

Version No. 001

**Monash University (Pharmacy College) Act
1992**

Act No. 10/1992

Version as at 14 September 1999

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The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. Purpose

The purpose of this Act is to provide for the merger of the Victorian College of Pharmacy with Monash University.

2. Commencement

This Act comes into operation on the day on which it receives the Royal Assent.

3. Definitions

In this Act—

"appointed day" means the day on which the College Company is dissolved under the Corporations Law of Victoria;

"College" means the Victorian College of Pharmacy operated by the College Company;

"College Company" means the Victorian College of Pharmacy (Monash University) Limited;

"Monash" means Monash University.

PART 2—MERGER

4. Monash successor in law of the College

Subject to this Act, on and from the appointed day—

- (a) Monash is the successor in law of the College; and
- (b) any scholarship, prize or bursary of a continuing nature administered by the College or the College Company and existing immediately before the appointed day shall be administered by Monash, but otherwise in accordance with the terms and conditions to which it was subject immediately before the appointed day; and
- (c) all contracts, deeds, bonds, agreements, arrangements, guarantees and other instruments (except contracts, agreements or arrangements relating to the members of staff of the College) made or entered into by, on behalf of, or in relation to the College or the College Company and in force immediately before the appointed day have effect as if made or entered into by, on behalf of, or in relation, to Monash; and
- (d) all actions, claims, arbitrations, applications and other proceedings (including proceedings on appeal or review) pending or existing immediately before the appointed day by, against, or in relation to the College or the College Company have effect as if they were actions, claims, arbitrations, applications and proceedings by, against, or in relation to Monash, and may be continued and completed accordingly; and

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- (e) any permit, licence or authority of any kind whatsoever issued or granted to the College or the College Company by or under any Act continues to operate, despite anything in this Act, in favour of Monash in the same way and to the same extent as it operated in favour of the College or the College Company; and
 - (f) unless the contrary intention appears, a reference to the College or to the Council of the College or to the College Company is deemed to be a reference to Monash if the reference—
 - (i) is in an Act, other than this Act, a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984**, a judgment or order or any other document whatever; and
 - (ii) is in relation to a period occurring on or after the appointed day; and
 - (g) all records and documents of the College or the College Company become the property of Monash.

5. Gifts, trusts etc.

If—

- (a) before or after the appointed day—
 - (i) a gift, disposition or trust of property is made or declared or is deemed to have been made or declared; or
 - (ii) a trust fund is created—
(whether by deed, will or otherwise) to, in favour of, for the use of, or for the purposes of, the College; and

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- (b) the gift, disposition, trust or trust fund takes effect, or may take effect, or the trust fund may be applied, on or after the appointed day—

the gift, disposition, trust or trust fund does not fail only because of the dissolution of the College Company or the provisions of this Act, but, in relation to any other matter occurring on or after the appointed day—

- (c) in the case of a gift, disposition or trust of property, takes effect as if made or declared to or in favour of Monash for a purpose of Monash that corresponds with, or is similar to, those purposes of the College for which it was made or declared; or
- (d) in the case of a trust fund, may be applied as if created in favour of Monash for a purpose of Monash that corresponds with, or is similar to, those purposes of the College for which the fund was created.

6. Staff of the College

- (1) On the appointed day, a person who, immediately before that day, was a member of the staff employed by the College or the College Company, becomes a member of the staff of Monash.
- (2) A person who becomes a member of the staff of Monash under sub-section (1)—
- (a) is a member of the staff of Monash with remuneration no less than the person was receiving or was entitled to receive as a member of the staff of the College immediately before the appointed day, and on terms and conditions no less favourable than those of the person's appointment at the College; and

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- (b) continues to have the benefit of all entitlements (including all entitlements arising from recognition of prior service with other bodies) accrued in respect of the person's appointment at the College before the appointed day.
 - (3) A person transferred under sub-section (1) who, immediately before the transfer, was an officer within the meaning of the **State Superannuation Act 1988**, continues, subject to that Act, to be an officer within the meaning of that Act, while he or she continues as a member of staff of Monash.

7. Students of the College

- (1) On the appointed day, a person who, immediately before that day, was enrolled as a student of the College and has not ceased to be a student of the College becomes a student of Monash.
- (2) Despite anything to the contrary in the **Monash University Act 1958**—
 - (a) statutes or regulations made under that Act by the Council of Monash may authorise the Council, at the request of a person who becomes a student of Monash by reason of sub-section (1), to confer on the student on or before 30 June 1993, subject to and in accordance with the statutes and regulations, a degree, diploma, certificate or other award under a name that includes the title of the award and the words "Victorian College of Pharmacy"; and
 - (b) the powers of the Council of Monash under section 23 of that Act extend to the conferring of any award on a person who becomes an enrolled student of Monash by reason of sub-section (1) that the College

might have conferred on the person if this Act had not been enacted; and

- (c) a person who holds a degree, diploma or certificate of the College is entitled to the same benefits and privileges at Monash as are enjoyed by persons holding degrees, diplomas or certificates of Monash, as if the degree, diploma or certificate of the College were a degree, diploma or certificate of Monash.
- (3) A person who, immediately before the appointed day, was enrolled as a graduate of the College is entitled to the same benefits and privileges as a graduate of Monash.
- (4) If a person was, before the appointed day, entitled to a degree, diploma, certificate or other award of the College that had not been conferred or granted, the degree, diploma, certificate or award must be granted by the Council of Monash and, for that purpose, the Council of Monash may exercise in the name of the College any power that the Council of the College might have exercised before the appointed day in respect of that degree, diploma, certificate or award.
- (5) A person who, at the appointed day, has any right or entitlement to be enrolled as a student of the College has the equivalent right or entitlement to be enrolled as a student of Monash.

8. Indemnity of former members of Council of the College

A person who, immediately before the appointed day, was a member of the Council of the College, is entitled to be indemnified by Monash in respect of any personal liability arising out of the bona fide execution of the duties, powers, authorities and discretions conferred or imposed on the

person as a member of the Council to the same extent and in the same circumstances as the person was entitled to be indemnified out of the assets of the College before the appointed day.

9. Certain land used by the College to vest in Monash

On the appointed day, the land described in the Schedule vests in fee simple in Monash, subject to the conditions, covenants, encumbrances, limitations, exceptions, reservations and restrictions to which the land was subject immediately before its vesting under this section.

10. Amendment of Register etc.

The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title or instrument, must make any amendments in the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of this Act.

11. Regulations of the College

- (1) The regulations of the College in force immediately before the appointed day, to the extent to which they could be made as statutes under the **Monash University Act 1958** and are not inconsistent with any statutes or regulations so made, continue to have effect as if made as regulations under a statute of Monash.
- (2) Regulations continued in force under sub-section (1) may be amended or revoked as if they were regulations made under the **Monash University Act 1958** and as if this section were the statute under which they were made.

12. Powers of the College

Despite anything to the contrary in the constitution of the College or its Council, the College or its Council shall be deemed to have, and always to have had, power to do all things it is authorised or empowered to do under and for the purposes of this Act or necessary to be done for the purposes of the merger with Monash in accordance with this Act.

13. Amendment of Post-Secondary Education Act 1978

In Schedule 2 to the **Post-Secondary Education Act 1978**, omit "Victorian College of Pharmacy Limited".

14. New section 24B inserted in Monash University Act 1958

After section 24A of the **Monash University Act 1958** insert—

'24B. Victorian College of Pharmacy

- (1) There shall be a College of the University called "Victorian College of Pharmacy".
- (2) The College—
 - (a) shall have the powers and duties that are respectively conferred or imposed on it by this Act or by the Statutes or regulations; and
 - (b) shall consist of the persons that are declared by the Statutes or regulations to be members of the College.
- (3) A dean of the College shall be appointed from time to time in accordance with the Statutes.

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- (4) The Statutes or regulations may provide for all or any of the powers and duties conferred or imposed on the College by the Statutes or regulations to be exercised or performed by the College Board.
 - (5) There shall be a governing body of the Victorian College of Pharmacy to be called the College Board consisting of the persons declared by the Statutes or regulations to be members of the Board.
 - (6) Subject to the Statutes and regulations the College and the College Board may regulate their own proceedings.
 - (7) The dean of the College has the powers and duties conferred or imposed on the dean by this Act and the Statutes and regulations of the University.'.
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SCHEDULE

LAND THAT VESTS IN MONASH UNIVERSITY

<i>Volume</i>	<i>Folio</i>
9377	569
5509	792

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Endnotes

ENDNOTES

1. General Information

Minister's second reading speech—

Legislative Assembly: 26 March 1992

Legislative Council: 28 April 1992

The long title for the Bill for this Act was "A Bill to provide for the merger of the Victorian College of Pharmacy with Monash University and for other purposes."

The **Monash University (Pharmacy College) Act 1992** was assented to on 12 May 1992 and came into operation on 12 May 1992.

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Endnotes

2. Table of Amendments

There are no amendments made to the **Monash University (Pharmacy College) Act 1992** by Acts and subordinate instruments.

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Endnotes

3. Explanatory Details

No entries at date of publication.