

# La Trobe University (Amendment) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* is a clause in the usual form setting out the purpose of the Act which amends the *La Trobe University Act 1964*.

*Clause 2* provides for the commencement on the 28th day after receipt of Royal Assent.

*Clause 3* names the *La Trobe University 1964* as the Principal Act.

*Clause 4* inserts a definition in section 2 of the Principal Act for “Diplomate” and amends the definition of “Graduate” in that section to accord with the English expression used in the definition of diplomate.

It amends section 3 (1) of the Principal Act by including diplomates in the membership of the University.

It also amends section 26 (1) of the Principal Act by adding a sub-paragraph which adds diplomates in the membership of Convocation.

*Clause 5* amends section 2 of the Principal Act by changing the title of a “professor emeritus” to “emeritus professor” which is in accord with University usage. It also clarifies the position of emeritus professors and visiting professors as not being members of staff with the insertion of sub-paragraph (2).

*Clause 6* amends section 3 (1) of the Principal Act by removing the requirement that only students who have signed the matriculation book of the University are eligible for membership of the University.

*Clause 7* amends section 8 (1) of the Principal Act by clarifying the term of office of members of the Council appointed by co-option. A further sub-section is added to make it clear the term of office of such members is for 4 years. This clause also amends section 12 (b) of the Principal Act so that the appointment of members by co-option is made as soon as practicable.

*Clause 8* amends section 19 of the Principal Act by adding a sub-section to make it clear that a member of the Council who has a direct pecuniary interest in subject matter under discussion may take part in such discussion but such member shall not vote on the subject.

*Clause 9* amends section 20 (1) of the Principal Act by allowing decisions to be made by a majority of members present and voting at the meeting and not by the majority of the members present as in the existing provision.

*Clause 10* inserts further sub-sections after section 21 (3) of the Principal Act to provide for the appointment of an Acting Vice Chancellor subject to the Statutes during the absence, death or retirement of the Vice Chancellor and to delegate the powers/duties of the Vice Chancellor to that person. It also sets out the limits of the Statute which prescribes the person to be appointed. Provision is also made where a person is appointed as Acting Vice Chancellor is already a member of the Council that person’s place on the Council is not vacated.

*Clause 11* amends the terminology used in section 23 (1) of the Principal Act as degrees are conferred and diplomas are awarded.

*Clause 12* amends section 27 (1) of the Principal Act which concerns the membership of the Academic Board of the University. This adds to the membership of the Academic Board such number of enrolled students as the Statutes may prescribe.

*Clause 13* amends section 30 (1) of the Principal Act which deals with the Statute making power of the Council (which is subject to approval by the Governor in Council).

New sub-paragraphs permit statutes to be made with respect to the students of the University, academic dress, copyright, patents, inventions and intellectual property generally, endowments and property, buildings and traffic. The terminology of some sub-paragraphs has been brought up to date.

*Clause 14* amends section 34 of the Principal Act which concerns the Student Loan Fund. It adds a sub-paragraph to section 34 (2) to include such moneys of the University in the fund as the Council determines. Section 34 (5) is amended to allow the funds to be invested more broadly and for the interest accruing to be paid into and form part of the fund.

*Clause 15* concerns land acquired for investment purposes by inserting after section 33 (3) of the Principal Act a further section allowing sale, transfer or mortgage of such property with the consent of the Minister.

*Clause 16* amends section 37 of the Principal Act which concerns the Investment of the Common Fund. This amends section 37 (4) by giving the Council power to invest in a common fund the whole or any part of a trust fund to optimize the investment of such trust funds. A further section 37 (4A) is inserted to delineate the types of investment which may be made with such funds and section 37 (4B) further defines the meaning of "securities" referred to in section 37 (4A).

*Clause 17* inserts a new section 37A in the Principal Act. This new section allows the University to form or participate in the formation of limited companies the objects of which may include facilities or services for study, research or education; or for undertaking research development or consultancy for other bodies, commercial organizations or individuals and promoting research. It includes a broad range of publishing and distribution activities whilst encouraging promotion or assistance in drama, music or the visual arts.

Restrictions have been provided in sub-section (2) on the alteration or amendment to the memorandum or articles of association of such a limited company. Where a company's annual income exceeds \$100 000 a report by a registered company auditor shall be made every 12 months and submitted to the Council.

In sub-sections (3) to (8) where the University has a controlling interest in a limited company, the accounts of such company are to be audited by the Auditor-General and included in the University's annual report and to submit such a report to the Treasurer. The cost and expenses of such an audit may be defrayed by the University paying such into the Consolidated Funds.

Sub-section (9) gives certain powers to the Auditor-General in relation to the auditing of accounts of such a limited company imposing a time limit of three months for the balancing of accounts and requiring the Auditor-General to forward copies of the audited annual accounts to the Treasurer.

Sub-section (10) gives the Auditor-General additional powers of access to books, securities and accounts of such company.

A further section 37B has been inserted which declares the University has had and always had power to incorporate the corporation known as La Trobe University Housing Limited the company formed to manage flats and other similar housing for students.