

# LEGISLATIVE ASSEMBLY

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Read 1° 24 April 1991

*(Brought in by Mr A. Sheehan and Mr Roper)*

## A BILL

to amend the **Victorian College of the Arts Act 1981** and for other purposes.

### **Victorian College of the Arts (Amendment) Act 1991**

**The Parliament of Victoria enacts as follows:**

#### **PART 1—PRELIMINARY**

##### **1. *Purpose***

5       The purpose of this Act is to provide for the affiliation of  
the Victorian College of the Arts with The University of  
Melbourne.

##### **2. *Commencement***

This Act comes into operation on 1 July 1991.

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Section headings appear in bold italics and are not part of the Act  
(see **Interpretation of Legislation Act 1984**).

**3. *Principal Act***

No. 9566 as  
amended by  
Nos 9611,  
121/1986 and  
50/1988.

In this Act, the **Victorian College of the Arts Act 1981** is called the Principal Act.

**PART 2—AMENDMENT OF THE VICTORIAN COLLEGE OF  
THE ARTS ACT 1981**

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**4. *Definitions***

In section 2 of the Principal Act—

(a) before the definition of “College” insert—

‘**“Award course”** means a course at the College which is approved as an award course by the academic board of the University constituted under section 28 of the **Melbourne University Act 1958.**’; 10

(b) after the definition of “Council” insert—

‘**“Council of the University”** means the council constituted under section 5 of the **Melbourne University Act 1958.**’; 15

(c) in the definition of “Diplomate”, after “College” (where secondly occurring) insert “or the University”; 20

(d) in the definition of “Graduate”, after “College” (where secondly occurring) insert “or the University”; 25

(e) after the definition of “Statutes” insert—

‘**“Student of the College”** means a person who is enrolled as a student of the College. 25

**“Student of the University”** means a student of the College who is enrolled in an award course.

**“The University”** means The University of Melbourne within the meaning of the **Melbourne University Act 1958.**’ 30

**5. *Objects of the College***

In section 5 (a) of the Principal Act, for “and performing” (wherever occurring) **substitute** “, performing and other”.

**6. *Powers***

- 5            In section 6 (1) of the Principal Act, after “objects” **insert** “, subject to any statute or resolution of the Council of the University which is declared to apply to the College”.

**7. *Council of the College***

For section 7 of the Principal Act **substitute**—

10           **“7. *Constitution of Council***

(1) The Council consists of not more than 26 members as follows:

- (a) The President of the College;
- (b) The Director of the College;
- 15           (c) The Principal of the Secondary School of the College;
- (d) The Vice-Chancellor of the University;
- (e) 4 persons elected in accordance with the Statutes by and from members of the teaching staff of the College;
- 20           (f) 2 persons elected in accordance with the Statutes by and from members of the general staff of the College;
- (g) 2 persons elected in accordance with the Statutes by and from students of the College;
- 25           (h) 6 persons appointed by the Governor in Council of whom—
- (i) one is the nominee of the Council of Trustees of the National Gallery of Victoria; and
- 30           (ii) one is the nominee of the Victorian Arts Centre Trust; and

- (iii) one is the nominee of the Minister for the Arts;
  - (i) 6 persons appointed by co-option by the Council;
  - (j) 1 person appointed by the Council of the University; 5
  - (k) 1 person appointed by the Minister.
- (2) If the Vice-Chancellor of the University, by writing given to the secretary of the Council, nominates another person to act as member of the Council in his or her place, the person so nominated is a member of the Council until the Vice-Chancellor, by writing given to the secretary of the Council, revokes the nomination or nominates another person. 10 15
- (3) A person appointed under sub-section (1) (h), (i), (j) or (k) must not be—
- (a) a person whose sole or principal employment is as a member of the staff of the College; or 20
  - (b) a student of the College.
- (4) A person who has reached 72 years must not be appointed or re-appointed or elected as a member of the Council.”.

## 8. *Term of office* 25

- (1) In section 8 (1) of the Principal Act, for “members *ex officio*” **substitute** “members referred to in sections 7 (1) (a), (b), (c) and (d)”.
- (2) For section 8 (4) of the Principal Act **substitute—**
- “(4) A person must not be a member of the Council elected under section 7 (1) (e), (f) or (g) or appointed under section 7 (1) (h) or (i) for more than 3 consecutive terms.”. 30

**9. Amendment of section 9**

In section 9 (2) of the Principal Act, for “*ex officio*” (where twice occurring) **substitute** “under section 7 (1) (a), (b), (c) or (d)”.

5    **10. Quorum**

For section 18 (3) of the Principal Act **substitute**—

10        “(3) A question must not be decided at a meeting of the Council unless there are present at the meeting at least three-fifths of the total number of members of the Council.”.

**11. New section 19A**

After section 19 of the Principal Act **insert**—

**“19A. Acting Director**

15        (1) The Council may appoint a person (whether or not a member of the Council) to act as Director of the College.

20        (2) The Acting Director shall act as Director during any vacancy in the office of Director or during the absence or inability of the Director to act and, while so acting, has all the powers and duties of the Director and, if not otherwise a member of the Council, is such a member.”.

**12. Amendment of section 20**

25        In section 20 of the Principal Act, after “1978” **insert** “and to any statute or resolution of the Council of the University which is declared to apply to the College,”.

**13. College awards**

(1) For section 21 (1) of the Principal Act **substitute**—

30        “(1) Subject to—  
              (a) the Statutes and regulations of the College; and

- (b) any statute or resolution of the Council of the University which is declared to apply to the College—

the Council of the College, after appropriate assessment, may confer any certificate or other award in respect of a course other than an award course.”. 5

- (2) Section 21 (2) and (3) of the Principal Act are **repealed**.

- (3) In section 21 (4) of the Principal Act, for “degrees and diplomas” **substitute** “certificates or other awards”. 10

#### **14. Board of Studies**

For section 25 of the Principal Act **substitute—**

#### **“25. Constitution of Board of Studies**

- (1) The Board of Studies consists of not more than 27 members as follows: 15

- (a) The Director of the College;
- (b) The Deputy Director of the College;
- (c) The Deans of the Schools of the College;
- (d) 2 persons from each School of the College elected in accordance with the Statutes by and from the teaching staff of that School; 20
- (e) 2 persons elected in accordance with the Statutes by and from the general staff of the College;
- (f) 1 person from each School of the College elected in accordance with the Statutes by and from the students in that School; 25
- (g) not more than 3 persons elected or appointed as prescribed.

- (2) A member elected to the Board of Studies under 30

sub-section (1) (d), (e), (f) or (g) holds office for the term prescribed by the Statutes.”.

**15. *Statutes of the College***

In section 27 (1) of the Principal Act—

- 5           (a) for “Subject to this Act the Council” **substitute**  
“Subject to this Act and any statute or resolution  
of the Council of the University which is declared  
to apply to the College, the Council of the College”;  
and
- 10          (b) in paragraph (k), after “educational” **insert** “or  
cultural”; and
- (c) omit “—and the Council may by a later Statute  
revoke or amend any such Statute”.

**16. *Borrowing powers***

- 15          (1) In section 30 (1) of the Principal Act—
- (a) after “Treasurer” (wherever occurring) **insert** “and  
the Council of the University”; and
- (b) for “imposes” **substitute** “impose”; and
- (c) for “approves” **substitute** “approve”.
- 20          (2) In section 30 (2) of the Principal Act—
- (a) after “Treasurer” (wherever occurring) **insert** “and  
the Council of the University”; and
- (b) for “approves” **substitute** “approve”.

**17. *Property***

- 25          In section 33 (1) of the Principal Act—
- (a) for “Minister for Lands” **substitute** “Minister for  
the time being administering the **Land Acquisition  
and Compensation Act 1986**”; and
- 30          (b) after “Council” **insert** “and with the Council of the  
University”.

**18. *Annual report***

For section 36 of the Principal Act **substitute—**

**“36. *Annual report***

- (1) The Council must, in respect of each year ending  
on 31 December, prepare an annual report 5  
containing—
  - (a) a report of the operations of the College  
during the year; and
  - (b) financial statements for the year audited  
by the Auditor-General— 10

and submit the report to the Council of the  
University as soon as practicable after 31 March  
in each year.
- (2) The report of operations referred to in sub-  
section (1) (a)— 15
  - (a) must be prepared in a form and contain  
information determined by the Council to  
be appropriate; and
  - (b) must contain any further information  
prescribed by the Council of the 20  
University or by any other Act.
- (3) The financial statements referred to in sub-  
section (1) (b)—
  - (a) must contain information determined by  
the Treasurer to be appropriate; and 25
  - (b) must be prepared in a manner and form  
approved by the Treasurer; and
  - (c) must present fairly the results of the  
financial transactions of the College during  
the year to which they relate and the 30  
financial position as at the end of that  
year; and
  - (d) must be signed by the principal accounting  
officer (by whatever name called) of the  
Council and by the Director and another 35  
member of the Council who shall—



(i) state whether, in their opinion, the financial statements present fairly the results of the financial transactions of the College during the year to which they relate and whether they sufficiently explain the financial position of the Council as at the end of the year; and

(ii) state whether, at the date of signing the financial statements, they were aware of any circumstances that render any particulars included in the statements misleading or inaccurate and, if so, particulars of the circumstances; and

(e) must be audited as required by section 35.”.

**PART 3—CONSEQUENTIAL AMENDMENTS AND  
TRANSITIONAL PROVISIONS**

**19. *Amendment of the Post-Secondary Education Act 1978***

In Schedule 2 to the **Post-Secondary Education Act 1978**, omit “Victorian College of the Arts.”.

**20. *Students of the College***

(1) On 1 July 1991, a person who, immediately before that date, was a student of the College enrolled in a course which on or after that date is an award course, becomes a student of the University.

(2) A person who on 1 July 1991 has any right or entitlement to be enrolled as a student of the College in an award course has the equivalent right or entitlement to be enrolled as a student of the University.

(3) Despite anything to the contrary in the **Melbourne University Act 1958**—

(a) statutes or regulations made under that Act by the Council of the University may authorise the Council, at the request of a person who becomes a

- student of the University by reason of sub-section (1), to confer on the student, subject to and in accordance with the statutes and regulations, a degree, diploma, certificate or other award which the student is entitled to have conferred or granted before a date specified in the statute or regulation under a name that includes the title of the award and the words “Victorian College of the Arts”; and 5
- (b) the powers of the Council of the University under section 19 of that Act extend to the conferring of any award on a person who becomes an enrolled student of the University by reason of sub-section (1) that the College might have conferred on the person if this Act had not been enacted; and 10
- (c) a person who holds a degree or diploma of the College is entitled to the same benefits and privileges at the University as are enjoyed by persons holding degrees or diplomas of the University, as if the degree or diploma of the College were a degree or diploma of the University. 15 20