

**Version No. 043**  
**Royal Melbourne Institute of Technology Act**  
**1992**

**No. 45 of 1992**

Version incorporating amendments as at 1 July 2007

**TABLE OF PROVISIONS**

<i>Section</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
1. Purpose	1
2. Commencement	1
3. Definitions	1
<b>PART 2—ROYAL MELBOURNE INSTITUTE OF TECHNOLOGY</b>	<b>4</b>
4. The University	4
5. Common seal	4
6. Objects of the University	5
7. The Council	6
8. Terms and conditions of office of Council members	10
9. Removal of appointed members	12
10. Vacancies arising from other appointments	12
11. Filling of vacancies on retirement	13
12. Provision in case of failure of election	14
13. Resignation and removal from office	14
14. Casual vacancies	16
15. Chairperson of Council	16
16. Declaration of interests	16
16A. Council member's responsibilities	17
17. Procedure of Council	18
17A. Resolutions without meetings of the Council	19
17B. Approved methods of communication for Council meetings	19
18. Committees	20
19. Delegation	20
20. Validity of decisions	20
21. Indemnities	21
22. Chancellor and Deputy Chancellors	21
23. Vice-Chancellor	22
24. Acting Vice-Chancellor	23

<i>Section</i>	<i>Page</i>
25. Staff	23
26. Awards of the University	24
<b>PART 3—DIVISIONS, FACULTIES AND BOARDS</b>	<b>26</b>
27. Divisions and faculties, schools and units	26
28. Statutes may prescribe other faculties etc.	26
29. Boards	26
30. <i>Repealed</i>	28
30A, 30B. <i>Repealed</i>	26
<b>PART 4—<i>Repealed</i></b>	<b>28</b>
31–32B. <i>Repealed</i>	28
<b>PART 5—STATUTES AND REGULATIONS</b>	<b>29</b>
33. Power of Council to make Statutes	29
34. Statutes and regulations affecting courses of study	32
35. <i>Repealed</i>	32
<b>PART 6—PROPERTY AND FINANCIAL</b>	<b>34</b>
36. Application of funds of the University	34
37. Acquisition of land for or in connection with the University	35
38. Creation and administration of trust and other funds	37
39. Formation and membership of companies	39
40. Audit of corporations	45
41, 42. <i>Repealed</i>	47
<b>PART 7—GENERAL</b>	<b>48</b>
43. Visitor	48
44. Elections	48
45. Fines and payment of compensation	49
<b>PART 8—TRANSITIONAL PROVISIONS</b>	<b>50</b>
46. First Chancellor	50
47. Transitional provisions for members of Council	50
48. Determining period of office of certain members	51
49. Students of RMIT Institute or Phillip	51
50. Indemnity of former members of council of RMIT company or Phillip	52
<b>PART 9—MERGER</b>	<b>53</b>

<i>Section</i>	<i>Page</i>
51. University to be successor in law of RMIT Institute	53
52. Transfer of assets and liabilities of Phillip	54
53. Gifts, trusts etc.	56
54. Certain land used by RMIT Institute to vest in the University	57
55. Reservation of certain land	58
56. Certain land used by Phillip to vest in the University	58
57. Amendment of Register etc.	60
58. Staff of RMIT Institute and Phillip	60
59. Regulations of RMIT Institute and Phillip	61
60. Powers of the RMIT company and Phillip	61
61. Organisations related to the RMIT Institute or Phillip	62
62. Revocation of Order in Council	62
63. Supreme Court—limitation of jurisdiction	62
<b>PART 10—TRANSITIONAL</b>	<b>63</b>
64. First Council appointments for 1998	63
65. Existing proceedings	64
66. Transitional—members of Council	65
—————	
<b>SCHEDULES</b>	<b>66</b>
SCHEDULE 1—Land used by RMIT Institute which is to Vest in the University	66
SCHEDULE 2—Land used by Phillip which is to Vest in the University	68
iiiiiiiiiiiiiiii	
<b>ENDNOTES</b>	<b>70</b>
1. General Information	70
2. Table of Amendments	71
3. Explanatory Details	74

---

Version No. 043

**Royal Melbourne Institute of Technology Act  
1992**

No. 45 of 1992

Version incorporating amendments as at 1 July 2007

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

**PART 1—PRELIMINARY**

**1. Purpose**

The purpose of this Act is to establish the Royal Melbourne Institute of Technology as a University and to provide for the merger with the University of the Phillip Institute of Technology.

**2. Commencement**

This Act comes into operation on a day or days to be proclaimed.

**3. Definitions**

In this Act—

**"appointed day"** means the day on which section 51 comes into operation;

**"Board of Technical Studies"** means the Board appointed under section 32;

**"Council"** means the Council of the University;

**"diplomate"** means a person whose name is inscribed under the Statutes on a roll kept by the University of the names of the holders of such diplomas granted by the University as are prescribed by the Statutes;

**"enrolled student"** means—

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992  
Part 1—Preliminary

s. 3

- (a) a student enrolled for a program or course of study in the University; or
- (b) a post-graduate student;

**"graduate"** means a person whose name is inscribed under the Statutes on a roll kept by the University of the names of the holders of prescribed degrees conferred by the University;

**"Phillip"** means the Phillip Institute of Technology;

**"post-graduate student"** means a student enrolled as a candidate for a graduate diploma, degree of Master or Doctor or any other post-graduate course for admission to which completion of a degree is normally required;

**"prescribed"** means prescribed by this Act or by the Statutes or regulations of the University;

**"regulations"** means regulations under the Statutes;

**"RMIT company"** means Royal Melbourne Institute of Technology Limited, a company within the meaning of the Corporations Act;

**"RMIT council"** means the governing body of the RMIT company;

**"RMIT Institute"** means the Royal Melbourne Institute of Technology operated by the RMIT company;

**"staff"**, in relation to the University, means—

S. 3 def. of "post-graduate student" substituted by No. 57/1996 s. 20.

S. 3 def. of "RMIT company" amended by No. 44/2001 s. 3(Sch. item 100.1).

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992  
Part 1—Preliminary

s. 3

- 
- (a) persons employed by the University;  
and
  - (b) persons in teaching or management  
positions at the University but not  
employed by the University;

\*

\*

\*

\*

\*

S. 3 def. of  
"State  
Training  
Board"  
repealed by  
No. 105/1994  
s. 21(2).

**"Statutes"** means Statutes of the University made  
by the Council under this Act;

**"University"** means Royal Melbourne Institute of  
Technology established and incorporated as  
a University under this Act.

---

---

**PART 2—ROYAL MELBOURNE INSTITUTE OF  
TECHNOLOGY**

**4. The University**

- (1) There is established a University to be known as "Royal Melbourne Institute of Technology".
- (2) The University is a body politic and corporate consisting of—
  - (a) a Council; and
  - (b) such members of the academic, teaching and other staff as are prescribed; and
  - (c) the enrolled students of the University; and
  - (d) such other persons as are prescribed by the Statutes.
- (3) The University—
  - (a) has perpetual succession; and
  - (b) shall have a common seal; and
  - (c) is capable in law of suing and being sued; and
  - (d) may acquire, hold and dispose of real and personal property; and
  - (e) is capable of doing and suffering all acts, matters and things that a body corporate may by law do or suffer.

**5. Common seal**

- (1) The common seal of the University must be kept in such custody as the Council directs and must not be used except by resolution of the Council or in such other manner as is authorised by the Statutes.
  - (2) All courts and persons acting judicially must take judicial notice of the common seal of the
-

---

University affixed to any document and, until the contrary is proved, must presume that it was duly affixed.

## 6. Objects of the University

The objects of the University include—

- (a) the development of an institution with excellence in teaching, training, scholarship, research, consultancy, community service and other educational services and products, with emphasis on technology and its development, impact and application;
- (b) the provision of a multi-level system of post-secondary education programs relevant to the needs of the community covering a wide range of fields and levels from basic trade to post-doctoral studies with provision for recognition of prior learning and flexibility of transition between programs;
- (c) the provision of high quality educational, research, residential, commercial, cultural, social, recreational, sporting and other facilities;
- (d) the advancement of knowledge and its practical application by research and other means, the dissemination by various means of the outcomes of research and the commercial exploitation of the results of such research;
- (da) to promote critical enquiry within the university and in the general community;
- (e) the participation in commercial ventures and activities;
- (f) the fostering of the general welfare and development of all enrolled students;

S. 6(da)  
inserted by  
No. 26/2003  
s. 31.



- 
- (g) the conferring of prescribed degrees and the granting of prescribed diplomas, certificates and other awards;
  - (h) the provision of opportunities for development and further training for staff of the University;
  - (i) the development and provision of educational, cultural, professional, technical and vocational services to the community and in particular the fostering of participation in a university of technology of persons living or working in the northern metropolitan region of Melbourne;
  - (j) the provision of programs, products and services in ways that take account of the principles of equity and social justice;
  - (k) the maintenance of close interaction with industry and the community and the development of associations or agreements with any other educational, commercial, governmental or other institution;
  - (l) the development of a strong international dimension to the University's teaching, research, consultancy, development, service and other activities;
  - (m) generally the development and operation of a university providing appropriate academic and other programs, courses of study, educational products and research activity such as the Council considers necessary for the attainment of the foregoing within Victoria and elsewhere.

## 7. The Council<sup>1</sup>

---

(1) The Council is the governing authority of the University and has the direction and superintendence of the University.

(1A) The primary responsibilities of the Council include—

**S. 7(1A)  
inserted by  
No. 40/2005  
s. 58(1).**

- (a) appointing and monitoring the performance of the Vice-Chancellor as chief executive officer of the University;
- (b) approving the mission and strategic direction of the University and its annual budget and business plan;
- (c) overseeing and reviewing the management of the University and its performance;
- (d) establishing policy and procedural principles for the operation of the University consistent with legal requirements and community expectations;
- (e) approving and monitoring systems of control and accountability of the University, including those required to maintain a general overview of any entity controlled by the University in accordance with section 50AA of the Corporations Act;
- (f) overseeing and monitoring the assessment and management of risk across the University, including commercial undertakings;
- (g) overseeing and monitoring the academic activities of the University;
- (h) approving any significant commercial activities of the University.

(2) The Council shall consist of—

**S. 7(2)  
substituted by  
Nos 105/1994  
s. 19(1),  
70/1997 s. 49.**

- (a) the Chancellor;
  - (b) the Vice-Chancellor;
-

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992  
Part 2—Royal Melbourne Institute of Technology

s. 7

S. 7(2)(c)  
substituted by  
No. 40/2005  
s. 58(2).

(c) two persons elected by the board or boards established under the Statutes to be responsible for academic programs and courses of study in higher education and technical and further education in the University;

S. 7(2)(d)  
repealed by  
No. 40/2005  
s. 58(2).

\* \* \* \* \*

- (e) 3 persons elected by and from the staff of the University prescribed by the Statutes;
- (f) 2 persons elected by and from the students enrolled at the University prescribed by the Statutes;
- (g) 6 persons appointed by the Governor in Council;
- (h) one person appointed by the Minister;
- (i) 6 persons appointed by the Council.

S. 7(3)  
substituted by  
No. 70/1997  
s. 49,  
amended by  
No. 40/2005  
s. 58(3).

(3) If one of the persons elected under sub-section (2)(c) is not a professor or an associate professor, one of the members of staff elected under sub-section (2)(e) must be elected from the staff who are professors or associate professors.

S. 7(4)  
repealed by  
No. 105/1994  
s. 19(2),  
new s. 7(4)  
inserted by  
No. 70/1997  
s. 49,  
substituted by  
No. 40/2005  
s. 59(1).

- (4) The Governor in Council, the Minister and the Council must have regard to appointing members to the Council who have—
- (a) the knowledge, skills and experience required for the effective working of the Council;
  - (b) an appreciation of the values of a University relating to teaching, research, independence and academic freedom;

- 
- (c) the capacity to recognise the needs of the external community served by the University.
- (4A) Of the persons appointed under sub-sections (2)(g) and (2)(i)—
- (a) two must be persons with financial expertise with relevant qualifications and experience in financial management at a senior level;
- (b) one must be a person with commercial expertise at a senior level;
- (c) one must be a person who has substantial knowledge or experience of vocational education and training.
- (5) Members appointed under sub-section (2)(g) or (i) must not be persons who are employed as staff, or are, students at, the University.
- (6) Not more than 3 of the members appointed under sub-section (2)(g) and (i) may be persons whose normal place of residence is outside Australia.
- (7) At least 12 members of the Council must be persons who are neither enrolled as a student nor employed as a member of staff of the University.
- S. 7(4A)**  
inserted by  
No. 40/2005  
s. 59(1).
- S. 7(5)**  
repealed by  
No. 105/1994  
s. 19(2),  
new s. 7(5)  
inserted by  
No. 70/1997  
s. 49.
- S. 7(6)**  
repealed by  
No. 105/1994  
s. 19(2),  
new s. 7(6)  
inserted by  
No. 70/1997  
s. 49.
- S. 7(7)**  
repealed by  
No. 105/1994  
s. 19(2),  
new s. 7(7)  
inserted by  
No. 70/1997  
s. 49,  
substituted by  
No. 40/2005  
s. 59(2).

s. 8

S. 7(8)  
repealed by  
No. 105/1994  
s. 19(2),  
new s. 7(8)  
inserted by  
No. 40/2005  
s. 59(2).

(8) A person who is a member of the Parliament of Victoria or of the Commonwealth or of any other State or Territory of Australia must not be elected or appointed to the Council except under sub-section (2)(i).

S. 7(9)  
repealed by  
No. 105/1994  
s. 19(2),  
new s. 7(9)  
inserted by  
No. 40/2005  
s. 59(2).

(9) Elections of members of the Council are to be conducted in accordance with the requirements of this Act and the Statutes.

S. 7(10)  
repealed by  
No. 105/1994  
s. 19(2).

\* \* \* \* \*

S. 8 (Heading)  
inserted by  
No. 26/2003  
s. 32(1).

## 8. Terms and conditions of office of Council members

S. 8  
amended by  
No. 105/1994  
s. 19(3),  
substituted by  
No. 70/1997  
s. 50,  
amended by  
No. 26/2003  
s. 32(2) (ILA  
s. 39B(1)).

- (1) Subject to this Act, a member of the Council—
- (a) appointed by the Governor in Council, the Minister or the Council holds office until 31 December in the second year next following the year his or her appointment takes effect;
  - (b) elected by members of staff holds office until 31 December in the year next following the year his or her election takes effect;
  - (c) elected by enrolled students holds office until 31 December in the year that his or her election takes effect.

S. 8(1A)  
inserted by  
No. 40/2005  
s. 60.

- (1A) Despite sub-section (1)(a)—
- (a) the Governor in Council or the Council may appoint a member until 31 December in the year, or in the year following the year, the member's appointment takes effect to ensure that 2 offices of the members appointed by

- 
- the Governor in Council or the Council (as the case requires) fall vacant each year;
- (b) a member of the Council appointed in accordance with paragraph (a) holds office for the period specified in his or her instrument of appointment.
- (1B) A member elected or appointed to the Council is eligible to be re-elected or re-appointed to the Council at the end of the member's term of office, but not so as to extend his or her period in office to exceed 12 years of membership (whether consecutive or not). **S. 8(1B) inserted by No. 40/2005 s. 60.**
- (1C) Sub-section (1B) does not apply to a member elected or appointed to the Council whose membership of the Council exceeds 12 years if the Council passes a resolution that the person may continue to be a member beyond that period. **S. 8(1C) inserted by No. 40/2005 s. 60.**
- (2) An elected or appointed member of the Council, other than a member who holds a full-time office on the staff of the University, a full-time office under the Crown in any of its capacities or a full-time office in a statutory authority, at the discretion of the Council, may be paid the remuneration and fees that are fixed from time to time by the Minister for that member. **S. 8(2) inserted by No. 26/2003 s. 32(2).**
- (3) The following persons are not entitled to be paid or to receive any remuneration, fees, allowances or expenses in respect of their membership of the Council— **S. 8(3) inserted by No. 26/2003 s. 32(2).**
- (a) a member of the Federal Parliament or the Legislative Council or the Legislative Assembly;
- (b) the Chief Justice and other Justices of the High Court of Australia.
-

S. 8(4)  
inserted by  
No. 26/2003  
s. 32(2).

- (4) A member of the Council is not to be taken to hold an office of profit under the Crown that would—
- (a) prevent the member sitting or voting as a member of the Legislative Council or the Legislative Assembly; or
  - (b) make void the member's election to the Legislative Council or the Legislative Assembly; or
  - (c) prevent the member continuing to be a member of the Legislative Council or the Legislative Assembly; or
  - (d) subject the member to any liability or penalty under the **Constitution Act 1975**.

#### **9. Removal of appointed members**

- (1) A member of the Council appointed by the Governor in Council may, at any time, be removed by the Governor in Council.
- (2) A member of the Council appointed by the Minister may, at any time, be removed by the Minister.

#### **10. Vacancies arising from other appointments**

- (1) If a member of the Council becomes entitled to be a member ex officio—
  - (a) that member is deemed to hold office ex officio; and
  - (b) the vacated office of that member shall be filled in the manner prescribed for the filling of casual vacancies.

- (2) If a member of the Council—
- (a) elected by staff, ceases to be a member of staff; or
  - (b) elected by enrolled students, ceases to be an enrolled student—

that member's office becomes vacant and shall be filled in the manner prescribed for the filling of casual vacancies.

- (3) Any change in the membership, or the academic rank of the member, of the Council under section 7(2)(c) does not affect the membership of the Council by a person elected under section 7(2)(e) during the term of appointment under section 7(2)(e).

S. 10(3)  
inserted by  
No. 57/1996  
s. 21,  
substituted by  
No. 70/1997  
s. 51.

#### **11. Filling of vacancies on retirement**

The appointment or election of a person as a member of the Council to fill a vacancy caused by the retirement of a member at the end of a term of office—

- (a) except in the case of members appointed by the Council, may be made within 6 months before the date of the end of the term of office of the retiring member and takes effect at the end of that term of office; and
- (b) in the case of members appointed by the Council, must be made on or before the last scheduled meeting of the Council before the end of the term of office of the retiring member.

S. 11  
amended by  
No. 70/1997  
s. 52(1),  
substituted by  
No. 40/2005  
s. 61.



## 12. Provision in case of failure of election

If—

- (a) at an election of members of the Council—
  - (i) no vacancies are filled; or
  - (ii) a number of vacancies less than the whole number which should have been filled is filled; or
- (b) an election of members of the Council which should have been held is not held—

the vacancies which should have been filled and are not filled shall severally be deemed to be casual vacancies and the members elected in due course to fill the vacancies are entitled to continue in office as if elected at the election.

## 13. Resignation and removal from office

- (1) A member of the Council, other than the Chancellor, may resign by writing delivered to the Chancellor.
- (2) The Chancellor may resign by writing delivered to a meeting of the Council.
- (3) The office of a member of the Council becomes vacant if the member—
  - (a) is or becomes disqualified from managing corporations under Part 2D.6 of the Corporations Act; or
  - (b) has failed to attend, without the Council's prior approval, 3 consecutive ordinary meetings of the Council.
- (4) Without limiting section 9 and this section and the powers of the Governor in Council and the Minister under section 9, the Council may remove a member from office in accordance with this section.

S. 13(3)  
substituted by  
Nos 44/2001  
s. 3(Sch.  
item 100.2),  
40/2005 s. 62.

S. 13(4)  
substituted by  
No. 40/2005  
s. 62.

- 
- (5) The Council may only remove a member from office if it is of the opinion that the member has failed to comply with the responsibilities of a member of the Council. **S. 13(5) inserted by No. 40/2005 s. 62.**
- (6) The Council must not remove a member from office unless— **S. 13(6) inserted by No. 40/2005 s. 62.**
- (a) another member gives notice at an ordinary meeting of the Council of an intention to move a motion for the member to be removed from the Council and sets out in the notice the grounds for removal; and
  - (b) the member gives that notice no later than at the last ordinary meeting of the Council before the meeting at which the motion to remove the member will be put to the Council; and
  - (c) if the member to be removed is not present at the meeting at which that notice is given, the Council gives the member written notice of the intention and sets out in the notice the grounds for removal; and
  - (d) the Council gives the member to be removed an opportunity, at or before the meeting where the motion for removal is to be considered, to make submissions in writing or personally before the Council of the reasons why the member should not be removed from the Council; and
  - (e) by a majority of two-thirds of the members present at the meeting, the Council passes a resolution removing the member from office on the grounds stated in the notice given under this section.

#### 14. Casual vacancies

- (1) If the office of a member of the Council becomes vacant otherwise than by reason of the expiry of the member's term of office, a person must be appointed or elected as prescribed to fill the vacancy and to hold office, subject to this Act, for the remainder of the term.
- (2) If the vacancy occurs within three months before the expiry of a member's term of office, the office may be left vacant for the remainder of the term.
- (3) Despite section 7(2)(g), the Minister, after consultation with the Chancellor, may appoint a person to a casual vacancy in the office of a member who is required by that provision to be appointed by the Governor in Council.

S. 14(3)  
inserted by  
No. 70/1997  
s. 53.

#### 15. Chairperson of Council

At a meeting of the Council, the Chancellor, or in the absence of the Chancellor, a Deputy Chancellor, shall preside and, in the absence of the Chancellor and Deputy Chancellors, a member of the Council elected by the members present shall preside.

S. 15  
amended by  
No. 105/1994  
s. 20(4)(a)(b).

#### 16. Declaration of interests

- (1) A member of the Council who has an interest in a matter being considered or about to be considered by the Council must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest at a meeting of the Council or in writing addressed to the Chancellor.

S. 16  
(Heading)  
inserted by  
No. 40/2005  
s. 63(1).

S. 16(1)  
amended by  
No. 40/2005  
s. 63(2).

- 
- (2) If the Chancellor receives a written declaration under sub-section (1), the Chancellor must report it, or cause it to be reported, at the next meeting of the Council.
  - (3) The person presiding at a meeting at which a declaration is made under sub-section (1) or reported under sub-section (2) must cause a record of the declaration to be made in the minutes of the meeting.
  - (4) After a declaration is made under sub-section (1) by a member of the Council—
    - (a) unless the Council otherwise directs, the member must not be present during any deliberation with respect to that matter; and
    - (b) the member is not entitled to vote on the matter; and
    - (c) if the member does vote on the matter, the vote must be disallowed.

**16A. Council member's responsibilities**

S. 16A  
inserted by  
No. 26/2003  
s. 33.

- (1) A member of the Council must act in the interests of the University as a whole and is responsible to the Council for furthering the purposes of the Council and the objects of the University rather than any constituent person or body who elected or appointed the member.
- (2) A member of the Council must not make improper use of his or her position on the Council including the improper use of any information acquired in the course of his or her duties to obtain directly or indirectly any pecuniary or other advantage for himself or herself or any other person.

S. 16A(1)  
amended by  
No. 40/2005  
s. 63(3)(a).

S. 16A(2)  
amended by  
No. 40/2005  
s. 63(3)(b).

S. 16A(3)  
inserted by  
No. 40/2005  
s. 63(4).

- (3) A member of the Council, in carrying out his or her functions and duties, must—
- (a) act in good faith, honestly and for proper purposes consistent with the objects and interests of the University;
  - (b) exercise appropriate care and diligence;
  - (c) take reasonable steps to avoid all conflicts of interest unless they are disclosed in accordance with section 16.

### 17. Procedure of Council

- (1) A question arising at a meeting of the Council shall be determined by a majority of votes of members present and voting on that question, unless this Act otherwise provides.
- (2) If voting on a question at a meeting of the Council is equal, the person presiding has a casting vote as well as a deliberative vote.
- (3) A question (including a question referred to in sub-section (4)) shall not be decided at a meeting of the Council unless there are present at the meeting at least half the members of the Council then in office.
- (4) A question of appointing one or more persons as members of the Council under section 7(2)(i), shall not be decided unless at least half the members present are members who hold office under section 7(2)(a), (g), (h) or (i).
- (5) The Council must meet at least 6 times in each year.
- (6) Subject to this Act and the Statutes and regulations, the Council may regulate its own proceedings.

S. 17(4)  
amended by  
No. 70/1997  
s. 52(2)(a)(b).

**17A. Resolutions without meetings of the Council**

S. 17A  
inserted by  
No. 70/1995  
s. 69.

- (1) If a majority of the members for the time being of the Council sign a document circulated by, or on behalf of, the Chancellor containing a statement that those members are in favour of a resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the Council held on the day on which the document is signed or, if the members do not sign it on the same day, on the day on which the last member to sign signs the document.
- (2) If a resolution is, under sub-section (1), taken to have been passed at a meeting of the Council, each member must be advised as soon as practicable and given a copy of the terms of the resolution.
- (3) For the purposes of sub-section (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more members, shall be taken to constitute one document.
- (4) In this section, "**member**", in relation to a resolution, does not include a member who, by reason of section 16, is not permitted to vote on the resolution.

**17B. Approved methods of communication for Council meetings**

S. 17B  
inserted by  
No. 70/1995  
s. 69.

- (1) If not less than two thirds of the members of the Council for the time being holding office so agree, a meeting of the Council may be held by means of a method of communication, or by means of a combination of methods of communication, approved by the Chancellor for the purposes of that meeting.

- 
- (2) For the purposes of this Part, a member of the Council who participates in a meeting held as permitted by sub-section (1) is present at the meeting even if he or she is not physically present at the same place as another member participating in the meeting.
- (3) In this section, "**meeting**" includes a part of a meeting.

### **18. Committees**

- (1) The Council, by resolution, may constitute and appoint such committees as it thinks fit.
- (2) A committee appointed by the Council must report to the Council on its activities at such times and in such manner as the Council directs.

### **19. Delegation**

The Council may delegate all or any of its powers, authorities, duties and functions, other than—

- (a) the power to make Statutes; and
- (b) the powers under section 26; and
- (c) this power of delegation—

to a committee appointed by it, a member of the Council, the Academic Board, the Board of Technical Studies or a prescribed officer of the University.

### **20. Validity of decisions**

An act or decision of the Council is not invalid—

- (a) by reason only of a defect or irregularity in, or in connection with, the appointment or election of a member; or
- (b) by reason only of a vacancy in its membership, including a vacancy arising out of the failure to appoint or elect an original member; or

- (c) by reason only of a defect or irregularity in, or in connection with, the election of a person to preside at a meeting.

## 21. Indemnities

The University must indemnify and keep indemnified each member of the Council and any member of a Committee constituted by resolution of the Council or by or under a Statute or regulation against all actions or claims (whether arising during or after the term of office of that member) in respect of any act or thing done or omitted to be done in good faith in the exercise or purported exercise of any powers or duty conferred or imposed upon the Council or Committee or upon any member or members of the Council by or under this Act.

## 22. Chancellor and Deputy Chancellors

- (1) The Council must elect or appoint as prescribed a person to be the Chancellor of the University. S. 22(1)  
amended by  
No. 40/2005  
s. 64(a).
- (2) A member of staff or an enrolled student is not eligible to be, or to continue to be, Chancellor.
- (3) The Chancellor holds office for the prescribed term or until ceasing to be a member of the Council, whichever first occurs, on such conditions as the Council determines and may be re-elected or re-appointed. S. 22(3)  
amended by  
No. 40/2005  
s. 64(b).
- (4) The Council must elect or appoint, as prescribed, one or more persons to be Deputy Chancellors of the University from among the members of the Council. S. 22(4)  
amended by  
Nos 105/1994  
s. 20(1),  
40/2005  
s. 64(a).



S. 22(4A)  
inserted by  
No. 105/1994  
s. 20(2).

S. 22(5)  
amended by  
Nos 105/1994  
s. 20(3),  
40/2005  
s. 64(b).

S. 22(6)  
amended by  
No. 105/1994  
s. 20(3).

- (4A) A member of staff or an enrolled student is not eligible to be, or to continue to be, a Deputy Chancellor.
- (5) A Deputy Chancellor holds office for such term and subject to such conditions as are prescribed and, if an eligible member of the Council, may be re-elected or re-appointed.
- (6) In the absence of the Chancellor, or during any vacancy in the office of Chancellor or during the inability of the Chancellor to act, a Deputy Chancellor shall act as Chancellor and has all the powers and duties of the Chancellor.
- (7) This section is subject to section 46.

### **23. Vice-Chancellor**

- (1) The Council must appoint a person to be the Vice-Chancellor of the University.
- (2) The Vice-Chancellor holds office, unless he or she sooner resigns, retires or otherwise ceases to hold office, for such term and on such conditions as the Council determines and may be re-appointed.
- (3) Subject to this Act, the Vice-Chancellor is the chief executive officer of the University and has such powers and duties as prescribed.
- (4) Unless the Statutes otherwise prescribe, the Vice-Chancellor may delegate any of the powers and duties of the Vice-Chancellor, other than this power of delegation, to any person or body of persons.

#### **24. Acting Vice-Chancellor**

- (1) The Council may appoint a person (whether or not a member of the Council) to act as Vice-Chancellor.
- (2) The Acting Vice-Chancellor shall act as Vice-Chancellor during any vacancy in the office of Vice-Chancellor or during the absence or inability of the Vice-Chancellor to act and while so acting, has all the powers and duties of the Vice-Chancellor and, if not otherwise a member of the Council, is such a member.
- (3) If the Acting Vice-Chancellor is a member of the Council, otherwise than by reason of this section, and a vacancy in the office of Vice-Chancellor, or the absence or inability to act of the Vice-Chancellor, is likely to continue for at least three months—
  - (a) the Council may determine that the office of the member has become vacant; and
  - (b) if the Council so determines, a person must be appointed or elected as prescribed to fill the vacancy and to hold office, subject to this Act, for the period during which the member is acting as Vice-Chancellor.

#### **25. Staff**

- (1) Subject to this Act and the Statutes and regulations, the Council may, on such terms and conditions as it determines, employ persons in teaching or other positions in the University.
- (2) The Council may terminate the employment of any member of staff employed by it.

S. 25(2)  
substituted by  
No. 40/2005  
s. 65(1).

S. 25(4)  
inserted by  
No. 14/1993  
s. 15,  
amended by  
Nos 40/2005  
s. 65(2)(a)(b),  
24/2006  
s. 6.1.2(Sch. 7  
item 34(a)).

S. 25(4)(a)  
amended by  
No. 40/2005  
s. 65(2)(a).

S. 25(4)(b)  
amended by  
No. 40/2005  
s. 65(2)(a).

S. 25(4)(c)  
amended by  
No. 24/2006  
s. 6.1.2(Sch. 7  
item 34(b)).

S. 25(4)(d)  
amended by  
Nos 40/2005  
s. 65(2)(a),  
24/2006  
s. 6.1.2(Sch. 7  
item 34(c)).

- (3) The Council may enter into arrangements with any person, agency or body for the engagement of persons as teaching or other staff in the University.
- (4) Sections 3.1.23 to 3.1.25 and Schedule 6 to the **Education and Training Reform Act 2006** apply to the director of any division of the University responsible for Technical and Further Education (however described) and to any other staff employed by the Council in that division as if any reference in those provisions—
- (a) to a council were a reference to the Council in its capacity as the governing authority of any division of the University responsible for Technical and Further Education;
  - (b) to a college director were a reference to the director of any division of the University responsible for Technical and Further Education (however described);
  - (c) to persons employed under section 3.1.23 of that Act were a reference to persons employed under this section;
  - (d) to persons employed under section 3.1.23(1)(b) of that Act were a reference to persons (other than the director) employed under this section in any division of the University responsible for Technical and Further Education.

## 26. Awards of the University

- (1) Subject to the Statutes and regulations, the Council may, after appropriate assessment, confer any degree or grant any diploma, certificate or other award.

- 
- (2) The Statutes may provide—
- (a) for the admission without examination to any degree, diploma, certificate or other award of any person who has graduated at any other University, at RMIT Institute, at Phillip or at a prescribed institution; and
  - (b) for the admission honoris causa to any degree, diploma, certificate or other award of any person whether or not the person has graduated at a University.
- (3) The persons on whom degrees are conferred, or diplomas, certificates or other awards granted, under sub-section (2) are entitled to the same rights and privileges as those to which persons who have graduated after appropriate assessment in the University are entitled.
- (4) All degrees conferred, and diplomas granted, by the University must be evidenced by a certificate given under the common seal of the University.
- (5) If the Statutes so provide, the Council may, in prescribed circumstances and in the manner prescribed, revoke any degree, diploma, certificate or other award conferred or granted by the University or by RMIT Institute or by Phillip, whether before or after the commencement of section 72(1) of the **University Acts (Further Amendment) Act 1995**.

S. 26(2)(b)  
amended by  
No. 74/2000  
s. 3(Sch. 1  
item 111.1).

S. 26(5)  
amended by  
No. 70/1995  
s. 72(1).

Pt 3  
(Heading and  
ss 27–30)  
amended by  
No. 70/1995  
s. 70,  
substituted as  
Pt 3  
(Heading and  
ss 27–29) by  
No. 40/2005  
s. 66.

S. 27  
substituted by  
No. 40/2005  
s. 66.

S. 28  
substituted by  
No. 40/2005  
s. 66.

S. 29  
substituted by  
No. 40/2005  
s. 66.

## **PART 3—DIVISIONS, FACULTIES AND BOARDS**

### **27. Divisions and faculties, schools and units**

- (1) There shall be a Division or Divisions of the University providing for technical and further education and higher education as prescribed by the Statutes.
- (2) There shall be such faculties, schools or other academic units within a Division as are prescribed by the Statutes.
- (3) The composition, constitution, powers and duties of a faculty, school or other academic unit in a Division are as prescribed.

### **28. Statutes may prescribe other faculties etc.**

- (1) In addition to the requirements of section 27, there shall be such faculties, schools or other academic units within the University as are prescribed.
- (2) The composition, constitution, powers and duties of a faculty, school or other academic unit are as prescribed.
- (3) The Council shall appoint a head of each faculty, school or other academic unit.
- (4) The head of a faculty, school or other academic unit has such powers and duties as the Council determines.

### **29. Boards**

- (1) The Statutes must provide for a board or boards to be responsible for academic programs and courses of study in higher education and technical and further education for the purposes of academic oversight of prescribed academic programs and courses of study of higher education and technical and further education, including the provision of advice to the Council on the conduct and content of prescribed academic programs and courses of study of higher education and technical and further education and the awarding of degrees and diplomas, certificates and other awards.
  - (2) A board is to consist of the prescribed number of members each of whom is elected or appointed as prescribed by the Statutes.
  - (3) A board—
    - (a) may discuss and submit to the Council an opinion on any matter relating to prescribed programs of the University and, in particular, may make to the Council any recommendations that it thinks proper with respect to planning and funding of education activities, instruction, studies, discipline, examinations, assessments, research, degrees, diplomas, certificates and other awards in those programs of the University; and
    - (b) must report to the Council on all matters submitted to it by the Council for report; and
    - (c) has such other powers and duties as are conferred or imposed upon it by this Act or by the Statutes or regulations; and
    - (d) subject to this Act and, except as otherwise prescribed by the Statutes and regulations, may regulate its own proceedings.
-

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992

**s. 30**

**S. 30**  
repealed by  
No. 40/2005  
s. 66.

---

\* \* \* \* \*

**Pt 4 (Heading  
and ss 31, 32)**  
amended by  
Nos 105/1994  
s. 21(1),  
70/1995 s. 71,  
repealed by  
No. 40/2005  
s. 66.

---

\* \* \* \* \*

---

---

**PART 5—STATUTES AND REGULATIONS**

**33. Power of Council to make Statutes**

(1) Subject to this Act, the Council may make Statutes for or with respect to all matters relating to the organization, management and good government of the University and in particular, without affecting the generality of the foregoing, for or with respect to—

- (a) the organization of the University;
- (b) the organization of the services which are needed for the proper conduct of the University;
- (c) staff;
- (d) enrolled students;
- (e) the qualifications for entry to the University and the selection and enrolment of students;
- (f) the discipline of the University;
- (g) the imposition of fines for, or determining compensation payable for damage arising from, breaches of the discipline of the University;
- (h) the examinations or assessments for fellowships, scholarships, prizes, exhibitions, degrees, certificates or other awards, diplomas, and the granting of degrees, including degrees ad eundem statum or honoris causa and the granting of diplomas, certificates or other awards;
- (i) the recognition, in lieu of, or for the purpose of, any examination or course of study, of prior learning, including but not limited to any course of study completed or examination passed in any educational institution;

S. 33(1)(h)  
amended by  
No. 74/2000  
s. 3(Sch. 1  
item 111.2).

S. 33(1)(i)  
amended by  
No. 70/1995  
s. 72(2).



**s. 33**

**S. 33(1)(ka)**  
inserted by  
No. 40/2005  
s. 67.

**S. 33(1)(m)**  
substituted by  
No. 70/1995  
s. 72(3).

**S. 33(1)(ma)**  
inserted by  
No. 62/1994  
s. 24.

- (j) fees or other charges for enrolment and for any examination, assessment, degree or diploma or any certificate;
- (k) fees or other charges to be charged for classes and for the use of any facilities of the University;
- (ka) elections conducted by or on behalf of the Council including voting by post, electronic voting and preferential voting;
- (l) the manner and time of convening of meetings of the Council;
- (m) the affiliation with the University of any educational, commercial, cultural, sporting or other institution, organisation or body if—
  - (i) the affiliation would assist in attaining any of the objects of the University; and
  - (ii) the governing body of the institution, organisation or body has consented to the affiliation;
- (ma) the merger with the University of any TAFE college and the making of any savings and transitional provisions consequent on the merger;
- (n) scholarships, bursaries or prizes provided by the University or otherwise;
- (o) the provision by the Council of accommodation for students and the management and control of any such accommodation;
- (p) the arrangement of accommodation for staff and students including the erection or

- 
- financing of buildings owned by the University or any other person or body;
- (q) the exercising by agreement with the owner or governing body of any hostel, hall or other accommodation not established by the Council of powers of control and management of and in relation to that hostel, hall or other accommodation;
  - (r) provisions for superannuation, whether by establishing a fund or joining a fund controlled by others;
  - (s) property, buildings and traffic;
  - (t) intellectual property;
  - (u) academic dress;
  - (v) endowments;
  - (w) organizations, amenities and services;
  - (x) generally prescribing or providing for any matter or thing authorised or directed to be prescribed or provided for the purposes of this Act.
- (2) The Council may, by a later Statute, revoke or amend any Statute.
- (3) Any Statute made by the Council may provide for—
- (a) the making of regulations, either by the Council or, if the Statutes so authorise, by the Vice-Chancellor for or with respect to prescribing or providing for any matter or thing for the purpose of the Statute;
  - (b) the manner of promulgation of any such regulation;
-

S. 33(4)(c)  
amended by  
No. 70/1997  
s. 54.

S. 33(5)  
amended by  
No. 70/1997  
s. 54.

- (c) the revocation or amendment of any such regulation.
- (4) A Statute made by the Council under this Act—
  - (a) must be in writing; and
  - (b) must have the common seal of the University affixed; and
  - (c) must be submitted to the Minister for approval.
- (5) A Statute comes into operation on the day on which the Minister approves it or, if a later day is specified in the Statute, from that later day.
- (6) The production of a verified copy of a Statute under the common seal of the University is sufficient evidence of its making and authenticity in all courts and before all persons acting judicially.
- (7) A regulation made under a Statute comes into operation on the day on which it is promulgated in accordance with the Statute under which it is made or, if a later day is specified in the regulation, from that later day.
- (8) The production of a verified copy of a regulation under the common seal of the University is sufficient evidence of its making and authenticity in all courts and before all persons acting judicially.

---

#### **34. Statutes and regulations affecting courses of study**

---

- (1) Before a Statute or regulation concerning a degree or diploma, or any matter affecting programs or courses of study in higher education or technical and further education, is made, amended or revoked by the Council, the Council must submit the proposal to a board established under the Statutes to be responsible for those programs or courses of study, as appropriate, for its report. **S. 34(1) amended by No. 40/2005 s. 68(1)(a)(b).**
- (2) If the Council declares a proposed Statute or regulation to which sub-section (1) applies to be urgent, the Council may make the Statute or regulation without complying with sub-section (1).
- (3) A Statute or regulation made under sub-section (2) ceases to have effect at the expiration of 6 months after it is made, unless it sooner expires or is revoked.
- (4) If a board does not report to the Council within 2 months (or such longer or shorter period as the Council determines in any particular case) after submission of a proposed Statute or regulation to the board, the Council may make, amend or revoke the Statute or regulation without the report. **S. 34(4) amended by No. 40/2005 s. 68(2).**
- (5) If a proposal adopts without alteration or without substantial alteration a recommendation or report of the board that the proposal was submitted to, the Council is not required to submit the proposal to the board again for a further report. **S. 34(5) inserted by No. 40/2005 s. 68(3).**
- \* \* \* \* \*
- S. 35 repealed by No. 70/1995 s. 72(4).**
-

**PART 6—PROPERTY AND FINANCIAL**

**36. Application of funds of the University**

(1) All fees and all other money received by or on behalf of the University under this Act or otherwise must be applied by the Council solely for the objects or purposes of the University and, if received for particular purposes of the University, must be applied solely for those purposes.

(2) Subject to this Act, the Council may—

S. 36(2)  
amended by  
Nos 105/1994  
s. 22(1)(a)(b)  
(as amended  
by No.  
70/1995  
s. 75(a)),  
70/1997  
s. 55.

(aaa) borrow money at interest by way of mortgage, overdraft with an authorised deposit-taking institution within the meaning of the Banking Act 1959 of the Commonwealth or otherwise; or

S. 36(2)(aaa)  
amended by  
No. 11/2001  
s. 3(Sch.  
item 65).

(aa) without limiting paragraph (aaa), obtain financial accommodation within the meaning of section 3 of the **Borrowing and Investment Powers Act 1987**—

S. 36(2)(aa)  
inserted by  
No. 105/1994  
s. 22(1)(b) (as  
amended by  
No. 70/1995  
s. 75(b)).

for—

(a) the purpose of carrying out or performing any of its powers, authorities, duties and functions; and

S. 36(2)(a)  
amended by  
No. 105/1994  
s. 22(1)(d).

(b) the repayment or partial repayment of any sum previously borrowed or financial accommodation previously obtained—

S. 36(2)(b)  
amended by  
No. 105/1994  
s. 22(1)(c)(d).

within such limits and upon such conditions as to security and otherwise as the Treasurer, from time to time, approves after consultation with the Minister.

(2A) The Council may, with the approval of the Minister and the Treasurer, enter into and perform financial arrangements within the meaning of section 3 of the **Borrowing and Investment Powers Act 1987** within the limits and upon the conditions that the Minister and the Treasurer may, from time to time, determine.

S. 36(2A)  
inserted by  
No. 105/1994  
s. 22(2).

(3) Money of the University may be invested by the Council from time to time in any manner in which money may be invested under the **Trustee Act 1958** which is authorised by the Council or in any other manner of investment authorised by the Council.

S. 36(3)  
amended by  
No. 104/1995  
s. 6(Sch. 1  
item 23).

### **37. Acquisition of land for or in connection with the University**

(1) The Minister, after consultation with the Council, may, by agreement or compulsorily, acquire any land for the purposes of or in connection with the University.

(2) The **Land Acquisition and Compensation Act 1986** applies to this Act and for that purpose—

- (a) this Act is the special Act; and
- (b) the Minister is the Authority.

- 
- (3) Any unalienated Crown land, despite anything to the contrary in the **Land Act 1958**—
- (a) may be granted in fee simple to the University or to any college, institution or body affiliated or connected with the University for such consideration (if any) and subject to such conditions, limitations and restrictions as the Governor in Council determines; or
  - (b) may be reserved under the **Crown Land (Reserves) Act 1978** either permanently or temporarily as a site for the purposes of the University or any such institution.
- (4) Any land acquired by agreement under this Act by the Minister must be conveyed or transferred to the Crown and, despite anything to the contrary in any Act, may be dealt with as unalienated Crown land.
- (5) Any land acquired compulsorily under this Act by the Minister—
- (a) vests in the Crown under section 24 of the **Land Acquisition and Compensation Act 1986**, despite anything to the contrary in that section; and
  - (b) despite anything to the contrary in any Act, may be dealt with as unalienated Crown land.
- (6) The Council must not, without the prior approval or the Minister, alienate (whether in fee simple or for a lesser estate or interest other than a leasehold interest not exceeding 21 years and whether totally or partially or subject to conditions) any land granted in fee simple under sub-section (3)(a).

S. 37(6)  
inserted by  
No. 70/1997  
s. 56.

- 
- (7) The Council must not, without the prior approval of the Minister—
- (a) alienate any interest in fee simple in any land owned by the University, other than land referred to in sub-section (3)(a), if the sum of the consideration for the transfer or conveyance of that interest exceeds \$3 000 000 or any other amount that the Minister fixes by instrument published in the Government Gazette; or
- (b) grant a lease for a term exceeding 21 years of any land owned by the University other than land referred to in sub-section (3)(a).
- (8) Sub-sections (6) and (7) have effect despite any Act or law to the contrary, including any rule of common law.
- S. 37(7) inserted by No. 70/1997 s. 56.
- S. 37(7)(a) amended by No. 40/2005 s. 69(a).
- S. 37(7)(b) amended by No. 40/2005 s. 69(b).
- S. 37(8) inserted by No. 70/1997 s. 56.

**38. Creation and administration of trust and other funds**

- (1) The University—
- (a) may acquire property by gift, grant, bequest or devise; and
- (b) may agree to and carry out any conditions of any such gift, grant, bequest or devise.
- (2) Subject to this Act, the Council may create and administer any trust fund or funds for any other purpose whatsoever.
- (3) The Council may establish one or more investment common funds for the collective investment of any trust and other funds held by or in the custody of the University.



- 
- (4) The Council, from time to time without liability for breach of trust, may bring into or withdraw from any investment common fund the whole or any part of any trust fund or other fund, despite any direction to the contrary, whether express or implied, contained in the trust instrument.
- (5) The Council must not bring into any investment common fund the whole or any part of any trust fund if—

S. 38(5)(a)  
repealed by  
No. 70/1995  
s. 73.

\* \* \* \* \*

- (b) any of the securities in which the capital of the investment common fund is invested are securities in which the trust fund is not authorised to be invested.
- (6) Subject to sub-section (7), the Council must periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation by each fund in the common fund during the relevant accounting period.
- (7) The Council, if it considers it expedient so to do, may from time to time add some portion of the income of a common fund to the capital of the common fund or use some part of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.
- (8) The Council may, out of the annual income of a trust fund in an investment common fund, periodically deduct an amount not exceeding 5% of the annual income of that trust fund as commission for the administration of that trust fund.

S. 38(8)  
inserted by  
No. 26/2003  
s. 34.

- (9) The commission deducted in accordance with sub-section (8) is to be received and accepted by the University as full payment to it for the costs of administration of the trust fund. **S. 38(9) inserted by No. 26/2003 s. 34.**
- (10) The University must not make any other charges on the trust fund in addition to the commission received under sub-section (9), except in accordance with the trust deed. **S. 38(10) inserted by No. 26/2003 s. 34.**

### **39. Formation and membership of companies**

- (1) If, in the opinion of the Council, it is in the interests of the management or conduct of the affairs or concerns of the University, the University may form or participate in the formation of a limited company the objects or activities of which are objects or activities incidental or conducive to the attainment of any of the objects of the University. **S. 39(1) amended by Nos 105/1994 s. 23(1), 70/1995 s. 74(1), 40/2005 s. 70(a).**
- (2) Without limiting the generality of sub-section (1), the University may, if in the opinion of the Council, it is in the interests of the management or conduct of the affairs or concerns of the University to do so, form or participate in the formation of a limited company the objects or activities of which include one or more of the following objects or activities: **S. 39(2) amended by Nos 105/1994 s. 23(2), 70/1995 s. 74(2), 40/2005 s. 70(b).**
- (a) Providing facilities for study and education;
  - (b) Undertaking research, development, consultancy and other services for industrial or commercial organizations, public bodies or individuals;
  - (c) Aiding and engaging in the development, promotion and use of the results of university research;

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992  
Part 6—Property and Financial

**s. 39**

- (d) Preparing, publishing or distributing literary or artistic work, audio or audio-visual material or computer software;
- (e) Seeking or encouraging gifts to the University or its students;
- (f) Promoting or assisting drama, music or the visual arts.

**S. 39(3)**  
amended by  
Nos 105/1994  
s. 23(2),  
70/1995  
s. 74(2),  
40/2005  
s. 70(c).

- (3) In addition to the powers of the University under sections 36 and 38, the University may, if in the opinion of the Council, it is in the interests of the management or conduct of the affairs or concerns of the University to do so, be a member of a limited company the objects or activities of which are incidental or conducive to the attainment of any of the objects of the University.

- (4) The University must not form, participate in the formation of or be a member of, a limited company (other than under the powers of the University under sections 36 and 38) unless—

**S. 39(4)(a)**  
amended by  
No. 40/2005  
s. 70(c).

- (a) the objects or activities of the limited company are incidental or conducive to the attainment of any of the objects of the University; and

**S. 39(4)(b)**  
amended by  
No. 44/2001  
s. 3(Sch.  
item 100.3(a)).

- (b) the constitution of the limited company provide that—

**S. 39(4)(b)(i)**  
amended by  
No. 44/2001  
s. 3(Sch.  
item 100.3(a)).

- (i) the company must not alter the constitution of the limited company unless the Council has by resolution authorised the alteration; and

- (ii) the company must, where its total annual income exceeds, or may reasonably be expected to exceed, \$100 000, cause a report by a registered company auditor on the accounts of the company to be made every twelve months and to be submitted to the Council within three months after the end of each twelve month period to which the report relates.

(5) Where—

- (a) the University forms, participates in the formation of or is a member of, a limited company (other than under the powers of the University under sections 36 and 38) the objects or activities of which are incidental or conducive to the attainment of any of the objects of the University; and
- (b) the University has a controlling interest in that company—

S. 39(5)(a)  
amended by  
No. 40/2005  
s. 70(c).

the University—

- (ba) must notify the Minister, within 30 days after the formation, participation or membership, of the name of the company and the reasons the Council decided that the formation, participation or membership was in the interests of the management or conduct of the affairs or concerns of the University; and
- (c) must include in its annual report a copy of the accounts of the limited company in respect of the financial year ending during the period to which the University's annual report relates; and

S. 39(5)(ba)  
inserted by  
No. 105/1994  
s. 23(3),  
amended by  
No. 70/1995  
s. 74(3).

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992  
Part 6—Property and Financial

**s. 39**

S. 39(5)(d)  
amended by  
Nos 70/1995  
s. 74(4),  
44/2001  
s. 3(Sch.  
item 100.3(b)).

(d) within 14 days of lodging any report, statement or return in respect of the limited company with the Australian Securities and Investments Commission under the Corporations Act, must submit a copy of the report, statement or return to the Treasurer.

S. 39(6)  
substituted by  
No. 44/2001  
s. 3(Sch.  
item 100.4).

(6) For the purposes of sub-section (5), the University has a controlling interest in a company if the University would have a substantial holding in the company as defined in section 9 of the Corporations Act if the reference to 5% in paragraph (a) of the definition of "substantial holding" in that section were replaced by a reference to 50%.

S. 39(7)  
repealed by  
No. 44/2001  
s. 3(Sch.  
item 100.4).

\* \* \* \* \*

S. 39(8)  
amended by  
Nos 93/1997  
s. 28(Sch.  
item 27.1(a)),  
53/1999  
s. 26(Sch.  
item 20(a)).

(8) Where the University forms, participates in the formation of or is a member of, a limited company to which sub-section (5) applies, the accounts of the limited company must be audited annually by the Auditor-General.

S. 39(9)  
amended by  
No. 44/2001  
s. 3(Sch.  
item 100.5).

(9) The requirements of sub-section (8) are in addition to the requirements of the Corporations Act.

(10) The University must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of an audit under this section.

(11) The following provisions apply to the annual audit under sub-section (8):

- (a) The Auditor-General and any person assisting the Auditor-General has with respect to the accounts of the limited company all the powers conferred on the Auditor-General by any law relating to the auditing of public accounts;
- (b) The limited company must within three months after 31 December in each year cause its accounts to be balanced to that date and a statement of accounts to be prepared and submitted to the Auditor-General;
- (c) The statement of accounts must be prepared in the manner and in the form approved by the Treasurer and must present fairly the financial transactions of the limited company during the year and the financial position of the limited company at the end of the year;
- (d) The Auditor-General must forward to the Treasurer a copy of the audited annual accounts.

S. 39(11)(a) amended by Nos 93/1997 s. 28(Sch. item 27.1(b)), 53/1999 s. 26(Sch. item 20(b)).

(12) Without limiting the generality of sub-section (11)(a), the Auditor-General and any person assisting the Auditor-General—

- (a) has right of access at all times to the books, securities, accounts and vouchers of the limited company; and
- (b) may require from an officer or employee of the limited company any information, assistance and explanations necessary for the performance of the duties of the Auditor-General or person in relation to the audit.

S. 39(12) substituted by No. 93/1997 s. 28(Sch. item 27.2), amended by No. 53/1999 s. 26(Sch. item 20(b)).

S. 39(14)  
amended by  
Nos 105/1994  
s. 23(4)(a)(b),  
70/1995  
s. 74(5),  
40/2005  
s. 70(d).

- (13) Sub-sections (8), (10) and (12) do not apply to a limited company of which the University has ceased to be a member before the last preceding annual audit.
- (14) If, in the opinion of the Council, it is in the interests of the management or conduct of the affairs or concerns of the University to do so, the University may—
- (a) be a member of a corporation, other than a limited company, or an association or partnership;
  - (b) form, or participate in the formation of, a corporation, other than a limited company, or an association or partnership; or
  - (c) enter into a joint venture with another person or persons—  
the objects, activities or purposes of which include one or more of the following objects, activities or purposes—
    - (d) providing facilities or services for study, research or education;
    - (e) undertaking research, development, consultancy or other services for commercial organisations, public bodies or individuals;
    - (f) aiding or engaging in the development or promotion of university research or the application or use of the results of such research;
    - (g) preparing, publishing, distributing or licensing the use of literary or artistic work, audio or audio-visual material or computer software;

- (h) seeking or encouraging gifts to the University or for University purposes;
- (i) promoting or assisting drama, music, or the visual arts.

(14A) If the University does any of the things referred to in sub-section (14)(a), (b) or (c), the University must, within 30 days after doing so, notify the Minister of the name or description of the corporation, association, partnership or joint venture and the reasons why the Council decided the membership, formation or participation or entry into the joint venture was in the interests of the management or conduct of the affairs or concerns of the University.

S. 39(14A) inserted by No. 105/1994 s. 23(5), amended by No. 70/1995 s. 74(6).

(15) In this section "**limited company**" means a limited company within the meaning of the Corporations Act that is taken to be registered in Victoria.

S. 39(15) substituted by No. 44/2001 s. 3(Sch. item 100.6).

#### 40. Audit of corporations

(1) If the University—

- (a) forms, participates in the formation of, or is a member of, a corporation under section 39(14) that is not incorporated or taken to be incorporated under the Corporations Act; and
- (b) has a substantial holding in the corporation as defined in section 9 of the Corporations Act with the modification that the reference to 5% in paragraph (a) of the definition of "substantial holding" in that section is to be read as 50%—

S. 40 repealed by No. 31/1994 s. 4(Sch. 2 item 74), new s. 40 inserted by No. 26/2003 s. 35.

the accounts of the corporation shall be audited annually by the Auditor-General.



- 
- (2) The following provisions apply to the annual audit under sub-section (1)—
- (a) the Auditor-General and any person assisting the Auditor-General has with respect to the accounts of the corporation all the powers conferred on the Auditor-General by any law relating to the auditing of public accounts;
  - (b) the corporation must within 3 months after 31 December in every year cause its accounts to be balanced to that date and a statement of accounts to be prepared and submitted to the Auditor-General;
  - (c) the statement of accounts shall be prepared in the manner and in the form approved by the Treasurer and shall present fairly the financial transactions of the corporation during the year and the financial position of the corporation at the end of the year;
  - (d) the Auditor-General must forward to the Treasurer a copy of the audited annual accounts.
- (3) Without limiting the generality of sub-section (2)(a), the Auditor-General and any person assisting the Auditor-General—
- (a) has right of access at all times to the books, securities, accounts and vouchers of the corporation; and
  - (b) may require from an officer or employee of the corporation or the Council or the University any information, assistance and explanations necessary for the performance of the duties of the Auditor-General or person in relation to the audit.
-

- 
- (4) The University must pay to the Consolidated Fund an amount to be determined by the Auditor-General to defray the costs and expenses of an audit under this section.
- (5) This section does not apply to a corporation of which the University has ceased to be a member before the last preceding annual audit.
- (6) The Auditor-General is not required to audit the accounts of a corporation incorporated or formed in a place outside Australia under this section if—
- (a) under the law applying to that corporation in that place, the Auditor-General cannot be appointed as auditor of the corporation; or
  - (b) in the Auditor-General's opinion, it is impracticable or unreasonable for the Auditor-General to audit, or be required to audit, the accounts.

\* \* \* \* \*

**Ss 41–42  
repealed by  
No. 31/1994  
s. 4(Sch. 2  
item 74).**

---

**PART 7—GENERAL**

**43. Visitor**

S. 43  
substituted by  
No. 57/1996  
s. 22.

(1) The person who holds the office of Governor of the State is the Visitor of the University and as Visitor has power to do anything necessary to carry out the duties and functions of the Visitor.

S. 43(1A)  
inserted by  
No. 26/2003  
s. 36.

(1A) The Visitor has ceremonial functions only and has no powers, duties or functions with respect to the resolution of disputes or any other matter concerning the affairs of the University (other than a matter involving the exercise of ceremonial functions only).

(2) The Visitor may authorise a person to act as Visitor in his or her place—

(a) in relation to any particular matter concerning the affairs of the University; or

(b) during any period when the Visitor is absent or unable to act.

(3) The person who is authorised to act as Visitor under sub-section (2) has all the powers, duties and functions of the Visitor to the extent, or for the period of, the authorisation under that sub-section.

**44. Elections**

(1) Subject to this Act, elections for the purposes of this Act must be conducted in the prescribed manner.

(2) The Statutes may provide for the method of any election under this Act and for the determination of questions raised in relation to the conduct or result of any such election.

---

**45. Fines and payment of compensation**

- (1) A fine imposed upon or compensation payable by a member of the staff of the University or a student under a Statute or regulation is a civil debt recoverable summarily by the University in a court of competent jurisdiction.
  - (2) A certificate in writing signed by the Vice-Chancellor or a person appointed by the Vice-Chancellor for the purpose as to the amount of a fine imposed upon or compensation payable by a member of the staff of the University or a student under a Statute or regulation and giving particulars of the date of, and reasons for the imposition or demand of, the fine or compensation, is evidence of the matters stated in the certificate.
-

---

**PART 8—TRANSITIONAL PROVISIONS**

**46. First Chancellor**

- (1) Subject to sections 22(2) and (3), the first Chancellor of the University is the person who, immediately before the commencement of this section, was the Chancellor of the RMIT Institute.
- (2) The first Chancellor shall be taken to have been appointed for the balance of the term of appointment as Chancellor of the RMIT Institute and on conditions of appointment corresponding to those of that appointment.

**47. Transitional provisions for members of Council**

- (1) Until the Statutes otherwise prescribe—
    - (a) the number of members elected under section 7(2)(e)(i) shall be 2;
    - (b) the number of members elected under section 7(2)(e)(iii) shall be 3;
    - (c) the number of members elected under section 7(2)(f) shall be 2;
    - (d) the number of members elected under section 7(2)(i) shall be 8;
    - (e) the number of members elected under section 7(2)(k) shall be 9.
  - (2) On the appointed day, a person who, immediately before that day, was a member of the RMIT council elected by staff or students or appointed by the academic board, the board of technical studies, the Governor in Council, the Minister or the RMIT council becomes a member of the first Council of the University and is to be taken to have been elected or appointed under this Act for a term expiring when the term for which the person was appointed or elected to the RMIT council would have expired, but for this Act.
-

- 
- (3) The Council must determine the respective positions under section 7(2) that are to be taken to be filled by persons holding office by reason of sub-section (2).

**48. Determining period of office of certain members**

- (1) This section applies to a member of the Council appointed under section 7(2)(i) or (k), who, immediately before the commencement of this section, was a member of the RMIT council.
- (2) For the purposes of determining, under section 7(6), the period for which the member has been a member of the Council appointed under section 7(2)(i) or (k), the period of the member's last membership of the RMIT council shall be included as part of the period of consecutive membership.

**49. Students of RMIT Institute or Phillip**

- (1) On and after the appointed day, a person who is an enrolled student of RMIT Institute or Phillip is an enrolled student of the University.
- (2) The Statutes or Regulations may authorise the Council, at the request of a person who is or has been an enrolled student of the University under sub-section (1) having been an enrolled student of Phillip, to confer on the student, 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 "Phillip Institute of Technology".
- (3) The powers of the Council of the University extend to the conferring of any degree, diploma, certificate or other award on a person who is an enrolled student of the University by virtue of sub-section (1) that RMIT Institute or Phillip might have conferred on the person if this Act had not been enacted.

- (4) A person who holds a degree, diploma, certificate or other award of RMIT Institute or Phillip is entitled on and from the date of commencement of this section to the same benefits and privileges as are enjoyed by a person holding an award of the University, as if the award of the RMIT Institute or Phillip were an award of the University.

S. 50  
amended by  
No. 74/2000  
s. 3(Sch. 1  
item 111.3).

**50. Indemnity of former members of council of RMIT company or Phillip**

A person who, immediately before the appointed day, was a member of the RMIT council or the council of Phillip is entitled to be indemnified by the University in respect of any personal liability arising out of the bona fide execution of the duties, powers, authorities and discretions conferred or imposed on him or her as a member of that council to the same extent and in the same circumstances as he or she was entitled to be indemnified out of the assets of the RMIT company or Phillip before the appointed day.

---

**PART 9—MERGER**

**51. University to be successor in law of RMIT Institute**

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

- (a) the University is the successor in law of the RMIT Institute; and
- (b) any scholarship, prize or bursary of a continuing nature administered by the RMIT Institute or the RMIT company and existing immediately before the appointed day shall be administered by the University, 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 RMIT Institute) made or entered into by, on behalf of, or in relation to the RMIT Institute and in force immediately before the appointed day have effect as if made or entered into by, on behalf of, or in relation to, the University; 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 RMIT Institute have effect as if they were actions, claims, arbitrations, applications and proceedings by, against, or in relation to the University, and may be continued and completed accordingly; and
- (e) any permit, licence or authority of any kind whatsoever issued or granted to the RMIT



---

Institute or the RMIT company by or under any Act continues to operate, despite anything in this Act, in favour of the University in the same way and to the same extent as it operated in favour of the RMIT Institute or the RMIT company; and

- (f) unless the contrary intention appears, a reference to the RMIT Institute or to the RMIT council is deemed to be a reference to the University 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 RMIT Institute become the property of the University.

## **52. Transfer of assets and liabilities of Phillip**

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

- (a) Phillip and its council is dissolved and the University is the successor in law of Phillip and its council;
- (b) the assets and rights of Phillip or its council vest in the University; and
- (c) the liabilities and obligations of Phillip or its council become liabilities or obligations of the University; and
- (d) any scholarship, prize or bursary of a continuing nature administered by Phillip or its council and existing immediately before

- 
- the appointed day shall be administered by the University as if it were a scholarship, prize or bursary of the University, but otherwise in accordance with the terms and conditions to which it was subject immediately before the appointed day; and
- (e) all contracts, deeds, bonds, agreements, arrangements, guarantees and other instruments (except contracts, agreements or arrangements relating to the members of staff of Phillip) made or entered into by, on behalf of, or in relation to Phillip or its council and in force immediately before the appointed day have effect as if made or entered into by, on behalf of, or in relation to the University; and
- (f) all actions, claims, arbitrations and other proceedings (including proceedings on appeal or review) pending or existing immediately before the appointed day by, against, or in relation to Phillip or its council have effect as if they were proceedings by, against or in relation to the University, and may be continued and completed accordingly; and
- (g) any permit, licence or authority of any kind whatsoever issued or granted to Phillip by or under any Act continues to operate, despite anything in this Act, in favour of the University in the same way and to the same extent as it operated in favour of Phillip; and
- (h) unless the contrary intention appears, a reference to—
- (i) Phillip; or
-

- 
- (ii) the council of Phillip; or
  - (iii) the academic board of Phillip—  
is deemed to be a reference to the University  
if the reference—
  - (iv) 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 document whatever; and
  - (v) is in relation to a period occurring on or  
after the appointed day; and
- (i) all records and documents of Phillip or its  
council become the property of the  
University.

**53. 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 RMIT Institute, the RMIT company  
or Phillip; and
  
  - (b) the gift, trust disposition, 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 provisions of this Act, but, in relation to any 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 the University for a purpose of the University that corresponds with, or is similar to, those purposes of the Institute, College or company 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 the University for a purpose of the University that corresponds with, or is similar to, those purposes of the Institute, College or company for which the fund was created.

**54. Certain land used by RMIT Institute to vest in the University**

- (1) On the appointed day, the land described in Part 1 of Schedule 1 vests in fee simple in the University subject to—
  - (a) the terms, conditions, covenants, limitations, exceptions, reservations and restrictions to which the land was subject immediately before the appointed day; and
  - (b) the condition that the University must not—
    - (i) sell, mortgage or otherwise dispose of the land or any part of it; or

- 
- (ii) use or permit to be used the land or any part of it otherwise than for the purposes of the University—  
without the approval in writing of the Minister.
- (2) The Governor in Council, on behalf of the Crown, may grant to the University the land described in Part 2 of Schedule 1 for an estate in fee simple subject to—
- (a) the condition that any land reserved under an Order in Council published in a Government Gazette listed in Part 2 of Schedule 1 must be used for the purpose for which it is reserved; and
  - (b) any other terms, conditions, covenants, reservations, exceptions, limitations or restrictions that the Governor in Council determines.
- (3) No compensation is payable by the Crown in respect of anything done under or arising out of this section.

#### **55. Reservation of certain land**

Despite anything to the contrary in the **Crown Land (Reserves) Act 1978** or in any other Order reserving the land, on and from the appointed day, the Crown Grant Volume 3791 Folio 070 has effect and must be read as if—

- (a) it referred to a site for a University instead of to a site for a Working Men's College; and
- (b) the proviso for re-entry referred to the University instead of to the Corporation.

#### **56. Certain land used by Phillip to vest in the University**

- (1) Subject to this section, on the appointed day the land described in Part 1 of Schedule 2 (together
-

with any appurtenant rights) vests, by force of this section, in fee simple in the University subject to the conditions, covenants, easements, encumbrances, reservations, exceptions, limitations and restrictions to which the land was subject immediately before its vesting under this section.

- (2) The land in Folio of the Register Volume 9521 Folio 368 is discharged from the notice of intention to acquire served under section 6 of the **Land Acquisition and Compensation Act 1986** on 22 October 1990, in the name of the Mayor, Councillors and the citizens of the City of Whittlesea.
- (3) The Governor in Council, by Order published in the Government Gazette may approve a plan of survey, signed by the Surveyor-General of land being part of the land described in Part 2 of Schedule 2, and being the land shown hatched on the plan in Part 3 of Schedule 2, or that land as nearly as practicable.
- (4) Despite anything to the contrary in any Act or law, on the date of publication of the Order in the Government Gazette—
  - (a) the Order in Council specified in Part 2 of Schedule 2 is revoked to the extent that it applies to the land in the plan of survey; and
  - (b) the land in the plan of survey is deemed to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests.
- (5) As soon as practicable after the date of publication of the Order in the Government Gazette, the Governor in Council shall grant the land in the plan of survey to the University for an estate in

fee simple, subject to any terms, conditions, covenants, exceptions, reservations and limitations that the Governor in Council may determine.

- (6) The **Subdivision Act 1988** does not apply to the issue of a Crown grant or the creation of a Folio of the Register as a result of the operation of this section.
- (7) No compensation is payable by the Crown in respect of anything done under or arising out of this section.

#### **57. 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 Part.

#### **58. Staff of RMIT Institute and Phillip**

- (1) On the appointed day, the members of staff of the RMIT Institute and Phillip cease to be such members and become members of the staff of the University.
- (2) A person who becomes a member of staff of the University under sub-section (1)—
  - (a) is entitled to a salary no less than the person was receiving or was entitled to receive immediately before the transfer, and on terms and conditions no less favourable than those of the person's appointment in the RMIT Institute or Phillip; and
  - (b) continues to have the benefit of all entitlements accrued in respect of the person's appointment in the RMIT Institute or Phillip before the transfer.

- 
- (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 the University.

### **59. Regulations of RMIT Institute and Phillip**

- (1) The regulations of the RMIT Institute and Phillip in force immediately before the commencement of this section, to the extent to which they could be made as Statutes under this Act and are not inconsistent with any Statutes or regulations so made, continue to have effect—
- (a) as if made as regulations under a Statute of the University; and
  - (b) as if a reference to the RMIT Institute or Phillip as a campus were a reference to the campus; and
  - (c) as if any other reference to the RMIT Institute or Phillip were a reference to the University.
- (2) Regulations continued in force under sub-section (1) may be amended or revoked as if they were regulations under this Act and as if this section were the Statute under which they were made.

### **60. Powers of the RMIT company and Phillip**

Despite anything to the contrary in the constitution or Memorandum and Articles of Association of the RMIT company or Phillip or its



council, the company, Phillip 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 or for the purposes of this Act or necessary to be done for the purpose of establishing the University in accordance with this Act.

**61. Organisations related to the RMIT Institute or Phillip**

On and after the appointed day, a reference to the RMIT Institute or Phillip (by whatever name) in the constitution or rules of a student representative council or student union, whether incorporate or unincorporate, related to the RMIT Institute or Phillip, has effect as a reference to the University and, in so far as applicable continues to apply to that part of the University carried on on the campus of the RMIT Institute or Phillip.

**62. Revocation of Order in Council**

The Order in Council made on 5 January 1982 constituting the Council of the Phillip Institute of Technology and published in the Government Gazette on 6 January 1982 is revoked.

**63. Supreme Court—limitation of jurisdiction**

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of section 54 or 56.

---

**PART 10—TRANSITIONAL**

Pt 10  
(Heading and  
ss 64–66)  
repealed by  
No. 105/1994  
s. 24,  
new Pt 10  
(Heading and  
s. 64)  
inserted by  
No. 70/1997  
s. 57.

**64. First Council appointments for 1998**

New s. 64  
inserted by  
No. 70/1997  
s. 57.

- (1) All members of the Council of the Royal Melbourne Institute of Technology except the Chancellor and the Vice-Chancellor are deemed to go out of office at the end of 31 December 1997 but are eligible for re-election or re-appointment as members of the Council or to be members of the Council.
- (2) In the case only of the first appointments and elections of members to take effect on or after 1 January 1998—
  - (a) the 3 members referred to in section 7(2)(e) shall be persons appointed by the Minister who, on 31 December 1997, were members of the staff of Royal Melbourne Institute of Technology;
  - (b) the 2 members referred to in section 7(2)(f) shall be persons appointed by the Minister who, on 31 December 1997 were enrolled students of Royal Melbourne Institute of Technology;
  - (c) the 6 members referred to in section 7(2)(i) shall be persons appointed by the members of the Council who were in office before 31 December 1997.
- (3) Of the members appointed by the Minister under sub-section (2)(a)—

- 
- (a) one must be appointed until 31 December 1998;
  - (b) 2 must be appointed until 31 December 1999.
- (4) The members appointed by the Minister under sub-section (2)(b) must be appointed until 31 December 1998.
- (5) Of the members appointed by the Council under sub-section (2)(c)—
- (a) 2 must be appointed until 31 December 1998;
  - (b) 2 must be appointed until 31 December 1999;
  - (c) 2 must be appointed until 31 December 2000.
- (6) In the case only of the first appointments of members to the Council by the Governor in Council under section 7(2)(g) to take effect on 1 January 1998—
- (a) 2 must be appointed until 31 December 1998;
  - (b) 2 must be appointed until 31 December 1999;
  - (c) 2 must be appointed until 31 December 2000.
- (7) After the first appointments referred to in this section, all appointments and elections to the Council shall be made in accordance with the provisions of this Act other than this section.

New s. 65  
inserted by  
No. 26/2003  
s. 37.

#### **65. Existing proceedings**

- (1) Section 43(1A) applies with respect to disputes and other matters arising before the

commencement of section 36 of the **University Acts (Amendment) Act 2003**.

- (2) If an inquiry by or authorised by the Visitor into a dispute or other matter has been commenced or been completed before the commencement of section 36 of the **University Acts (Amendment) Act 2003**, the dispute or other matter is to be dealt with and determined as if that Act had not been enacted.

**66. Transitional—members of Council**

Section 8(1B) does not apply to a member of the Council appointed or elected immediately before the commencement of section 60 of the **Higher Education Acts (Amendment) Act 2005** with respect to that appointment or election but does apply to that member in relation to any further appointment or election to the Council after that date.

New s. 66  
inserted by  
No. 40/2005  
s. 71.

**SCHEDULES**

**SCHEDULE 1**

**LAND USED BY RMIT INSTITUTE WHICH IS TO VEST IN THE UNIVERSITY**

**PART 1—FOLIOS OF THE REGISTER**

<i>Volume</i>	<i>Folio</i>
2657	214
3197	341
3687	314
3687	315
4206	145
5370	830
6247	
6852	293
6943	598
7033	
8353	778
8353	779
8587	068

**PART 2—CROWN LAND**

<i>Situation and area of land</i>	<i>Instrument and date of reservation</i>	<i>Description of land by reference to Government Gazette</i>	<i>Purpose of reservation</i>
Allotment 42B section 44, Parish of Melbourne North, 6146 sq.m.	Order in Council 6.2.1951	Government Gazette 14.2.1951, page 1246	Educational purposes
Allotment 42C section 44, Parish of Melbourne North, 741 sq.m.	Order in Council 21.9.1937	Government Gazette 29.9.1937, page 2961	Educational purposes
Allotments 42 and 43	Order in	Government Gazette	Educational

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992

Sch. 1

<i>Situation and area of land</i>	<i>Instrument and date of reservation</i>	<i>Description of land by reference to Government Gazette</i>	<i>Purpose of reservation</i>
section 44, Parish of Melbourne North, 1.0439 ha	Council 16.7.1918	24.7.1918, pages 2274 and 2275	purposes
Allotment 41A section 44, Parish of Melbourne North, 708 sq.m.	Order in Council 18.10.1966	Government Gazette 26.10.1966, page 3787	Educational purposes
Allotment 34A section 44, Parish of Melbourne North, 1037 sq.m.	Order in Council 7.3.1961	Government Gazette 15.3.1961, page 915	Educational purposes
Allotment 38 section 44, Parish of Melbourne North, 228 sq.m.	Order in Council 11.5.1954	Government Gazette 19.5.1954, page 3393	Educational purposes
Allotment 39B section 44, Parish of Melbourne North, 986 sq.m.	Order in Council 11.7.1972	Government Gazette 19.7.1972, page 2604	Educational purposes
Allotment 43A section 44, Parish of Melbourne North, 3129 sq.m.	Order in Council 17.3.1925	Government Gazette 25.3.1925, page 982	Educational purposes
Allotment 42A section 44, Parish of Melbourne North, 296 sq.m.	Order in Council 19.6.1974	Government Gazette 26.6.1974, page 2293	Educational purposes

---

**SCHEDULE 2**

**LAND USED BY PHILLIP WHICH IS TO VEST IN THE  
UNIVERSITY**

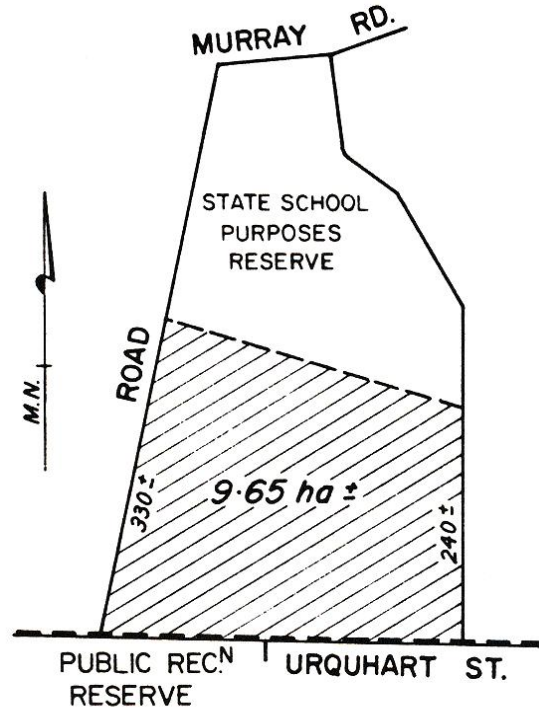
**PART 1—LAND UNDER THE TRANSFER OF LAND ACT 1958**

<i>Volume</i>	<i>Folio</i>
6107	391
9521	367
9521	368

**PART 2—CROWN LAND**

Land in the township of Coburg Parish of Jika Jika, County of Bourke,  
being an area of 16.35 ha., temporarily reserved by Order in Council  
dated 13 October 1959 for State school purposes (Government  
Gazette 21 October 1959 page 3105).

PART 3—CROWN LAND TO BE INCLUDED IN PLAN OF SURVEY



Township of Coburg—Parish of Jika Jika—County of Bourke





## ENDNOTES

### 1. General Information

*Minister's second reading speech—*

*Legislative Assembly: 6 May 1992*

*Legislative Council: 27 May 1992*

The long title for the Bill for this Act was "A Bill for an Act to establish a university to be known as Royal Melbourne Institute of Technology, to amend the **Post-Secondary Education Act 1978**, the **Vocational Education and Training Act 1990**, the **Administrative Law Act 1987** and for other purposes."

#### **Constitution Act 1975:**

*Section 85(5) statement:*

*Legislative Assembly: 6 May 1992*

*Legislative Council: 27 May 1992*

*Absolute majorities:*

*Legislative Assembly: 26 May 1992 and 9 June 1992*

*Legislative Council: 3 June 1992*

The **Royal Melbourne Institute of Technology Act 1992** was assented to on 23 June 1992 and came into operation on 1 July 1992: Government Gazette 1 July 1992 page 1626.

## 2. Table of Amendments

This Version incorporates amendments made to the **Royal Melbourne Institute of Technology Act 1992** by Acts and subordinate instruments.

### **Vocational Education and Training (College Employment) Act 1993, No. 14/1993**

*Assent Date:* 11.5.93  
*Commencement Date:* Ss 1, 2 on 11.5.93: s. 2(1); rest of Act on 1.7.93: s. 2(2)  
*Current State:* All of Act in operation

### **Financial Management (Consequential Amendments) Act 1994, No. 31/1994**

*Assent Date:* 31.5.94  
*Commencement Date:* S. 4(Sch. 2 item 74) on 1.1.95: Government Gazette 28.7.94 p. 2055  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

### **Vocational Education and Training (Amendment) Act 1994, No. 62/1994**

*Assent Date:* 15.6.94  
*Commencement Date:* S. 24 on 1.7.94: Government Gazette 23.6.94 p. 1671  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

### **University Acts (Amendment) Act 1994, No. 105/1994** (as amended by No. 70/1995)

*Assent Date:* 13.12.94  
*Commencement Date:* Ss 19, 25, 26 on 31.12.95: s. 2(3); ss 18, 20–24 on 1.1.95: Government Gazette 22.12.94 p. 3384  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

### **University Acts (Further Amendment) Act 1995, No. 70/1995**

*Assent Date:* 17.10.95  
*Commencement Date:* Pt 1 (ss 1, 2) on 17.10.95: s. 2(1); ss 57, 75 on 13.12.94: s. 2(2); rest of Act on 1.11.95: Special Gazette (No. 109) 1.11.95 p. 1  
*Current State:* All of Act in operation

### **Trustee and Trustee Companies (Amendment) Act 1995, No. 104/1995**

*Assent Date:* 5.12.95  
*Commencement Date:* 1.1.96: s. 2  
*Current State:* All of Act in operation

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992

Endnotes

---

**University Acts (Amendment) Act 1996, No. 57/1996**

*Assent Date:* 10.12.96  
*Commencement Date:* Pt 4 (ss 20–22) on 10.12.96: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

**University Acts (Further Amendment) Act 1997, No. 70/1997**

*Assent Date:* 18.11.97  
*Commencement Date:* Ss 49–57 on 1.1.98: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

**Audit (Amendment) Act 1997, No. 93/1997**

*Assent Date:* 16.12.97  
*Commencement Date:* S. 28(Sch. item 27) on 1.7.98: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

**Audit (Amendment) Act 1999, No. 53/1999**

*Assent Date:* 14.12.99  
*Commencement Date:* S. 26(Sch. item 20) on 1.1.00: Government Gazette 23.12.99 p. 2764  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

**Statute Law Revision Act 2000, No. 74/2000**

*Assent Date:* 21.11.00  
*Commencement Date:* S. 3(Sch. 1 item 111.3) on 23.6.92: s. 2(2)(t); s. 3(Sch. 1 items 111.1, 111.2) on 22.11.00: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

**Statute Law Amendment (Authorised Deposit-taking Institutions) Act 2001, No. 11/2001**

*Assent Date:* 8.5.01  
*Commencement Date:* S. 3(Sch. item 65) on 1.6.01: s. 2(2)  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

**Corporations (Consequential Amendments) Act 2001, No. 44/2001**

*Assent Date:* 27.6.01  
*Commencement Date:* S. 3(Sch. item 100) on 15.7.01: s. 2  
*Current State:* This information relates only to the provision/s amending the **Royal Melbourne Institute of Technology Act 1992**

Royal Melbourne Institute of Technology Act 1992  
No. 45 of 1992

Endnotes

---

**University Acts (Amendment) Act 2003, No. 26/2003**

*Assent Date:* 13.5.03  
*Commencement Date:* Ss 31–37 on 1.7.03: Government Gazette 26.6.03  
p. 1548  
*Current State:* This information relates only to the provision/s  
amending the **Royal Melbourne Institute of  
Technology Act 1992**

**Higher Education Acts (Amendment) Act 2005, No. 40/2005**

*Assent Date:* 27.7.05  
*Commencement Date:* Ss 58(1), 59–64, 65(1), 67, 68(3), 69–71 on 31.8.05:  
s. 2(2); s. 58(2)(3), 65(2), 66, 68(1)(2) on 30.6.06:  
s. 2(3)  
*Current State:* This information relates only to the provision/s  
amending the **Royal Melbourne Institute of  
Technology Act 1992**

**Education and Training Reform Act 2006, No. 24/2006**

*Assent Date:* 16.5.06  
*Commencement Date:* S. 6.1.2(Sch. 7 item 34) on 1.7.07: Government  
Gazette 28.6.07 p. 1304  
*Current State:* This information relates only to the provision/s  
amending the **Royal Melbourne Institute of  
Technology Act 1992**

---

### 3. Explanatory Details

<sup>1</sup> S. 7: Sections 25 and 26 of the **University Acts (Amendment) Act 1994**, No. 105/1994 read as follows:

#### **25. Transitional provisions for Council**

All members of the Council of Royal Melbourne Institute of Technology holding office on 31 December 1995 go out of office on that date but are eligible for re-election or re-appointment as members of the Council or to be members of the Council.

#### **26. First appointments in 1996**

- (1) In the case only of first appointments of members of the Council of Royal Melbourne Institute of Technology after 31 December 1995—
  - (a) 3 of the members appointed under section 7(2)(i) of the Principal Act must be appointed for a term of 3 years;
  - (b) 2 of the members appointed under section 7(2)(i) of the Principal Act must be appointed for a term of 2 years;
  - (c) 3 of the members appointed under section 7(2)(k) of the Principal Act must be appointed for a term of 3 years;
  - (d) 2 of the members appointed under section 7(2)(k) must be appointed for a term of 2 years.
- (2) After the first appointments referred to in subsection (1) all appointments must be for the terms provided by the Principal Act.