

University of Ballarat (Amendment) Bill

EXPLANATORY MEMORANDUM

PART 1—PRELIMINARY

- Clause 1 sets out the main purpose of the Act.
- Clause 2 provides for commencement of the Act.

PART 2—MERGER

- Clause 3 substitutes a new Part 9 in the **University of Ballarat Act 1993** to provide for the mergers with School of Mines and Industries Ballarat, and Wimmera Institute of Technical and Further Education. Within this Part the following clauses are included:

Section 59 provides definitions of the Company, meaning the School of Mines and Industries Ballarat Limited, and Institute, meaning the Wimmera Institute of Technical and Further Education.

Section 60 provides for the University to be the successor in law of the Company.

Section 61 provides for the University to be the successor in law of the Institute and its Council.

Section 62 provides for gifts, trusts etc. in favour of the Company or the Institute to have effect as if made in favour of the University.

Section 63 provides for staff of the Company and the Institute to become staff of the University.

Section 64 provides for students of the Company or the Institute to become students of the University.

Section 65 provides indemnity for former directors of the Company or members of the Council of the Institute.

Section 66 provides for land owned by the Company to vest in the University of Ballarat.

Section 67 provides for amendment of the register to reflect the transfer of land under section 66.

Section 68 provides for continuation of rules of the Company and the Institute.

Section 69 provides that the Company and the Institute are deemed to have had power to act for the purpose of the merger with the University of Ballarat.

Section 70 revokes the Orders in Council constituting Wimmera Institute of Technical and Further Education.

PART 3—ADMINISTRATION

- Clause 4 provides for amendments to the membership structure of the Council of the University of Ballarat.
- Clause 5 provides for terms of office of members of the Council of the University of Ballarat.
- Clause 6 makes consequential amendments in the **University of Ballarat Act 1993** following the merger and the changes in membership of Council, including definitions of the Ballarat region and the Wimmera region for the purposes of Council membership.
- Clause 7 provides for appointments to vacancies on the Council.

PART 4—ESTABLISHMENT OF TAFE DIVISION

- Clause 8 amends the **University of Ballarat Act 1993** to provide for the application of sections 34A to 34C and Schedule 2 to the **Vocational Education and Training Act 1990** to apply to the Director of the Technical and Further Education Division and to other staff employed by the Council in that Division.
- Clause 9 inserts into the **University of Ballarat Act 1993** a heading "PART 3—HIGHER EDUCATION DIVISION".
- Clause 10 provides for the establishment of a Higher Education Division of the University of Ballarat with the Academic Board as part of the Higher Education Division.

Clause 11 provides for the insertion into the **University of Ballarat Act 1993** of a new Part, "PART 3A—TECHNICAL AND FURTHER EDUCATION DIVISION". Within this Part:

Section 29C establishes the Division including a Board of Technical and Further Education and a Board of Technical Studies.

Section 29D provides for establishment of the Board of Technical and Further Education.

Section 29E provides for a Chairperson and Deputy Chairperson of the Board of Technical and Further Education.

Section 29F sets out the powers of the Board of Technical and Further Education.

Section 29G provides for resolutions without meetings of the Board of Technical and Further Education.

Section 29H provides for approved methods of communication for Board of Technical and Further Education meetings.

Section 29I provides for the establishment and purposes of the Board of Technical Studies and for the election of a Chairperson and Deputy Chairperson of the Board.

PART 5—OTHER AMENDMENTS

Clause 12 provides for the University of Ballarat to issue awards to students who have undertaken studies at the School of Mines and Industries Ballarat Limited or at the Wimmera Institute of Technical and Further Education.

Clause 13 provides for the Minister to approve statutes made by the University of Ballarat.

Clause 14 provides for the Treasurer to approve borrowings by the University of Ballarat.

Clause 15 provides for approval by the Minister of the disposal of real property by the University of Ballarat.

Clause 16 inserts a new Part, "PART 10—TRANSITIONALS" into the **University of Ballarat Act 1993** to provide for initial

appointments of the Council of the University following the mergers.

- Clause 17 inserts into the **University of Ballarat Act 1993** a schedule setting out details of land transferred to the University under this Act.
- Clause 18 amends the heading of the existing schedule of the **University of Ballarat Act 1993**.
- Clause 19 amends the **Vocational Education and Training Act 1990** as a consequence of the mergers.