University of Canberra Bill 1989

Date Introduced: 26 October 1989
House: House of Representatives
Portfolio: Employment, Education and Training

Digest of Bill

Purpose
To establish the University of Canberra which will replace the Canberra College of Advanced Education.

Background
The future direction of Australia's higher education system was outlined in July 1988 when a Ministerial Statement titled, Higher Education - a policy statement (the White Paper), was tabled in the House of Representatives. The White Paper foreshadowed a new 'unified national system' (UNS) of higher education to replace the existing binary system which differentiates between universities and colleges of advanced education. The principal characteristics of the UNS are a mix of greater institutional autonomy, such as control over resources, and greater Government intervention through educational profiles and competitive bidding. Under the UNS there will be fewer and larger institutions of higher education as a result of amalgamations. The White Paper noted certain advantages to be gained from amalgamations, including enhanced teaching and research arrangements and economies in administration. To be eligible for membership of the UNS, institutions are required to have at least 2000 equivalent full-time students. The White Paper also affirmed the Government's view that an institution would require at least 5000 equivalent full-time students to justify a broad teaching profile and some specialised research work. To have a comprehensive involvement in teaching with resources to do research across a large proportion of its teaching profile an institution would need at least 8000 equivalent full-time students. Institutions that did not conform to the basic 2000 equivalent full-time student requirement can amalgamate or merge with a larger institution. Institutions that choose to remain outside the system will have no guaranteed base of Commonwealth funding, and would be funded by contract for specified teaching activities.

Since the release of the White Paper a number of mergers have been finalised, including Melbourne College of Advanced Education with the University of Melbourne; the University College of the Northern Territory with the Darwin Institute of Technology; and the Hawkesbury Agricultural College with Nepean College of Advanced Education in the new University of Western Sydney, sponsored by the University of Sydney.
In December 1988, the Minister for Employment, Education and Training introduced legislation to amalgamate the Australian National University (ANU), Canberra College of Advanced Education (CCAE), and the Canberra Institute of the Arts (CITA) to form a new ANU.

In November 1988, the Australian Democrats announced that they would oppose the Australian National University Bill 1989. Reported reasons for their decision included that universities and colleges of advanced education serve different and distinct purposes; and that the main motivation for the merger was an exercise of political power by the Minister. Similarly, in March 1989, the Liberal and National Parties announced that they would also oppose the Bill. Reported reasons for their decision included that there were no educational or financial benefits in the proposed merger; that there were disadvantages associated with industrial relations, vocational specialisation; and that the UNS threatened the independence of higher education facilities all round Australia.

In September 1989, the Governing Council of the ANU voted 20–16 against amalgamation with the CCAE but confirmed its intention to pursue amalgamation with CITA. Earlier, the ANU Board of the Faculties had voted 27–21 against amalgamation. Those against the merger spoke of the lack of knowledge about the financial implications for the ANU and questioned the value of large institutions. Arguments in favour of the amalgamation included that a merger offered certain advantages, for example, research funding. The ANU Board of the Institute of Advanced Studies voted in favour of amalgamation 29–10. The decision of the Governing Council will mean that the ANU will not be of sufficient size to attract maximum funding under the UNS.

At a meeting of the Council of the CCAE in September 1989 it was agreed, following the ANUs Governing Council's decision, that a merger with ANU was unattainable and that the CCAE would press for the introduction of legislation to establish it as the University of Canberra, as proposed in the CCAEs draft sponsorship agreement with Monash University. On 4 October 1989, the Minister announced that the Commonwealth intended to legislate to establish the the CCAE as the University of Canberra under the sponsorship of Monash University. The Minister also announced that the sponsorship arrangement would exist for a certain number of years, at the end of which there would be an external review to determine whether the proposed university should have its own independent status and whether amalgamation with the ANU should be reconsidered. The sponsorship of Monash University will ensure that the courses offered by the proposed institution will be of university standard.

Main Provisions
The Bill will have effect from 1 January 1990 (clause 2).

Clause 4 will establish the University of Canberra (UOC).
Clause 5 provides that certain provisions will apply during the sponsorship period (i.e. three years), including that the name of the UOC reflect the sponsorship of Monash University and that the development of graduate programs and appointment of professional staff by the UOC will be subject to the prior approval of Monash University. This provision may be repealed by regulation after 1 January 1993.

The functions of the UOC will be to provide higher education studies and to undertake research (clause 6).

The UOC will have the power to do all things necessary for the performance of its functions. Specifically, the UOC may form and participate in the formation of companies; buy and hold shares, debentures, and similar instruments; participate in joint ventures; act as trustee of money and other property vested in it by trust; and do anything incidental to any of its powers (clause 7).

The UOC will have such faculties and other bodies as determined by the Council (clause 8).

The governing body of the UOC will be the Council and this body will be responsible for the management of the UOC (clauses 9 and 10).

An Academic Board will be established by clause 19, and this body will be responsible to the Council for all academic matters relating to the UOC, and may advise the Council on any matters relating to education, learning, research or the academic work of the UOC.

Clause 31 provides that the Minister may issue guidelines for the payment to the UOC of fees as provided by proposed paragraph 40 (2) (t). Proposed paragraph 40 (2) (t) provides that the UOC may receive fees such as overseas student's fees, student organisation's and residential accommodation fees, but not fees in respect of a degree, diploma, or other award of the UOC for Australian students.

Clauses 32–34 provide for money appropriated by Parliament to be paid to the UOC, and that the Minister may give directions as to amounts and when money appropriated is to be paid to the UOC. In addition, that money received by the UOC will be applied solely for the purposes of the UOC, and the UOC's power to borrow money will be subject to certain limitations determined by the Treasurer.

The UOC will not be subject to taxation. However, the Governor-General may make regulations providing that this provision will not apply in relation to a particular law (clause 38).

Clause 40 provides that the Council may make Statutes in relation to a range of matters, including the management, good government and discipline of the UOC; academic staff; the control and investment of the property of the UOC; the remuneration and allowance paid to members of the Council; the provision of
superannuation or similar benefits for persons employed by the UOC; and the granting of degrees, diplomas, certificates and honours.

Statutes made by the Council will have to be approved by the Governor-General, notified in the Gazette, and tabled in each House of Parliament (clause 42).

The Canberra College of Advanced Education Act 1967 will be repealed by clause 44.

Clause 46 provides for the transfer of the assets and liabilities of the CCAE to the UOC.

Clause 52 will provide for the transfer of staff of the CCAE to the UOC, and the preservation of, existing, conditions of employment.

References

For further information, if required, contact the Education and Welfare Group.

31 October 1989

This Digest does not have any official legal status. Other sources should be consulted to determine the subsequent official status of the Bill.

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