

LEGISLATIVE ASSEMBLY

Read 1^o 16 September 1987

(Brought in by Mr Cathie and Mr Fordham)

A BILL

to provide for the incorporation of Lincoln Institute of Health Sciences as a School of La Trobe University, to amend the *La Trobe University Act* 1964 and the *Post-Secondary Education Act* 1978 and for other purposes.

La Trobe University (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

Purpose.

1. The main purpose of this Act is to provide for the incorporation of Lincoln Institute of Health Sciences as a School of La Trobe University.

Commencement.

2. This Act comes into operation on 1 January 1988.

Amendment of *La Trobe University Act* 1964.

3. In section 23 (4) of the *La Trobe University Act* 1964 after “conferred” insert “or diplomas awarded”.

No. 7189.
Reprinted to
No. 9861.
Subsequently
amended by
Nos. 18/1986
and
121/1986.

Transitional provisions.**4. (1) On January 1988 by reason of this section—**

- (a) the Council of Lincoln Institute of Health Sciences established by Order in Council on 19 December 1978 is dissolved and the members go out of office; 5
- (b) La Trobe University is the successor in law of the Council of Lincoln Institute of Health Sciences;
- (c) all rights, property and assests of the Council of Lincoln Institute of Health Sciences that immediately before 1 January 1988 were vested in the Council vest in La Trobe University. 10
- (d) every donation, gift, disposition and trust of property including money lawfully made or declared or deemed to have been made or declared before on or after 1 January 1988 by deed, will or otherwise to or in favour of Lincoln Institute of Health Sciences or the Council of Lincoln Institute of Health Sciences or for the use or purposes of the Institute or Council takes effect as if it had in respect of each particular item of property contained in the donation, gift, disposition or trust been made or declared to or in favour of La Trobe University; 15 20
- (e) all duties, debts, liabilities and obligations of the Council of Lincoln Institute of Health Sciences existing immediately before 1 January 1988 become duties, debts, liabilities and obligations of La Trobe University; 25
- (f) La Trobe University is substituted as a party to any proceedings pending in any court to which the Council of Lincoln Institute of Health Sciences was a party immediately before 1 January 1988;
- (g) La Trobe University is substituted as a party to any arrangement or agreement or contract entered into by or on behalf of the Council of Lincoln Institute of Health Sciences as a party and in force immediately before 1 January 1988; 30
- (h) La Trobe University assumes responsibility for all functions of the Council of Lincoln Institute of Health Sciences existing immediately before 1 January 1988; 35
- (i) all acts, matters and things of a continuing nature made, done or commenced by or on behalf of Lincoln Insitute of Health Sciences or the Council of Lincoln Institute of Health Sciences before 1 January 1988 which are of any force or effect or capable of acquiring any force or effect are deemed to be made done or commenced by or in relation to or on behalf of La Trobe University and to have effect and be continued and completed by or on behalf of or in relation to La Trobe University accordingly; 40 45

- 5 (j) a person who was a member of staff employed by the Council of Lincoln Institute of Health Sciences immediately before 1 January 1988 is entitled to be appointed with effect from 1 January 1988 to become a member of staff employed by La Trobe University with terms and conditions of employment no less favourable than those upon which that person was employed immediately before 1 January 1988 and with the benefit of all rights accrued immediately before 1 January 1988;
- 10 (k) a person whose services were made use of by the Council of Lincoln Institute of Health Sciences immediately before 1 January 1988 is to continue to have those services made use of by La Trobe University;
- 15 (l) any person who immediately before 1 January 1988 was an officer within the meaning of the *Superannuation Act* 1958 or the *Hospitals Superannuation Act* 1965 or any corresponding previous enactment and is transferred to the service or employment of La Trobe University by this Act is deemed to continue, subject to the *Superannuation Act* 1958 and the *Hospitals Superannuation Act* 1965 respectively, to be an officer under the respective act while that person continues in that service or employment;
- 20 (m) all records and documents of Lincoln Institute of Health Sciences are transferred to and become the property of La Trobe University;
- 25 (n) any reference to the Council of Lincoln Institute of Health Sciences or Lincoln Institute of Health Sciences in an Act or a subordinate instrument or any other document shall, so far as it relates to any period after 1 January 1988, unless the contrary intention appears and subject to this Act, be construed as a reference to La Trobe University.
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35 (2) Any student of Lincoln Institute of Health Sciences who was enrolled at the Institute during 1987 and who before 30 June 1988 completed the requirements of the Institute for the award of any degree, diploma or certificate shall be awarded the appropriate degree, diploma or certificate by the Council of Lincoln Institute of Health Sciences and for these purposes the Council of Lincoln Institute of Health Sciences and the Director and Registrar of Lincoln Institute of Health Sciences shall continue to carry out their powers and functions under the *Post*

40 *Secondary Education Act* 1978 as if this Act had not been enacted.

(3) Despite anything in section 26 of the *La Trobe University Act* 1964 any person who was awarded a degree or diploma by the Council of Lincoln Institute of Health Sciences after 1 January 1973 is entitled to be registered as a member of Convocation of La Trobe University under that section subject to any Statutes of La Trobe University made for or with respect to that registration.

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(4) Any regulations made by the Council of Lincoln Institute of Health Sciences which were in operation immediately before 1 January 1988 continue in operation as if they had been made as Statutes under the *La Trobe University Act* 1964 and may be amended or revoked by Statutes made under that Act.

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Amendment of *Post-Secondary Education Act* 1978.

5. In schedule 2 to the *Post-Secondary Education Act* 1978 omit "Lincoln Institute of Health Sciences."

N . 9145.
Reprinted to
No. 10258.
Subsequently
amended by
Nos. 13/1986,
20/1986,
S.R. No.
241/1986,
Nos. 118/1986,
121/1986 and
33/1987.

Revocations of orders in council.

6. The following Orders in Council are revoked: 10
 - (a) The Order in Council relating to the Constitution of the Council to manage and control the Lincoln Institute made on 19 December 1972 and published in the *Government Gazette* of 20 December 1972;
 - (b) The Order in Council relating to the alteration of Constitution of the Council of the Lincoln Institute made on 22 May 1973 and published in the *Government Gazette* of 30 May 1973; 15
 - (c) The Order in Council relating to the alteration of Constitution of the Council of the Lincoln Institute made on 18 May 1976; 20
 - (d) The Order in Council relating to the reconstitution of the Council of the Lincoln Institute and to the change of name of the Council made on 14 February 1978;
 - (e) The Order in Council relating to the alteration of Constitution of the Council of the Lincoln Institute of Health Sciences made on 9 December 1980 and published in the *Government Gazette* of 17 December 1980. 25

