and specifications and the estimate of the cost of the proposed works and a statement showing the proposed expenditure of the moneys to be borrowed are open for inspection at the office of the Council of the Shire of Upper Yarra at the Shire Offices, Main Street, Yarra Junction.

0718

A.J. HUBBARD
Chief Executive Officer

WATER ACT

Woodend Water Board - Eighth Schedule

Notice to the owners of tenements in the undermentioned streets and the private streets, lanes, courts and alleys opening thereto.

The main pipe in the said streets being laid down, the owners of all tenements situated as above are hereby required on or before 10 February 1984, to cause a proper pipe and stopcocks to be laid so as to supply water within such tenements from the main pipe.

Woodend Riding

Andrew Avenue, from Mount Macedon Road, northerly 630m.

Anne Street, from East Street to Tennyson Street.
Anslow Street, from Sturt Street to Wood Street.
Arnold Court, the whole street from Stuart Drive westward.
Ashbourne Road, from High Street westerly and south-westerly 1070m.

Bawden Road, from Wood Street to East Street, and from a point 70m north-west of Morris Street south-easterly 1130m.
Beves Lane, whole street from Quarry Road south.
Booths Lane, from Ashbourne Road to Timber Lane.
Brewster Street, from Davy Street to East Street.
Brian Road, from Kathryn Crescent to Maureen Place.
Brooke Street, from High Street to East Street.
Burke Court, the whole street from Forest Street southerly.
Buckland Street, from East Street south-westerly 140m, and from Owen Street, south-westerly five metres.

Campaspe Drive, from Heron Street south-easterly 30m.
Carlisle Street, whole street from Savages Lane south.
Christian Street, whole street from Noonan Grove to Corinella Road.
Collier Street, whole street from Anslow Street to Forest Street.

Collis Place, the whole street from Stuart Drive westward.
Corinella Road, from High Street north-westerly and westerly 800m.

Davy Street, from Brewster Street northerly 190m.
Dickens Street, whole street from East Street easterly.
Duffy Street, from Anslow Street to Forest Street.
East Street, whole street from Sullivans Road northerly.
Forest Street, from Sturt Street to High Street.
Goldies Lane, whole street from Ashbourne Road southerly.
Hendley Street, whole street from Urquhart Street northerly.
Heron Street, from Campaspe Drive to Owen Street.
Hesket Road, from High Street easterly 450m.
High Street, from South Road northerly to Savages Lane.
Honeysuckle Lane, from Calder Highway to Lancefield Road.

James Court, whole street from Stuart Drive westward.
Jeffrey Street, from Anslow Street northerly 530m.
Julie Court, whole street from Brian Road 40m.
Kathryn Crescent, whole street from High Street easterly and southerly.

Lancefield Road, from Hesket Road to Honeysuckle Lane.
Ligar Street, from Wood Street to East Street.
Mahoneys Road, from Corinella Road, westerly 180m.
Maureen Place, whole street from Washington Lane north-westerly.

Morris Road, from Bawden Road to Mount Macedon Road.
Mount Macedon Road, from East Street to Boundary Road.
Mountain View Avenue, from Sullivans Road to Mount Macedon Road.

Nicholson Street, from Anslow Street to High Street.
Noonan Grove, from Ashbourne Road westerly 420m.
Owen Street, from High Street to Buckland Street and from Heron Street to East Street.

Patricia Way, from Maureen Place to Peter Godden Drive.
Peter Godden Drive, whole street from Patricia Way northerly.

Pyke Street, from Anslow Street to Wood Street.
Quarry Road, from Peter Godden Drive to Simpsons Lane.
Rodney Drive, whole street from East Street easterly.
Royston Road, from High Street westerly 170m.
Russell Avenue, whole street from East Street easterly.
Savages Lane, whole street from Lancefield Road westerly.
Schaw Street, from Urquhart Street to Anslow Street.
South Road, from Calder Highway easterly 380m and from Beves Lane easterly 210m.

Stuart Drive, the whole street from Savages Lane northerly.
Sturt Street, whole street from Urquhart Street northerly.
Sullivans Road, from Bawden Road to East Street, from East Street easterly 40m and from Morris Road to Mountain View Avenue.

Templeton Street, from Brooke Street to Urquhart Street.
Tennyson Street, from Rodney Drive to Russell Avenue.
Timber Lane, from South Road to Booths Lane.

Urquhart Street, from Hendley Street to Burke Street and from Schaw Street to East Street.

Washington Lane, from Quarry Road to South Road.

Wood Street, from Bawden Road to Brooke Street.

Campaspe Riding

Barker's Road, from Lancefield Road easterly 640m.

Blackmore Road, from South Road to Walkers Road.

Calder Highway, from South Road southerly 470m and from Honeysuckle Lane to Whitelodge Lane.

Clarkes Lane, from Lancefield Road westerly 920m.

Donalds Road, from Harpers Road to a point 120m easterly from Royle Court.

Garner Quadrant, whole street from South Road southerly, westerly, northerly and easterly.

Harpers Road, from Donalds Road southerly 760m.

Henshalls Road, from Donalds Road northerly 770m.

Hoburd Drive, whole street from Donalds Road southerly.

Jason Drive, from a point 170m northerly from Donalds Road northerly 310m.

Lancefield Road, from Honeysuckle Lane to Kronks Lane.

Royle Court, whole street from Donalds Road southerly.

White Lodge Lane, whole street from Calder Highway easterly.

Yalonga Drive, whole road from Donalds Road southerly.

Newham Riding

Lowry Drive, from a point 360m east from Boundary Road, southerly 170m.

Mt. Macedon Road, from Boundary Road easterly 1200m.

GEOFF KOHLMAN
Acting Secretary

0716

WESTERNPORT WATER BOARD

General Notice

Declaration of Sewered Area No. 4

The above mentioned Water Board having made provision for carrying off the sewage from each and every property which or any part of which is within the sewerage area hereinafter described doth hereby declare that on and after 1 January 1984 each and every property which or any part of which is within the said sewerage area shall be deemed to be a seweraged property within the meaning of the Sewerage Districts Act 1958.

The boundaries of the sewerage area herein before referred to are—

Declared Area No. 4

The balance of State 4 (4c) is in two sections.

The eastern boundary of Stage 4c Section 1 is formed by Wyndham Avenue, then west along the southern boundaries of 18 Wyndham Avenue, 17 & 18 Roydon Road, north along western boundaries of 2-18 Roydon Road, then west along southern boundaries of 135-147 Church Street to eastern boundary of 19 McKenzie then west along southern boundary of 35 McKenzie then west along southern boundary across McKenzie Road then south to Koala Street. Kedah Road forms western boundary, the northern boundary is formed by the southern boundary of Stage 3 (121-163 Church Street).

Settlement Road forms the northern boundary of Stage 4c, Section 2 (nos. 211-225) south on the boundary of 209/211 Settlement Road, west along southern boundary of 211/213 to Grandview Grove, then south on Grandview Grove to southern boundary of 28 Grandview, west along southern boundary, north along western boundaries of 2-28 Grandview to southern boundary of 221 Settlement Road, then west to boundary of 225/227 Settlement Road, then north to Settlement Road.

By order of the said Water Board

N. NICOL, Chairman
C.F. BEASLEY, Secretary

0726

Take notice that Derek Michael Charles DeLaine and Fluer Eugene DeLaine both of 86 Castella Street, Lilydale as from the date hereof are no longer involved in the business carried on under the name Vanderriet Pump Services and/or Vanderriet Pump Service Pty. Ltd. of 46 Silvan Road, Monbulk and will not be liable or responsible for any debts or liabilities of that business thereafter.

0706

Notice is hereby given that the partnership heretofore subsisting between John Douglas Gyffyn of 3/28 Main Road, Paynesville in the State of Victoria and Geoffrey Neil Olver of Metung in the said State, carrying on business under the firm name of Gippsland Computer Business Services has been dissolved by mutual consent as from 15 September 1983. All debts due and owing by the said firm shall be received and paid by John Douglas Gyffyn who will continue to carry on the said business.

Dated 26 January 1984

F.W. ROBSON & CO. solicitors, 72 Dudley Street,
Melbourne West

0727

COMPANIES (VICTORIA) CODE

Companies Form 125

J.S. & J.M. HOCKING PTY. LTD.

Notice of Meeting

Notice is hereby given that a meeting of members of the company will be held at 327 Balwyn Road, North Balwyn on Tuesday, 28 February 1984 at 10.00 a.m.

Agenda

To receive an account of the liquidator's acts and dealings and of the conduct of the winding up during the preceding year.

Dated 24 January 1984

0739

B. HAYWOOD, liquidator

In the matter of The Companies (Vic.) Code, Section 411 and in the matter of Lewbor Proprietary Limited (in voluntary liquidation).

Notice is hereby given pursuant to section 411 of The Companies (Victoria) Code 1982, that a final meeting of the members of the abovenamed company will be held at Suite 11, 562 St. Kilda Road, Melbourne, on Thursday, 1 March 1984 at 10.00 a.m.

Business: To receive the liquidator's accounts.

Dated 24 January 1984

N. RAITMAN, liquidator

H. & N. RAITMAN, Suite 11, 562 St. Kilda Road,
Melbourne 3004

0740

In the matter of The Companies (Vic.) Code, Section 411 and in the matter of Tenenbaum-Lewis Company Proprietary Limited (in voluntary liquidation).

Notice is hereby given pursuant to section 411 of The Companies (Victoria) Code 1982, that a final meeting of the members of the abovenamed company will be held at Suite 11, 562 St. Kilda Road, Melbourne, on Thursday, 1 March 1984 at 11.00 a.m.

Business: to receive the liquidator's accounts.

Dated 24 January 1984

N. RAITMAN, liquidator

H. & N. RAITMAN, Suite 11, 562 St. Kilda Road,
Melbourne 3004

0741

In the Supreme Court of Victoria, 1984 Co. No. 26 — In the matter of the Companies (Victoria) Code; and in the matter of Second Y. Pty. Ltd.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 31 January 1984, presented by Costain Australia Limited and that the said petition is directed to be heard before the court sitting at the Law Courts, William Street, Melbourne on 16 February 1984 at 10.30 a.m., and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the petition will be submitted to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The address of the petitioner Costain Australia Limited is 147 Eastern Road, South Melbourne.

The solicitors for the petitioner are Holding Redlich & Co. of 478 Albert Street, East Melbourne in the State of Victoria.

Dated 31 January 1984

HOLDING REDLICH & CO.
Solicitors for the Petitioner

Take Notice: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors notice in writing of his intention to do so. The notice must state the name and address of the person, or if a firm, the name and address of the firm and must be signed by the person or firm or his or their solicitors (if any) and must be served, or if posted must be sent by post in sufficient time to reach the abovenamed solicitors not later than 4.00 p.m. on 15 February 1984.

0747

Co-operative Housing Societies Act 1958

MANSFIELD AND DISTRICT (NO. 2) CO-OPERATIVE HOUSING SOCIETY LIMITED

Notice is hereby given that a special general meeting of the abovenamed society duly convened and held at 64 High Street, Mansfield, on Thursday, 12 July 1984, at 5.30 p.m. the following special resolution was duly passed:

"That the Society having successfully completed its objectives ahead of its expected term be wound up voluntarily, and that John Patrick Chaundy of 126 Wellington Parade, East Melbourne, be appointed liquidator for the purposes of the winding up."

Dated 1 February 1984

A.F. WALSH, Chairman
R.D. GUNNING, Secretary

0748

In the Supreme Court of Victoria, 1984 No. Co. 18 — In the matter of the Companies (Victoria) Code and in the matter of Mordialloc Fibrous Plaster Proprietary Limited.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 23 January 1984 presented by Eric John Unger, Deputy Commissioner of Taxation of the Commonwealth of Australia and that the said petition is directed to be heard before the court sitting at the Fifteenth Court, Law Courts, Lonsdale Street, Melbourne at 10.30 a.m. on 5 April 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's official address is 350 Collins Street, Melbourne.

The petitioner's solicitor is T.A. Sherman, Acting Crown Solicitor for the Commonwealth, of 200 Queen Street, Melbourne.

T.A. SHERMAN

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed T.A. Sherman, notice in writing of his intention to do so. The notice must state the name and address of the person or if a firm, the name and address of the firm and must be signed by the person, or firm, or his or their solicitors (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 4 April 1984.

0734

In the Supreme Court of Victoria, 1984 No. Co. 19 — In the matter of the Companies (Victoria) Code and in the matter of D.W. Plumbing Services Pty Limited.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 23 January 1984 presented by Eric John Unger, Deputy Commissioner of Taxation of the Commonwealth of Australia and that the said petition is directed to be heard before the court sitting at the Fifteenth Court, Law Courts, Lonsdale Street, Melbourne at 10.30 a.m. on 5 April 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's official address is 350 Collins Street, Melbourne.

The petitioner's solicitor is T.A. Sherman, Acting Crown Solicitor for the Commonwealth, of 200 Queen Street, Melbourne.

T.A. SHERMAN

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed T.A. Sherman, notice in writing of his intention to do so. The notice must state the name and address of the person or if a firm, the name and address of the firm and must be signed by the person, or firm, or his or their solicitors (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 4 April 1984.

0735

In the Supreme Court of Victoria, 1984 No. Co. 20 — In the matter of the Companies (Victoria) Code and in the matter of Statewide Reality Pty Ltd.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 23 January 1984 presented by Eric John Unger, Deputy Commissioner of Taxation of the Commonwealth of Australia and that the said petition is directed to be heard before the court sitting at the Fifteenth Court, Law Courts, Lonsdale Street, Melbourne at 10.30 a.m. on 5 April 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's official address is 350 Collins Street, Melbourne.

The petitioner's solicitor is T.A. Sherman, Acting Crown Solicitor for the Commonwealth, of 200 Queen Street, Melbourne.

T.A. SHERMAN

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed T.A. Sherman, notice in writing of his intention to do so. The notice must state the name and address of the person or if a firm, the name and address of the firm and must be signed by the person, or firm, or his or their solicitors (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 4 April 1984.

0736

The Companies Act 1961

PERICLES CONSTRUCTIONS (IN LIQUIDATION)

Notice Convening Final Meeting of the Company
Pursuant to Section 272(1)

Notice is hereby given that the final meeting of the members and creditors of the abovenamed company will be held at the offices of Touche Ross & Co., 12th Floor, 440 Collins Street, Melbourne, 8 March 1984, at 10.30 a.m. for the purpose of laying before the meeting an account showing how the winding up has been conducted and the property of the company has been disposed of and giving any explanation thereof.

Dated 24 January 1984

0737

B.I. DOWDING, liquidator

In the Supreme Court of Victoria, 1983 No. Co. 13172 — In the matter of the Companies (Victoria) Code and in the matter of Gulf Resources N.L.

**NOTICE OF APPOINTMENT OF
PROVISIONAL LIQUIDATOR**

Order for appointment of an official liquidator as provisional liquidator made 24 January 1984.

Name and address of Provisional Liquidator: Robert Molesworth Hobbie Cole, 440 Collins Street, Melbourne.

MALLESONS, Melbourne agents for the solicitors for the applicant Allen, Allen & Hemsley, 19-29 Martin Place, Sydney, N.S.W. 2000

Lodged by: Mallesons

Address: 121 William Street, Melbourne
Telephone: 62 0761

Lodged with the Commission on 25 January 1984

Commissioner for Corporate Affairs, delegate of the
National Companies and Securities Commission

0738

In the Supreme Court of Victoria, 1984 Co. No. 10 — In the matter of the Companies (Victoria) Code; and in the matter of J. & M. Berger Pty. Ltd.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 18 January 1984, presented by Australia and New Zealand Banking Group Limited and that the said petition is directed to be heard before the court sitting at the 15th Court, Law Courts, William Street, Melbourne at 10.30 a.m. on 29 March 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's address is: 287 Collins Street, Melbourne.

The petitioner's solicitors are: Corr & Corr, 350 William Street, Melbourne.

CORR & CORR, solicitors for the petitioner

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors, notice in writing of his intention to do so. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person, or firm, or his or their solicitor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 28 March 1984.

0710

In the Supreme Court of Victoria, 1984 Co. No. 11 — In the matter of the Companies (Victoria) Code; and in the matter of Cofive Pty. Ltd.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 18 January 1984, presented by Australia and New Zealand Banking Group Limited and that the said petition is directed to be heard before the court sitting at the 15th Court, Law Courts, William Street, Melbourne at 10.30 a.m. on 29 March 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's address is: 287 Collins Street, Melbourne.

The petitioner's solicitor are: Corr & Corr, 350 William Street, Melbourne.

CORR & CORR, solicitors for the petitioner

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors, notice in writing of his intention to do so. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person, or firm, or his or their solicitor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 28 March 1984.

0711

In the Supreme Court of Victoria, 1984 Co. No. 13 — In the matter of the Companies (Victoria) Code; and in the matter of Statewide Pools Pty. Ltd.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 20 January 1984, presented by Australian Consolidated Press Limited and that the said petition is directed to be heard before the court sitting at the Law Courts, William Street, Melbourne at 10.30 a.m. on 22 March 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's address is: 3rd Floor, 54-58 Park Street, Sydney, New South Wales.

The petitioner's solicitor are: Messrs G.D. Burnett & Co., 37-39 Albert Road, Melbourne.

G.D. BURNETT & CO., solicitors for the petitioner

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors, notice in writing of his intention to do so. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person, or firm, or his or their solicitor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 21 March 1984. 0707

In the Supreme Court of Victoria, 1984 Co. No. 8 - In the matter of the Companies (Victoria) Code; and in the matter of Antigua Nominees Pty. Ltd.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 18 January 1984, presented by Australia and New Zealand Banking Group Limited and that the said petition is directed to be heard before the court sitting at the 15th Court, Law Courts, William Street, Melbourne at 10.30 a.m. on 29 March 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's address is: 287 Collins Street, Melbourne.

The petitioner's solicitor are: Corr & Corr, 350 William Street, Melbourne.

CORR & CORR, solicitors for the petitioner

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors, notice in writing of his intention to do so. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person, or firm, or his or their solicitor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 28 March 1984. 0708

In the Supreme Court of Victoria, 1984 Co. No. 9 - In the matter of the Companies (Victoria) Code; and in the matter of Beringa Investments Pty. Ltd.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 18 January 1984, presented by Australia and New Zealand Banking Group Limited and that the said petition is directed to be heard before the court sitting at the 15th Court, Law Courts, William Street, Melbourne at 10.30 a.m. on 29 March 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's address is: 287 Collins Street, Melbourne.

The petitioner's solicitors are: Corr & Corr, 350 William Street, Melbourne.

CORR & CORR, solicitors for the petitioner

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors, notice in writing of his intention to do so. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the

person, or firm, or his or their solicitor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 28 March 1984. 0709

COMPANIES (VICTORIA) CODE

Fleming Constructors Pty. Limited

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 25 January 1984 presented by Brick & Pipe Industries Limited and that the said petition is directed to be heard before the court sitting at the Melbourne, at the hour of 10.30 a.m. on Thursday, 5 April 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's address is 78 Middleborough Road, Burwood.

The petitioner's solicitors are Messrs Remington & Co., of 2nd Floor, 60 Albert Road, South Melbourne.

Note: Any persons who intend to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors a notice in writing of this intention to do so. The notice must state the name and address of the person or if a firm, the name and address of the firm and must be signed by the person, or firm, or his of their solicitors (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 4 April 1984. 0726

COMPANIES (VICTORIA) CODE

dar Bugeja (A'Sia) Pty. Ltd.

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 25 January 1984 presented by J.S. Kerr & Associates Pty. Ltd. and that the said petition is directed to be heard before the court sitting at Melbourne at the hour of 10.30 a.m. on Thursday, 5 April 1984, and any creditor or contributory of the company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for that purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's address is 60-66 Gipps Street, Collingwood.

The petitioner's solicitors are Messrs Remington & Co., of 2nd Floor, 60 Albert Road, South Melbourne.

Note: Any persons who intend to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors a notice in writing of this intention to do so. The notice must state the name and address of the person or if a firm, the name and address of the firm and must be signed by the person, or firm, or his of their solicitors (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 4 April 1984. 0729

In the Supreme Court of Victoria, 1984 Co. No. 16 - In the matter of the Companies (Victoria) Code; and in the matter of O. & J. Sports Marketing Pty. Ltd.

ADVERTISEMENT OF PETITION

Notice is hereby given that a petition for the winding up of the abovenamed company by the Supreme Court was on 23 January 1984, presented by Valentine Limited and the said petition is directed to be heard before the court sitting at the Practice Court, Law Courts, Melbourne at 10.30 a.m. on 22 March 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the said petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The petitioner's address is: 3rd Floor, 210 Albert Road, South Melbourne.

The petitioner's solicitors are: Messrs Arthur Robinson & Co., of 447 Collins Street, Melbourne.

ARTHUR ROBINSON & CO.

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors, notice in writing of his intention to do so. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person, or firm, or his or their solicitor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 21 March 1984.

0719

LOUSIDA PTY. LTD. (IN VOLUNTARY LIQUIDATION)

Notice is hereby given that a final meeting of members of Lousida Pty. Ltd. (In Voluntary Liquidation), is to be held for the purpose of laying before the meeting an account showing how the winding up has been conducted and how the property of the company has been disposed of and to give any explanation of the accounts, on Tuesday, 21 February 1984, at 10.00 a.m., at the offices of Laurie A. Broussard & Associates, public accountants, 34 Ballantyne Crescent, Kilsyth, Victoria 3137.

Dated 24 January 1984

0720

BRUNO STERNBERG, liquidator

In the Supreme Court of Victoria, 1984 Co. No. 17 - In the matter of the Companies (Victoria) Code; and in the matter of K.G.C. Products Proprietary Limited

Notice is hereby given that an application by way of petition for the winding up of the abovenamed company by the Supreme Court was on 23 January 1984, presented by Albert John Goodwin and Elizabeth Goodwin and that the petition is directed to be heard before the court sitting in the Practice Court, Law Courts, Lonsdale Street, Melbourne at 10.30 a.m. on Thursday, 1 March 1984, and any creditor or contributory of the said company desiring to support or oppose the making of an order on the said petition may appear at the time of hearing by himself or his counsel for the purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same by the undersigned on payment of the regulated charge for the same.

The Petitioner's addresses are both of: 65 Dickens Street, Elwood.

The petitioner's solicitors are Nelson Fox, 320 St. Kilda Road, Melbourne.

Note: Any person who intends to appear on the hearing of the said petition must serve on or send by post to the abovenamed solicitors, notice in writing of his intention so to do. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person, or firm, or his or their solicitor (if any) and must be served, or if posted, must be sent by post in sufficient time to reach the abovenamed not later than 4.00 p.m. on 29 February 1984.

0760

NOTICE OF APPOINTMENT OF PROVISIONAL LIQUIDATOR

In the Supreme Court of Victoria, 1984 Co. No. 17 - In the matter of the Companies (Victoria) Code; and in the matter of K.G.C. Products Proprietary Limited

Order for the appointment of an official liquidator as provisional liquidator made Monday, 23 January 1984.

The name and address of the provisional liquidator is Alex Neville Bird of 11th floor, 499 St. Kilda Road, Melbourne.

NELSON FOX, solicitors, 320 St. Kilda Road, Melbourne
0761

Creditors, next of kin and others having claims in respect of the estate of Isabella Kathleen O'Hogan, late of Unit 3, 71 Chesterville Road, Cheltenham, widow, deceased, who died on 13 October 1983, are required to send particulars of their claim to the Executrices, Alice May Webster and Margaret Isabella Cattermole, care of the undersigned solicitors on or before 1 April 1984, after which date they will distribute the assets having regard only to the claims of which they then have notice.

LEWIS & WEIR, solicitors, 3 Chesterville Road, Cheltenham
0749

NEVA GLADYS STEPHENSON, late of Unit 10, 73 Darebin Road, Thornbury, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased (who died on 17 December 1983) are required to send particulars of their claims to William George Clear, care of Walsh, Johnston & Co., solicitors, 452 High Street, Northcote before 28 March 1984, after which date he will distribute the assets having regard only to the claims of which he then has notice.

WALSH, JOHNSTON & CO., solicitors, 452 High Street, Northcote
0750

MARY AMELIA ARROWSMITH, late of Thomastown Nursing Home, Dalton Street, Thomastown, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased (who died on 30 August 1983) are required to send particulars of their claims to Kevin John Lynch, care of Walsh, Johnston & Co., solicitors, 452 High Street, Northcote before 28 March 1984, after which date he will distribute the assets having regard only to the claims of which he then has notice.

WALSH, JOHNSTON & CO., solicitors, 452 High Street, Northcote
0751

Creditors, next of kin and others having claims in respect of the estate of Edwin Lay, late of Carrajung, farmer, deceased, who died on 2 June 1984 and probate of whose will was granted by the Supreme Court of Victoria on 4 January 1984 to Patricia Margaret Lay of Carrajung, widow and Ronald Edwin Lay of 134 Desailly Street, Sale, bearing distributor, are to send particulars of their claims to the said Executors care of the below mentioned solicitors by 5 April 1984, after which date

they will distribute the assets of the deceased having regard only to the claims of which they then have notice.

LITTLETON HACKFORD & MALKIN, solicitors, Law Chambers, 115-119 Hotham Street, Traralgon 0752

Creditors, next of kin and others having claims in respect of the estate of Maude Harriett Goodwin, late of Tyers, widow, deceased, who died on 12 July 1983 and probate of whose will was granted by the Supreme Court of Victoria on 4 January 1984 to Eric George Lamb of 25 Hare Street, Morwell, retired, are to send particulars of their claims to the said Executor care of the below mentioned solicitors by 5 April 1984, after which date he will distribute the assets of the deceased having regard only to the claims of which he then has notice.

LITTLETON HACKFORD & MALKIN, solicitors, Law Chambers, 115-119 Hotham Street, Traralgon 0753

Creditors, next of kin and others having claims in respect of the estate of James Hepburn Collings, late of 3 Farmer Crescent, Traralgon, turbine driver, deceased, who died on 12 October 1983 and probate of whose will was granted by the Supreme Court of Victoria on 20 December 1983 to Chrissie Manson Collings of 3 Farmer Crescent, Traralgon, widow, are to send particulars of their claims to the said Executor care of the below mentioned solicitors by 5 April 1984, after which date she will distribute the assets of the deceased having regard only to the claims of which she then has notice.

LITTLETON HACKFORD & MALKIN, solicitors, Law Chambers, 115-119 Hotham Street, Traralgon 0754

PATRICIA MERLE SHEEDY, late of Flat 2, 336 Dandenong Road, East St. Kilda in the State of Victoria, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 9 October 1983 at Melbourne, are required by the Trustee, National Trustees Executors and Agency Company of Australasia Limited of 95 Queen Street, Melbourne in the State of Victoria, to send particulars to it by 11 April 1984, after which date the Trustee may convey or distribute the assets, having regard only to the claims of which it then has notice.

Dated 25 January 1984

HAMILTONS, solicitors for the trustee, 220 Clarendon Street, South Melbourne. Telephone 699 7266 0755

ALICE LOUISA JACKSON, formerly of 12 Bambury Street, Boronia but late of 800 Mt. Dandenong Road, Montrose, spinster, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 25 August 1983, are required by the Executors, John Allan Brown of 9 Turana Street, Doncaster, divisional manager and Raymond Dawson of 18 Russell Street, Surrey Hills, retired, to send particulars to the undermentioned firm by 26 April 1984, after which date the said Executors may convey or distribute the assets having regard only to the claims of which notice has by then been given.

SETON WILLIAMS & SMYTH, solicitors, 408 Collins Street, Melbourne 0757

WILHELMINA GATES POOLE, late of 513 Orrong Road, Armadale, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 2 July 1983, are required by the proving Executors, John Kerferd Shannon, George Struan Robertson and James Collier Benzie, to send particulars to them care of J.M. Shannon & Son, solicitors of

108 Queen Street, Melbourne by 18 April 1984, after which date the Executors may convey or distribute the assets having regard only to the claims of which they then have notice.

Dated 30 January 1984

J.M. SHANNON & SON, solicitors, 108 Queen Street, Melbourne 3000 0758

ALWYN ORMONDE JOLLY, late of 1006 Talbot Street South, Ballarat, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 16 July 1983, are required to send particulars of their claims to The Union-Fidelity Trustee Company of Australia Limited to its registered office at 5 Doveton Street, North Ballarat by 2 April 1984, after which date it may convey or distribute the assets having regard only to the claims of which it then has notice.

GLEN LUDBROOK & JEREMY HARPER, 30 Camp Street, Ballarat, solicitors 0759

NOTICE TO CREDITORS

Pursuant to the Trustee Company Act notice is hereby given that all persons having claims against the estate of George Walter Jarvis, late of 7A Larrit Street, Bendigo in the State of Victoria, gentleman, deceased, who died on 2 September 1983, and the probate of whose will was granted by the Supreme Court of the said State in its probate jurisdiction on 5 December 1983 to National Trustees Executors and Agency Company of Australasia Limited of 46 Queen Street, Bendigo in the said State are hereby required to send particulars in writing of such claims to the said Executor in care of the undersigned solicitors on or before 8 February 1984, after which date the said National Trustees Executors and Agency Company of Australasia Limited will proceed to distribute the assets of the said George Walter Jarvis, deceased, which shall have come to their hands among the persons entitled thereto having regard only to the claims of which they shall then have had notice and notice is hereby further given that the said National Trustees Executors and Agency Company of Australasia Limited will not be liable for the assets so distributed or any part thereof to any person of whose claim they shall not have had notice as aforesaid.

Dated 31 January 1984

GAIR & BRAHE, solicitors, 31 Queen Street, Melbourne 0762

NOTICE TO CLAIMANTS

John Frederick Barns, late of 2 Glover Court, Toorak, gentleman, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 18 July 1983, are required by Eileen Rose Barns of 2 Glover Court, Toorak, widow, James Arnold Hancock of 80 Collins Street, Melbourne, chartered accountant and The Perpetual Executors and Trustees Association of Australia Limited of 50 Queen Street, Melbourne, the applicants for a grant of probate to send particulars of their claims to the said applicants in the care of the said company by 11 April 1984, after which date they will convey or distribute the assets having regard only to the claims of which they then have notice.

MALLESONS, solicitors, 121 William Street, Melbourne 3000 0763

Creditors, next of kin and others having claims against the estate of Jessie May Rout, late of 23 Donald Street, Blackburn South, widow, who died on 29 October 1983, are required by David Bertrum Fitzpatrick, the Executor of her will and

codicil, to send particulars of their claims to him at 2 Benbow Court, East Hawthorn before 18 April 1984, after which date he may convey or distribute the assets having regard only to the claims of which he then has notice.

RYLAH & RYLAH, solicitors, 191 Queen Street, Melbourne
0764

ALEXANDER REID CRESWICK, late of Flat 1, 173 Walsh Street, South Yarra, pastoralist, deceased

Creditors, next of kin and others having claims against the estate of the said deceased, who died on 10 June 1983, are to send particulars of their claims to Dinah Bingham Creswick, Sally Ishbel Bayles and Charles Bernard Gore Brett, c/- Messrs Blake & Riggall, solicitors, 140 William Street, Melbourne by 2 May 1984, after which date they will distribute the assets having regard only to the claims of which they then have notice.

BLAKE & RIGGALL, 140 William Street, Melbourne,
solicitors 0765

ARCHER ANGUS SKINNER, late of 80 Outer Crescent, Brighton, in the State of Victoria, gentleman, deceased

Creditors, next of kin and others having claims in respect of the estate of the abovenamed deceased, who died on 2 October 1983, are required to send particulars of their claims to the Executors, Bertha Agnes Skinner and Ian Andrew Ness, 12 Batman Street, Melbourne by 3 April 1984, after which they may convey or distribute the assets having regard only to the claims of which they then have notice.

TURNER, NESS & DAVIS, solicitors, 12 Batman Street,
Melbourne 0742

WILLIAM EDWARD HOPPER, formerly of 13 Bent Street, Moonee Ponds, but late of 31 Kerferd Road, North Essendon, retired metal machinist, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 14 November 1983, are required by National Trustees Executors and Agency Company of Australasia Limited of 95 Queen Street, Melbourne to send particulars to it by 10 April 1984, after which date the said company will distribute the assets of the said deceased having regard only to the claims of which it then has notice. 0743

Creditors, next of kin and all other persons having claims against the estate of Stella Kathleen Myhill, late of "Oakdene", 516 Toorak Road, Toorak, widow, deceased, are required by the Executors, John Playford Myhill of 5 Ridgeway Road, Kilcunda, grazier and John Duncan Mustow and Geoffrey John Mustow both of 105 Queen Street, Melbourne, solicitors to send particulars of their claims to them care of the undersigned no later than 2 April 1984, after which date they will proceed to distribute the said estate having regard only to the claims of which they then have notice.

JOHN D. MUSTOW & CO., solicitors, of 105 Queen Street
Melbourne 0744

WILLIAM JOHN BEATTIE, late of 171 Darling Road, East Malvern in the State of Victoria, shop proprietor, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 7 March 1983, are required by the Executrix, Catherine Beattie, to send particulars to the said Executrix, care of Margolis & Tuszyński of 133 Hawthorn Road, Caulfield in the said State, by 2 April 1984, after which date the Executrix may convey or distribute the assets having regard only to the claims of which she then has notice.

MARGOLIS & TUSZYNSKI, solicitors of 133 Hawthorn
Road, Caulfield 0722

OLIVE MARGARET LOBB, late of 1 Wolangi Court, Apollo Parkways, Greensborough, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased, who died on 13 June 1981, are required by the Administrators Wendy Margot Baxter of Grants Road, Whittlesea, married woman, and Lynn William Lobb, of 68 Diamond Creek Road, Greensborough, builder, to send particulars to the undermentioned firm by 25 April 1984, after which date the Administrators may convey or distribute the assets having regard only to the claims of which notice has by then been given.

SETON WILLIAMS & SMYTH, solicitors, 408 Collins
Street, Melbourne 0721

Creditors, next of kin and others having claims in respect of the estate of Ewart Ray Pridgeon (also known as Ewart Wray Pridgeon) late of 2 Fountaine Avenue, East Malvern, retired public servant, who died on 13 October 1983, are to send particulars of their claims to The Perpetual Executors and Trustees Association of Australia Limited and Rundell Saunders Pridgeon at 50 Queen Street, Melbourne by 9 April 1984, after which date they will distribute the assets having regard only to the claims of which they then have notice.

PEARCE & WEBSTER, solicitors, 430 Little Collins Street,
Melbourne 0723

CHARLES ROBERTSON, of 39 Holloway Street, Boort in the State of Victoria, retired horse trainer, deceased

Creditors, next of kin and other persons having claims against the estate of the said deceased who died on 1 January 1984, are required to send particulars of the same to the Executor, Leslie Bertram Robertson, in care of the undersigned on or before 28 March 1984, after which date they will distribute the assets having regard only to the claims of which they then have notice.

HERCULES & WORLAND, barristers & solicitors, 130
Godfrey Street, Boort 0724

CLIVE LEONARD RIDGEWAY, late of 28 Ormond Road, East Geelong, in the State of Victoria, retired labourer, deceased

Creditors, next of kin and all persons having claims against the estate of the abovenamed are required by the Executors, Leonard Keith Ridgeway, of 37 Simons Road, Leopold in the said State, senior processor and Valerie Joyce Tither of 17 Northam Avenue, Highton, in the said State, married woman, to send particulars to them on or before 4 April 1984, after which date they will distribute the assets having regard only to the claims of which they then have notice.

COULTER BURKE & FAZIO, solicitors of 68 Myers Street,
Geelong 0712

GLADYS OLIVE FRENCH, late of 8 Duke Street, Ashburton, widow, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 14 November 1983, are required by the Personal Representatives, Joyce Ellen Fowles, of 2 Bungay Street, Watsonia, and Lorna Agnes Cole of 4 Bungay Street, Watsonia, to send particulars to them care of the undermentioned solicitors by 9 April 1984 after which date the Personal Representatives may convey or distribute the assets having regard only to the claims of which they then have notice.

AITKEN, WALKER & STRACHAN, solicitors, 114
William Street, Melbourne 0714

VERNON ARTHUR THOMAS BURTON, late of 1 Waring Street, Tarpeena in the State of South Australia, retired sawmill hand, deceased

Creditors, next of kin and others having claims in respect of the estate of the deceased who died on 5 November 1982 are required by the Trustee to send particulars to her care of the undermentioned solicitors by 2 April 1984, after which date the Trustee may convey or distribute the assets having regard only to the claims of which she then has notice.

GRICE & GRICE, 283 Whitehorse Road, Balwyn 0713

Creditors, next of kin and others having claims in respect of the estate of Mildred Olive Louisa Edwards, late of 28 Scott Street, Colac, retired farmer, deceased, who died on 16 July 1983, are required by the Executors, George Charles Norwood of 85 Harris Road, Elliminyt, and Stuart Lester Holbery of 28 Church Street, Colac, solicitors, to send particulars to them care of the undermentioned solicitors by 29 April 1984, after which date the Executors may convey or distribute the assets having regard only to the claims of which they then have notice.

SEWELLS, solicitors, 38 Murray Street, Colac 0730

LEO JOHN MCCROREY, late of 104A Stephen Street, Yarraville, civil servant, deceased

Creditors, next of kin, and others having claims in respect of the estate of the deceased who died on 3 December 1982, are required by the Executrix, Bernadette Long, of 15/425 Toorak Road, Toorak to send particulars thereof to her care of Mr A.L. Raso, Solicitor, of 44 Golden Grove, Glen Waverley 3150, by 18 April 1984, after which date the Executrix shall distribute the estate having regard only to the claims of which she then has notice.

A.L. RASO, 44 Golden Grove, Glen Waverley 3150 0732

JAMES PETER BROWN, late of 10 Robyn Court, North Dandenong, retired secretary, deceased

Creditors, next of kin and others having claims against the estate of the said deceased (who died on 12 November 1983) are required to send particulars of their claims to Margaret Elizabeth Ann Smeeton and Ivor Ernest Gittus, the Executors of the deceased's Will, care of the undersigned solicitors by 30 April 1984, after which date they will distribute the assets having regard only to the claims of which they have notice.

ALAN WAINWRIGHT J. OKNO & CO., 213 Lonsdale Street, Melbourne 0733

TEOFILA OCHRYMSKI late of Flat 4, 650 Inkerman Road, Caulfield, widow, deceased

Creditors, next of kin and others having claims against the estate of the said deceased (who died on 25 May 1983) are required to send particulars of their claims to Jacob Franklin Okno and John Leo Lawrence, the Executors of the deceased's Will, care of the undersigned solicitors by 30 April 1984, after which date they will distribute the assets having regard only to the claims of which they have notice.

ALAN WAINWRIGHT J. OKNO & CO., 213 Lonsdale Street, Melbourne 0731

In the Supreme Court of the State of Victoria

SALE BY THE SHERIFF

On 15 March 1984, at 1.00 p.m. at the Police Station, Morwell (unless process be stayed or satisfied).

All the estate and interest (if any) of Brian William Willaton of 90 Manning Drive, Churchill as joint proprietor with Mary Bridget Willaton of an estate in fee simple in the land described

in Certificate of Title Volume 8886 Folio 493 upon which is erected a brick split level home known as No. 90 Manning Drive, Churchill.

Registered Mortgage Nos. F922357 and J859914 and Caveat No. J780903 affect the said estate and interest.

Terms - Cash only.

Office No. S83/21865.

Dated 1 February 1984

0766

P. BRITTON, Sheriff's Officer

In the Supreme Court of the State of Victoria

SALE BY THE SHERIFF

On 8 March 1984, at 2.30 p.m. at the Sheriff's Office, Writs & Warrants Division, 2nd floor, 241 William Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Thomas William Skelly of 12 Oran Court, East Doncaster as proprietor of an estate in fee simple in the land described in Certificate of Title Volume 9480 Folio 507 upon which erected a brick veneer house known as No. 12 Oran Court, East Doncaster.

Registered Mortgage No. K387760, K420413 and K456061 affect the said estate and interest.

Terms - Cash only.

Office No. S83/41049.

Dated 1 February 1984

0767

P. BRITTON, Sheriff's Officer

In the Supreme Court of the State of Victoria

SALE BY THE SHERIFF

On 8 March 1984, at 2.30 p.m. at the Sheriff's Office, Writs & Warrants Division, 2nd floor, 241 William Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Ian Borovikov (shown on Certificate of Title as Jan Borovikov) of 5 William Street, Upper Ferntree Gully as joint proprietor with Henrick Borovikov and Maria Borovikov of an estate in fee simple in the land described in Certificate of Title Volume 8720 Folio 887 which is vacant land measurements 708.5 links by 600 links by 654.3 links by 602.5 links with a frontage onto Ure Creek Road. Ure Creek runs through the property known as Lot 2 Ure Creek Road, Launching Place.

Registered Mortgage No. H372389 affects the said estate and interest.

Terms - Cash only.

Office No. S83/32688.

Dated 1 February 1984

0769

P. BRITTON, Sheriff's Officer

In the Supreme Court of the State of Victoria

SALE BY THE SHERIFF

On 8 March 1984, at 2.30 p.m. at the Sheriff's Office, Writs & Warrants Division, 2nd floor, 241 William Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Kevin Frank Baker (shown on Certificate of Title as Kevin Francis Baker) of 11 Mulberry Parade, West Heidelberg as proprietor of an estate in fee simple in the land described in Certificate of Title Volume 9058 Folio 876 which is vacant land known as No. 43 Jonathan Drive, Bacchus Marsh. The property has a frontage of twenty metres commencing 12 metres from the corner of Jonathan Drive and Cherry Court and a depth of 37.85 metres in a northerly direction.

Registered Caveat No. J682733 affects the said estate and interest.

Terms – Cash only.

Office No. S83/35784.

Dated 1 February 1984

0770

P. BRITTON, Sheriff's Officer

In the Supreme Court of the State of Victoria

SALE BY THE SHERIFF

On 8 March 1984, at 2.30 p.m. at the Sheriff's Office, Writs & Warrants Division, 2nd floor, 241 William Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Norman Reginald Longmuir and Barbara Jessica Longmuir (shown on Certificate of Title as Barbara Jessie Longmuir) of 114 Buckingham Drive, Heidelberg as joint proprietors of an estate in fee simple in the land described in Certificate of Title Volume 8676 Folio 021 upon which is erected a dwelling house known as No. 114 Buckingham Drive, Heidelberg.

Registered Mortgage Nos. H554941 and H986703 affect the said estate and interest.

Terms – Cash only.

Office No. S83/34101.

Dated 1 February 1984

0771

P. BRITTON, Sheriff's Officer

In the Supreme Court of the State of Victoria

SALE BY THE SHERIFF

On 8 March 1984, at 2.30 p.m. at the Sheriff's Office, Writs & Warrants Division, 2nd floor, 241 William Street, Melbourne (unless process be stayed or satisfied).

All the estate and interest (if any) of Phillip Owen Taylor (shown on Certificate of Title as Phillip Owen Fietz) of 12 Myoora Drive, Mooroolbark as joint proprietor with Janet Ann Haas of an estate in fee simple in the land described in Certificate of Title Volume 8039 Folio 944 upon which is erected a three bedroom home known as No. 18 Clifton Street, Nunawading.

Terms – Cash only.

Office No. S83/26886.

Dated 1 February 1984

0768

P. BRITTON, Sheriff's Officer

NOTICE OF MAKING AND AVAILABILITY OF STATUTORY RULE

In pursuance of the provisions of the *Subordinate Legislation Act 1962* and the Regulations made thereunder notice is given of the making and availability of the following Statutory Rules:

No.	Public Service Act 1974	Price
PSD5/1984.	Public Service Amendment Determinations (No. 5) 1984	20c
PSD6/1984.	Public Service Amendment Determinations (No. 6) 1984	20c

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