



Victoria Government Gazette

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ORDERS IN COUNCIL

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Crozier
Mr Lieberman

Mr Maclellan
Mr Kennett

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Shepparton Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*:

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said College on the terms herein-after 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

Definitions

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

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

"College" means Shepparton College of Technical and Further Education.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 twelve (12) 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 member of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).
- (d) One (1) shall be a student of the College elected annually by the students of the College in a manner prescribed.
- (e) One (1) shall be appointed by the Council on the joint nomination of the Municipal bodies of the City of Shepparton and the Shires of Shepparton, Rodney and Numurkah.
- (f) One (1) shall be appointed by the Council on the nomination of the Goulburn Valley Committee for the Promotion of Adult and Continuing Education.

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

(3) Members of the Council (other than the Principal or a member elected pursuant to paragraph (d) of sub-clause 4 (1)) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal or a member elected pursuant to paragraph (d) of sub-clause 4 (1)), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

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

(5) 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 four consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council;
- (g) being a member appointed by the Governor in Council is removed from office; or
- (h) dies—

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

(6) 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.

(7) (a) Elections for elected member 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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

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

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member.

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent. of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

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

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the Education Act 1958) of Sunraysia College of Technical and Further Education has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*.

And whereas the Commission has recommended to the Governor in Council that a 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 invested 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 of 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

(2) To award certificates or other qualifications.

Definitions

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

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

"College" means Sunraysia College of Technical and Further Education.

"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.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 twelve (12) 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 Principal of the College shall be a member *ex officio*.

(c) One (1) shall be a member of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).

(d) One (1) shall be a nominee of the Technical and Further Education Board.

(e) Four (4) 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 (e).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

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

(5) 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 four consecutive meetings of the Council;

(f) ceases to hold any qualification required for his becoming or being a member of the Council; or

(g) being a member appointed by the Governor in Council is removed from office; or

(h) dies—

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

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

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

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

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

(11) 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 sub-clause (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

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

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria	
Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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) makes such other provision for or with respect to the constitution powers duties and functions of the council as is in his opinion necessary or expedient.

And whereas the governing body (being a council incorporated by Order in Council made under sub-section (1) of Section 13 of the *Education Act 1958*) of Richmond Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*:

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said College on the terms herein 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

(2) To award certificates or other qualifications.

Definitions

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

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

"College" means Richmond College of Technical and Further Education.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 twelve (12) 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 Principal of the College shall be a member *ex officio*.

(c) One (1) shall be a member of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).

(d) Four (4) 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 (d).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

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

(5) 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;

(b) 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 four consecutive meetings of the Council;

(f) ceases to hold any qualification required for his becoming or being a member of the Council;

(g) being a member appointed by the Governor in Council is removed from office; or

(h) dies—

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

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

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

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

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

(11) 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 interests 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 direct pecuniary interest: Provided that nothing in this sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other person may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) Let hire or make available the premises, amenities and the property of the College to such person or persons as the Council shall determine whether gratuitously or for reward.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of Section 13 of the Education Act 1958) of Moorabbin Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*:

And whereas the Commission has recommended to the Governor in Council that a Council be incorporated to manage and control the said College on the terms herein-after 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

Definitions

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

- "the Act" means the *Post-Secondary Education Act 1978*.
- "College" means Moorabbin College of Technical and Further Education.
- "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 programme" means an organized activity of any duration the major objective of which is to increase the knowledge understanding and skill of the participant and includes without affecting the generality of the foregoing any course of study as defined in the Act.
- "general staff" means all persons in full-time employment of the Council other than the teaching staff.

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 fifteen (15) 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) One (1) shall be a nominee of the Moorabbin College of Technical and Further Education Ex-Students Association elected or otherwise nominated in a manner prescribed.
- (e) 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 (e).
- (f) One (1) shall be a member of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).
- (g) One (1) shall be a member of the general staff of the College elected by the general staff in a manner prescribed pursuant to sub-clause 4 (7).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

(4) A member of the Council shall be eligible to be re-appointed or re-elected (as the case may be), if he continues to be otherwise qualified as specified in sub-clause 4 (1).

(5) 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 four consecutive meetings of the Council;
 - (f) ceases to hold any qualification required for his becoming or being a member of the Council;
 - (g) being a member appointed by the Governor in Council is removed from office; or
 - (h) dies—
- his office shall become vacant so as to create a casual vacancy.

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

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

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be the nearest whole number below one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring

any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

- (a) The organization and management of the College.
- (b) The number of and conditions of employment of the general staff.
- (c) The pre-requisites and educational standards for enrolment of students in any educational programme.
- (d) The discipline of the College including provisions for the imposition of fines and penalties.
- (e) The educational programmes of the College and the granting of certificates or other awards.
- (f) The recognition in lieu of or for the purpose of an examination or course of study and examinations passed in any educational institution or any other relevant appointment or experience.
- (g) Fees to be charged for enrolments in classes or lectures and use of facilities.
- (h) The manner and time of convening meetings of the Council and the conduct thereof.
- (i) The association or affiliation with the College of any other bodies institutions or persons.

- (j) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
- (k) The conduct of elections of members of the Council or of committees constituted by the Council.
- (l) Generally prescribing or providing for any matter or need authorized or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 proceeding and decisions of the Council.

(5) As soon as practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Frankston Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*.

And whereas the Commission has recommended to the Governor in Council that a 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 objections 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

Definitions

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

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

"College" means Frankston College of Technical and Further Education.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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

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 in Council

4. (1) The Council shall consist of fourteen (14) 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 principal of the College shall be a member *ex officio*.
- (c) The Deputy Principal of the College shall be a member *ex officio*.
- (d) One (1) shall be a member of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).
- (e) One (1) shall be a member of the general staff of the College elected by the general staff in a manner prescribed pursuant to sub-clause 4 (7).
- (f) Two (2) 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 (f).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half

or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

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

(5) 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 four consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council;
- (g) being a member appointed by the Governor in Council is removed from office; or
- (h) dies—

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

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

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

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a

casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member provided that if the number of members of Council is less than the quorum required the Council may meet only for the purpose of appointing a person or persons pursuant to paragraph (f) of sub-clause 4 (1) to fill a casual vacancy or vacancies.

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the Teaching Service Act 1958 to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary

or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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 fit it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

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

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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—

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

And whereas the governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Dandenong Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*.

And whereas the Commission has recommended to the Governor in Council that a 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

(2) To award certificates or other qualifications.

Definitions

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

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

"College" means Dandenong College of Technical and Further Education.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 fourteen (14) 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 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 staff of the College elected by the staff in a manner prescribed pursuant to sub-clause 4 (7).
 - (e) Two (2) 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 (e).
- (2) A member appointed by the Governor in Council may be removed by the Governor in Council.
- (3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.
- (4) A member of the Council shall be eligible to be re-appointed or re-elected (as the case may be), but a member shall not be elected or appointed for more than three successive terms unless he is appointed by co-option for a further term under paragraph (e) of sub-clause 4 (1).
- (5) 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 four consecutive meetings of the Council;
 - (f) ceases to hold any qualification required for his becoming or being a member of the Council;
 - (g) being a member appointed by the Governor in Council is removed from office; or
 - (h) dies—
- his office shall become vacant so as to create a casual vacancy.
- (6) 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.
- (7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.
- (8) Subject to paragraph (a) of sub-clause 4 (9), an election to fill a vacancy caused by the retirement or resignation of an elected member shall be conducted so as to ensure, as far as possible, that the newly-elected member assumes his duties within one month from the date of retirement or resignation of the elected member whom he replaces.
- (9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three

months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

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

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

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceeding of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent of the normal teaching commitment of a full-time member of the teaching staff or on a part time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

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

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Batman Automotive College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*.

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said College on the terms herein-after 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

(2) To award certificates or other qualifications.

Definitions

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

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

"College" means Batman Automotive College of Technical and Further Education.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 fourteen (14) 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 Principal of the College shall be a member *ex officio*.

(c) One (1) shall be a member of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).

(d) Four (4) shall be persons having a special interest in Technical and Further Education, in particular those fields of study in which the College specializes, 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 (d).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one-half or the nearest whole number less than one-half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

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

(5) 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 four consecutive meetings of the Council;

(f) ceases to hold any qualification required for his becoming or being a member of the Council;

(g) being a member appointed by the Governor in Council is removed from office; or

(h) dies—
his office shall become vacant so as to create a casual vacancy.

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

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

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

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one-half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a seasonal basis to a maximum of 50 per cent. of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award

or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of

staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

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

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

Use of Lands 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

CONSTITUTION OF COUNCIL OF BOX HILL 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—

- constitute a council by such name as is specified in the Order as a body corporate to manage and control the institution;
- make such provision for or with respect to the membership of the council as he thinks fit;
- confer on the council such powers as he thinks necessary or expedient for the purpose of managing and controlling the institution; and

- make such other provision for or with respect to the constitution powers duties and functions of the council as is in his opinion necessary or expedient.

And whereas the governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Box Hill Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*.

And whereas the Commission has recommended to the Governor in Council that a 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

- 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.
- To award certificates or other qualifications.

Definitions

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

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

"College" means Box Hill College of Technical and Further Education.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the Box Hill 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 fourteen (14) 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 Principal of the College shall be a member *ex officio*.
- (c) One (1) shall be a member of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).
- (d) Seven (7) 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 (d).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one-half or the nearest whole number less than one-half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

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

(5) 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 four consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council;
- (g) being a member appointed by the Governor in Council is removed from office; or
- (h) dies—

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

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

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

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

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

- (1) The number of members required to constitute a quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1).
- (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 student of the College) 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 or student of the College) to preside at the meeting.
- (4) The Council shall meet at least six times in each year.
- (5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

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- (4) Grant scholarships and prizes on such terms and conditions as it determines.
- (5) Do all such things as are calculated to advance the interests of the students and staff of the College.
- (6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.
- (7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.
- (8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent. of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

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(21) Enter into any arrangements with any government or governmental 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.

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(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

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

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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.

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- (h) The manner and time of convening meetings of the Council and the conduct thereof.
- (i) The association or affiliation with the College of any other bodies institutions or persons.
- (j) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
- (k) The conduct of elections of members of the Council or of committees constituted by the Council.
- (l) Generally prescribing or providing for any matter or need authorized or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria

Mr Crozier
Mr Lieberman

Mr Maclellan
Mr Kennett

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Yallourn Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*:

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said College on the terms herein-after 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

Definitions

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

- "the Act" means the *Post-Secondary Education Act 1978*;
- "College" means Yallourn College of Technical and Further Education.
- "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 programme" means an organized activity of any duration the major objective of which is to increase the knowledge understanding and skill of the participant and includes without affecting the generality of the foregoing any course of study as defined in the Act.
- "general staff" means all persons in full-time employment of the Council other than the teaching staff.
- "prescribed" means prescribed by this Order or by regulation made under this Order.

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 fifteen (15) members and shall be constituted as follows:

- (a) Twelve (12) 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 of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

(4) A member of the Council shall be eligible to be re-appointed or re-elected (as the case may be).

(5) 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 four consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council;
- (g) being a member appointed by the Governor in Council is removed from office; or
- (h) dies—

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

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9). (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member.

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

- (1) The number of members required to constitute a quorum at any meeting of the Council shall be the nearest whole number below one half of the maximum number of members as specified in sub-clause 4 (1).

- (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 student of the College) 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 or student of the College) to preside at the meeting.
- (4) The Council shall meet at least six times in each year.
- (5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

- (1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.
- (2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.
- (3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.
- (4) Grant scholarships and prizes on such terms and conditions as it determines.
- (5) Do all such things as are calculated to advance the interests of the students and staff of the College.
- (6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.
- (7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.
- (8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.
- (9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.
- (10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award

or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

- (11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.
- (12) 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.
- (13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.
- (14) 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.
- (15) 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.
- (16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.
- (17) Conduct examinations tests and other means of grading or assessing students.
- (18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.
- (19) Accept gifts of real or personal property to the College.
- (20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.
- (21) Enter into any arrangements with any government or governmental 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.
- (22) Act either solely or jointly as trustee or custodian of any property or funds.
- (23) 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.
- (24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.
- (25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.
- (26) Do all such other things as are necessary or incidental to the proper management and control of the College or the effective exercise of the powers conferred on the Council.

Delegation

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

Regulations

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

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

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.
- (2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.
- (3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria	
Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

CONSTITUTION OF COUNCIL OF THE 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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the Education Act 1958) of The William Angliss College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*,

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said College on the terms herein-after 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

Definitions

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

- "the Act" means the Post-Secondary Education Act 1978.
- "College" means The William Angliss College.
- "Commission" means the Victorian Post-Secondary Education Commission.
- "Council" means the council of The William Angliss College established under this Order.
- "educational programme" means an organized activity of any duration the major objective of which is to increase the knowledge understanding and skill of the participant and includes without affecting the generality of the foregoing any course of study as defined in the Act.
- "general staff" means all persons in full-time employment of the Council other than the teaching staff.
- "prescribed" means prescribed by this Order or by regulation made under this Order.
- "Regulations" means regulations made under this Order.
- "staff" means the general staff, teaching staff and all part-time employees of the Council.
- "student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of The 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 twelve (12) 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 programme 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*.

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments: Provided that in the case only of the first members, one-half or the nearest whole number less than one-half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments.

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

(5) 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 four consecutive meetings of the Council;

(f) ceases to hold any qualification required for his becoming, or being a member of the Council;

(g) being a member appointed by the Governor in Council is removed from office; or

(h) dies—
his office shall become vacant so as to create a casual vacancy.

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

(7) (a) Where an election is in the opinion of the Council the appropriate method of determining the nominee for an appointment to the Council the election 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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulation shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an appointed member of the Council shall be filled by the appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three (3) months before the expiration of the term of office of an appointed member, the vacancy shall not be filled for the remainder of the term.

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

(c) A member 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.

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member.

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one-half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full-time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent. of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be

carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

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

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria	
Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Wangaratta Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*:

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said College on the terms herein-after 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

(2) To award certificates or other qualifications.

Definitions

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

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

"College" means Wangaratta College of Technical and Further Education.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 seventeen (17) members and shall be constituted as follows:

(a) Thirteen (13) 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) The Vice Principal of the College shall be a member *ex officio*.

(d) Two (2) shall be members of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

(4) A member of the Council shall be eligible to be re-appointed or re-elected (as the case may be).

(5) 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 four consecutive meetings of the Council;

(f) ceases to hold any qualification required for his becoming or being a member of the Council;

(g) being a member appointed by the Governor in Council is removed from office; or

(h) dies—

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

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

9. (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member.

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be the nearest whole number below one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

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(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

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(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

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(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

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- (f) The recognition in lieu of or for the purpose of an examination or course of study and examinations passed in any educational institution or any other relevant appointment or experience.
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- (i) The association or affiliation with the College of any other bodies institutions or persons.
- (j) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
- (k) The conduct of elections of members of the Council or of committees constituted by the Council.
- (l) Generally prescribing or providing for any matter or need authorized or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.

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

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Duties of Council

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

- (1) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria	
Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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—

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

And whereas the governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the Education Act 1958) of Melbourne College of Textiles has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*:

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said College on the terms herein after 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

(2) To award certificates or other qualifications.

Definitions

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

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

"College" means Melbourne College of Textiles.

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

"Council" means the council of the Melbourne College of Textiles established under this Order.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 twelve (12) 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 programme 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*.

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments: Provided that in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments.

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

(5) 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 four consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council;
- (g) being a member appointed by the Governor in Council is removed from office; or

(h) dies—

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

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

(7) (a) Where an election is in the opinion of the Council the appropriate method of determining the nominee for an appointment to the Council the election 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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an appointed member of the Council shall be filled by the appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three (3) months before the expiration of the term of office of an appointed member, the vacancy shall not be filled for the remainder of the term.

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

(c) A member 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.

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member.

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent. of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching, general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers containing in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

(a) The organization and management of the College.

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

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.
- (2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.
- (3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an

audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria	
Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of Section 13 of the Education Act 1958) of Melbourne College of Printing and Graphic Arts has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*:

And whereas the Commission has recommended to the Governor in Council that a 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

(2) To award certificates or other qualifications.

Definitions

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

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

"College" means Melbourne College of Printing and Graphic Arts.

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

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

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

"Regulations" means Regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 twelve (12) 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 programme 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*.

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments: Provided that

in the case only of the first members, one half or the nearest whole number less than one half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments.

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

(5) 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 four consecutive meetings of the Council;

(f) ceases to hold any qualification required for his becoming or being a member of the Council;

(g) being a member appointed by the Governor in Council is removed from office; or

(h) dies—

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

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

(7) (a) Where an election is in the opinion of the Council the appropriate method of determining the nominee for appointment to the Council the election 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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an appointed member of the Council shall be filled by the appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three (3) months before the expiration of the term of office of an appointed member, the vacancy shall not be filled for the remainder of the term.

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

(c) A member 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.

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more

of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member.

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other

activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

- (a) The organization and management of the College.
- (b) The number of and conditions of employment of the general staff.
- (c) The pre-requisites and educational standards for enrolment of students in any educational programme.

(d) The discipline of the College including provisions for the imposition of fines and penalties.

(e) The educational programmes of the College and the granting of certificates or other awards.

(f) The recognition in lieu of or for the purpose of an examination or course of study and examinations passed in any educational institution or any other relevant appointment or experience.

(g) Fees to be charged for enrolments in classes or lectures and use of facilities.

(h) The manner and time of convening meetings of the Council and the conduct thereof.

(i) The association or affiliation with the College of any other bodies institutions or persons.

(j) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.

(k) The conduct of elections of members of the Council or of committees constituted by the Council.

(l) Generally prescribing or providing for any matter or need authorized or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria	
Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

CONSTITUTION OF COUNCIL OF MELBOURNE TECHNICAL COLLEGE OF HAIRDRESSING

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Melbourne Technical College of Hairdressing has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*.

And whereas the Commission has recommended to the Governor in Council that a council be incorporated to manage and control the said College on the terms herein-after 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

(2) To award certificates or other qualifications.

Definitions

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

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

"College" means Melbourne Technical College of Hairdressing.

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

"Council" means the council of the Melbourne Technical College of Hairdressing established under this Order.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the Melbourne Technical College of Hairdressing 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 twelve (12) members and shall be constituted as follows:

(a) Ten (10) members shall be appointed by the Governor in Council as persons having a special interest in Technical and Further Education or an expert knowledge in at least one branch of the work performed in the educational programme 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) One (1) shall be a member of the teaching staff of the College elected by the teaching staff in a manner prescribed pursuant to sub-clause 4 (7).

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one

half or the nearest whole number less than one-half of the members (others than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments and elections.

(4) An appointed or elected member of the Council shall be eligible to be re-appointed or re-elected (as the case may be).

(5) 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 four consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council;
- (g) being a member appointed by the Governor in Council is removed from office; or
- (h) dies—

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

(6) 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.

(7) (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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an elected or appointed member of the Council shall be filled by the election or appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three (3) months before the expiration of the term of office of an elected or appointed member, the vacancy shall not be filled for the remainder of the term.

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

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

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any

of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member.

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

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one-half of the maximum number of members as specified in sub-clause 4 (1).

(2) The Council shall each year, or where a vacancy occurs during any year, on the occurrence of the vacancy, elect members (others than the Principal or any member of staff or student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associates Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full-time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent. of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental authority, that may seem conducive to the Colleges 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

- (a) The organization and management of the College.
- (b) The number of and conditions of employment of the general staff.
- (c) The pre-requisites and educational standards for enrolment of students in any educational programme.
- (d) The discipline of the College including provisions for the imposition of fines and penalties.

- (e) The educational programmes of the College and the granting of certificates or other awards.
- (f) The recognition in lieu of or for the purpose of an examination or course of study and examinations passed in any educational institution or any other relevant appointment or experience.
- (g) Fees to be charged for enrolments in classes or lectures and use of facilities.
- (h) The manner and time of convening meetings of the Council and the conduct thereof.
- (i) The association or affiliation with the College of any other bodies institutions or persons.
- (j) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.
- (k) The conduct of elections of members of the Council or of committees constituted by the Council.
- (l) Generally prescribing or providing for any matter or need authorized or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria
Mr Crozier Mr Maclellan
Mr Lieberman Mr Kennett

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 governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Melbourne College of Decoration has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*.

And whereas the Commission has recommended to the Governor in Council that a 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

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

Definitions

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

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

"College" means Melbourne College of Decoration.

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

"Council" means the council of the Melbourne College of Decoration established under this Order.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 twelve (12) 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 programme 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*.

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

(3) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments: Provided that in the case only of the first members, one-half or the nearest whole number less than one-half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments.

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

(5) 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 four consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council;
- (g) being a member appointed by the Governor in Council is removed from office; or
- (h) dies—

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

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

(7) (a) Where an election is in the opinion of the Council the appropriate method of determining the nominee for an appointment to the Council the election 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. Save as aforesaid, any election which is carried out in a manner contrary to the Regulations shall be void and of no effect.

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

(9) (a) Any casual vacancy in the office of an appointed member of the Council shall be filled by the appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three (3) months before the expiration of the term of office of an appointed member, the vacancy shall not be filled for the remainder of the term.

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

(c) A member 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.

(10) (a) No proceedings of the Council or of any committee thereof shall be invalidated or rendered illegal by reason of there having been at the time of such proceedings no person or persons appointed or elected to fill a casual vacancy or vacancies and all proceedings of the Council or of any committee thereof or of any person acting as a member of the Council shall, notwithstanding that it may afterwards be discovered that there was some defect in the election or appointment of one or more of the members of the Council or of the committee or of the person acting as aforesaid or that they or any of them were incapable of being members of the Council or of the committee, be as valid as if every such person had been duly elected or appointed to the Council or committee and was capable of being a member.

(b) Notwithstanding anything contained in this Order members of the Council shall not be liable for any loss or damage arising out of the bona fide execution or

attempted execution or arising out of the non-execution of the duties, powers, authorities and discretions conferred or imposed upon them under this Order, save and except loss or damage resulting from their wilful act, default, neglect or fraud and shall be entitled to be indemnified out of the assets of the College for any liability so incurred.

(11) 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 sub-clause 4 (11) shall disqualify a staff member who is a member of Council or of a committee of Council from voting on matters affecting the general terms and conditions of the staff of the College.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one-half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate

Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non-teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full-time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent. of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in sub-clause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

- (a) The organization and management of the College.
- (b) The number of and conditions of employment of the general staff.
- (c) The pre-requisites and educational standards for enrolment of students in any educational programme.
- (d) The discipline of the College including provisions for the imposition of fines and penalties.
- (e) The educational programmes of the College and the granting of certificates or other awards.
- (f) The recognition in lieu of or for the purpose of an examination or course of study and examinations passed in any educational institution or any other relevant appointment or experience.
- (g) Fees to be charged for enrolments in classes or lectures and use of facilities.
- (h) The manner and time of convening meetings of the Council and the conduct thereof.

(i) The association or affiliation with the College of any other bodies institutions or persons.

(j) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.

(k) The conduct of elections of members of the Council or of committees constituted by the Council.

(l) Generally prescribing or providing for any matter or need authorized or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the Audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

POST-SECONDARY EDUCATION ACT 1978

At the Executive Council Chamber, Melbourne, the
twenty-ninth day of September, 1981

PRESENT:

His Excellency the Governor of Victoria	
Mr Crozier	Mr Maclellan
Mr Lieberman	Mr Kennett

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—

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

And whereas the governing body (being a council incorporated by Order in Council made under sub-section (1) of section 13 of the *Education Act 1958*) of Collingwood Technical College has applied in writing to the Commission for the incorporation under the Act of a council to manage and control the College by Order published in the *Government Gazette*.

And whereas the Commission has recommended to the Governor in Council that a 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, doth by this Order provide 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 will better fit themselves for life. The specific objects for which the College is established are as follows:

- 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.
- To award certificates or other qualifications.

Definitions

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

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

"College" means Collingwood College of Technical and Further Education.

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

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

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

"Regulations" means regulations made under this Order.

"staff" means the general staff, teaching staff and all part-time employees of the Council.

"student" means a person enrolled as a student of the College.

"teaching staff" means those persons appointed to the staff of the College employed under the *Teaching Service Act 1958*.

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

Constitution of Council

3. There shall be a council to be known as the Council of the 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 twelve (12) 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 Principal of the College shall be a member *ex officio*.

(c) Five (5) 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 (c).

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

(3) A member appointed by co-option may be removed at any time prior to the expiry of his term of office on the resolution of the Council passed by a majority comprising not less than two-thirds of the total number of members of the Council.

(4) Members of the Council (other than the Principal) shall be entitled to hold office for three years from the dates of their respective appointments and elections: Provided that in the case only of the first members, one half or the nearest whole number less than one-half of the members (other than the Principal), who shall be chosen by lot at the first meeting of the Council, shall be appointed to hold office for two years from the dates of their respective appointments.

(5) A member of the Council shall be eligible to be re-appointed but a member shall not be appointed for more than three successive terms unless he is appointed by co-option for a further term under paragraph (c) of sub-clause 4 (1).

(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 four consecutive meetings of the Council;
- (f) ceases to hold any qualification required for his becoming or being a member of the Council;
- (g) being a member appointed by the Governor in Council is removed from office; or
- (h) dies—

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

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

(8) (a) Any casual vacancy in the office of an appointed member of the Council shall be filled by the appointment of a person to fill the vacancy provided that if any casual vacancy occurs within three (3) months before the expiration of the term of office of an appointed member, the vacancy shall not be filled for the remainder of the term.

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

(c) A member 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 appointed to fill a casual vacancy shall not be considered a term of office for the purpose of sub-clause 4 (5).

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

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

(10) 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 sub-clause 4 (10) 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.

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

Proceedings of Council

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

(1) The number of members required to constitute a quorum at any meeting of the Council shall be one-half of the maximum number of members as specified in sub-clause 4 (1).

(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 student of the College) 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 or student of the College) to preside at the meeting.

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

(5) The decision of the majority of the members present 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) 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, and shall be countersigned by the Principal or by some other person appointed by the Council for that purpose.

Powers of the Council

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

(1) Determine the terms and conditions on which students of the College and any other persons may attend classes or make use of any premises or equipment of the College.

(2) Charge fees or other charges for enrolment and for any examination assessment certificates or other award and for attendance at classes or other activities associated with any educational programme of the College and for the use of any facilities or amenities of the College.

(3) Hold examinations and make assessments whenever it deems necessary or desirable in the several subjects and educational programmes offered by the College and issue appropriately entitled documentary evidence other than the award of Degrees, Associate Diplomas, Diplomas and Graduate Diplomas to students who reach the required standard in any subject or course.

(4) Grant scholarships and prizes on such terms and conditions as it determines.

(5) Do all such things as are calculated to advance the interests of the students and staff of the College.

(6) Appoint and employ members of the administrative and other non teaching staff on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(7) Enter into arrangements with the Minister of Education, the Teachers Tribunal, the Director-General of Education or any other governmental authority or officer to obtain the services of persons employed under the *Teaching Service Act 1958* to serve as Principal and as full time members of the teaching staff.

(8) Appoint and employ persons to teach on a sessional basis to a maximum of 50 per cent. of the normal teaching commitment of a full-time member of the teaching staff or on a part-time basis in each case on such terms and conditions as are determined by the Post-Secondary Education Remuneration Tribunal or other appropriate body.

(9) Define the duties of members of the teaching general and other staff of the College within awards, determinations or guidelines established by appropriate authorities.

(10) Suspend or dismiss any member of the College staff employed by the Council in accordance with the procedures laid down in the industrial award or determination under which they are employed. Except as otherwise provided by such industrial award or determination, the suspension or dismissal may be carried out only on the resolution of the Council passed by a majority consisting of not less than two-thirds of the total number of members of the Council.

(11) In addition to the powers contained in subclause 6 (7), enter into arrangements with any other body or authority for the services of officers or employees of the Public Service or of such body or authority to be made available to the College on such terms as the Council thinks fit, or for the services of any members of staff of the College to be made available to such body or authority on such terms as the Council thinks fit.

(12) 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.

(13) Provide maintain and establish lecture rooms lecture theatres laboratories libraries scientific engineering trade and technical machinery and equipment and such other places and things as may be necessary or desirable for the purpose of promoting encouraging or carrying on Technical and Further Education in all its aspects.

(14) 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.

(15) 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.

(16) Invest and deal with the money or property of the College not immediately required, provided that the power of investment contained in this clause shall be limited to investments in any securities which are authorized investments within the meaning of the law relating to trustees.

(17) Conduct examinations tests and other means of grading or assessing students.

(18) Foster the establishment and maintenance of facilities and amenities for the cultural social recreational and sporting activities of the students and staff of the College and generally foster the health and welfare of students and staff of the College.

(19) Accept gifts of real or personal property to the College.

(20) Apply for purchase or otherwise acquire any patents, patent rights, copyrights, trade marks or formulae, licences, concessions and the like conferring any

exclusive or non-exclusive or limited right to use which may seem capable of being used for any of the purposes of the College or the acquisition of which may seem calculated directly or indirectly to benefit the College, and to use, exercise, develop or grant licences in respect of or otherwise turn to account the property rights or information so acquired.

(21) Enter into any arrangements with any government or governmental 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.

(22) Act either solely or jointly as trustee or custodian of any property or funds.

(23) 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.

(24) By resolution delegate, subject to such conditions as it thinks fit, any powers or functions vested in the Council to any committee of Council any member of staff or any committee of members of staff of the College or any joint committee of members of the Council and members of staff of the College other than this power of delegation except as otherwise provided in this Order.

(25) By resolution delegate to the Principal authority to exercise such powers and duties as it may from time to time confer or impose on him provided that unless 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.

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

Delegation

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

Regulations

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

- (a) The organization and management of the College.
- (b) The number of and conditions of employment of the general staff.
- (c) The pre-requisites and educational standards for enrolment of students in any educational programme.
- (d) The discipline of the College including provisions for the imposition of fines and penalties.
- (e) The educational programmes of the College and the granting of certificates or other awards.
- (f) The recognition in lieu of or for the purpose of an examination or course of study and examinations passed in any educational institution or any other relevant appointment or experience.
- (g) Fees to be charged for enrolments in classes or lectures and use of facilities.
- (h) The manner and time of convening meetings of the Council and the conduct thereof.
- (i) The association or affiliation with the College of any other bodies institutions or persons.
- (j) Regulating the access to the College of vehicles persons and animals and the parking and use of vehicles within the grounds of the College.

(k) The conduct of elections of members of the Council or of committees constituted by the Council.

(l) Generally prescribing or providing for any matter or need authorized or directed to be prescribed or provided for by this Order or necessary to be prescribed or provided for the purpose of this Order.

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

Use of Land and Buildings 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) Invite tenders for the supply of any goods or services or the carrying out of any works for the College where the cost of such goods, services or

works is estimated by the Council to exceed such figure as is from time to time determined for this purpose by the State Tender Board 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.

(2) Except as otherwise required by the Commission or its delegate, do all such things as may be required to be done in order to render the College eligible to receive grants under any law of the Commonwealth of Australia or of the State of Victoria or any other body which provides for the making of grants to educational institutions.

(3) Establish and keep or cause to be kept full and complete books and accounts of all moneys received and paid by the College and arrange for an audit of income and expenditure of the College to be made at such intervals as the Council directs, and 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 practical after 31 March in each year report the proceedings of the College and the audited accounts for the year ended on 31 December then last past to the Minister of Education and the Commission.

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

TOM FORRISTAL
Clerk of the Executive Council

