

**Melbourne University (VCAH) Act 1997**  
**Act No. 9/1997**

**TABLE OF PROVISIONS**

| <i>Section</i>   | <i>Page</i> |
|--|-------------|
| <b>PART 1—PRELIMINARY</b>  | <b>1</b>    |
| 1. Purpose   | 1           |
| 2. Commencement  | 2           |
| <b>PART 2—VICTORIAN COLLEGE OF AGRICULTURE AND HORTICULTURE</b>            | <b>3</b>    |
| 3. Definition  | 3           |
| 4. Transfer of assets and liabilities of the Company                       | 3           |
| 5. Gifts, trusts etc.  | 4           |
| 6. Staff of the College  | 5           |
| 7. Students of the College   | 6           |
| 8. Indemnity of former members of Council of the Company                   | 8           |
| 9. Certain land used by the Company to vest in The University of Melbourne | 8           |
| 10. Amendment of Register etc  | 8           |
| 11. Rules of the Company   | 9           |
| 12. Powers of the Company  | 9           |
| <b>PART 3—CONSEQUENTIAL AMENDMENTS</b>                                     | <b>10</b>   |
| 13. Amendment of <b>Melbourne University Act 1958</b>                      | 10          |
| 14. Amendment of the <b>Vocational Education and Training Act 1990</b>     | 10          |
| <hr style="border-top: 3px double #000;"/>                                 |             |
| <b>NOTES</b>   | <b>11</b>   |



Victoria

No. 9 of 1997

# Melbourne University (VCAH) Act 1997<sup>†</sup>

[Assented to 29 April 1997]

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

## PART 1—PRELIMINARY

### 1. *Purpose*

The main purpose of this Act is to provide for the merger of the Victorian College of Agriculture and Horticulture with The University of Melbourne.

**2. Commencement**

- (1) This Part comes into operation on the day on which this Act receives the Royal Assent.
  - (2) The remaining provisions of this Act come into operation on 1 July 1997.
-

**PART 2—VICTORIAN COLLEGE OF AGRICULTURE AND  
HORTICULTURE**

**3. Definition**

In this Part—

**"Company"** means the Victorian College of  
Agriculture and Horticulture Limited A.C.N.  
053 408 101.

**4. Transfer of assets and liabilities of the Company**

Subject to this Act, on and from 1 July 1997—

- (a) The University of Melbourne is the successor in law of the Company; and
  - (b) the assets and rights of the Company vest in The University of Melbourne; and
  - (c) the liabilities and obligations of the Company become liabilities or obligations of The University of Melbourne; and
  - (d) any scholarship, prize or bursary of a continuing nature administered by the Company and existing immediately before 1 July 1997 shall be administered by The University of Melbourne, but otherwise in accordance with the terms and conditions to which it was subject immediately before that date; and
  - (e) all contracts, deeds, bonds, agreements, arrangements, guarantees and other instruments (except contracts, agreements or arrangements relating to the members of staff of the Company referred to in section 6) made or entered into by, on behalf of, or in relation to the Company and in force immediately before 1 July 1997 have effect as if made or entered into by, on behalf of, or
-

- 
- in relation to, The University of Melbourne;  
and
- (f) all actions, claims, arbitrations, applications and other proceedings (including proceedings on appeal or review) pending or existing immediately before 1 July 1997 by, against, or in relation to the Company have effect as if they were proceedings by, against, or in relation to The University of Melbourne, and may be continued and completed accordingly; and
  - (g) any permit, licence or authority issued or granted to the Company by or under any Act continues to operate, despite anything in this Act, in favour of The University of Melbourne in the same way and to the same extent as it operated in favour of the Company; and
  - (h) a reference in any Act (other than this Act) or a subordinate instrument within the meaning of the **Interpretation of Legislation Act 1984** to the Company must, on and after 1 July 1997, be construed as a reference to The University of Melbourne unless the context otherwise requires;
  - (i) all records and documents of the Company become the property of The University of Melbourne.

**5. Gifts, trusts etc.**

If—

- (a) before or after 1 July 1997—
    - (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 Company; and

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

the gift, disposition, trust or trust fund does not fail only because of the provisions of this Act, but, in relation to any other matter occurring on or after that date—

- (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 of Melbourne or a company referred to in section 40A of the **Melbourne University Act 1958** for a purpose of The University of Melbourne or such a company that corresponds with, or is similar to, those purposes of the 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 of Melbourne or a company referred to in section 40A of the **Melbourne University Act 1958** for a purpose of The University of Melbourne or such a company that corresponds with, or is similar to, those purposes of the Company for which the fund was created.

#### **6. Staff of the College**

- (1) On 1 July 1997, a person who, immediately before that date, was a member of the staff employed by the Company becomes a member of the staff of The University of Melbourne.
-

- 
- (2) A person who becomes a member of the staff of The University of Melbourne under sub-section (1)—
- (a) is a member of the staff of The University of Melbourne with remuneration no less than the person was receiving or was entitled to receive as a member of the staff of the Company immediately before 1 July 1997 and on terms and conditions no less favourable than those applying to that person immediately before that date; and
  - (b) continues to have the benefit of all entitlements (including all entitlements arising from recognition of prior service with other bodies) accrued in respect of the person's appointment by the Company before 1 July 1997—
- subject to any written notice, agreement or arrangement relating to the employment of that person given or made by or on behalf of the Company that was in force immediately before 1 July 1997.
- (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 of Melbourne.

**7. *Students of the College***

- (1) On 1 July 1997, a person who was enrolled as a student of the Company immediately before that day becomes a student of The University of Melbourne.

- (2) Despite anything to the contrary in the **Melbourne University Act 1958**—
- (a) statutes or regulations made under that Act by the Council of The University of Melbourne may authorise the Council, at the request of a person who becomes a student of The University of Melbourne because of sub-section (1), to confer on the student, subject to and in accordance with the statutes and regulations, a diploma or certificate or other award under a name that includes the title of the award and the words "Victorian College of Agriculture and Horticulture";
  - (b) the powers of the Council of The University of Melbourne under section 19 of that Act extend to the conferring of any award on a person who becomes an enrolled student of The University of Melbourne because of sub-section (1) that the Company could have conferred on the person if this Act had not been enacted;
  - (c) a person who holds a diploma, certificate or other award of the Company is entitled to the same benefits and privileges at The University of Melbourne as are enjoyed by persons holding diplomas, certificates and other awards of The University of Melbourne as if the diploma, certificate or other award of the Company were a diploma, certificate or other award of The University of Melbourne.
- (3) If a person was, before 1 July 1997, entitled to a diploma, certificate or other award of the Company that has not been granted, the diploma, certificate or award must be granted by the Council of The University of Melbourne and, for that purpose, the Council may exercise in the
-



---

name of the Victorian College of Agriculture and Horticulture any power that the Company might have exercised before 1 July 1997 in respect of the diploma, certificate or award.

**8. *Indemnity of former members of Council of the Company***

A person who, immediately before 1 July 1997 was a director of the Company is entitled to be indemnified by The University of Melbourne in respect of any personal liability arising out of the bona fide execution of the duties, powers, authorities and discretions conferred or imposed on the person as a director to the same extent and in the same circumstances as if the person were a member of the Council or a committee referred to in section 16A of the **Melbourne University Act 1958** before that date.

**9. *Certain land used by the Company to vest in The University of Melbourne***

On 1 July 1997, the land described in folio of the Register volume 9777 folio 356 and folio of the Register volume 9792 folio 630 vests in fee simple (together with any appurtenant rights) in The University of Melbourne, subject to the conditions, covenants, encumbrances, limitations, exceptions, reservations and restrictions to which the land was subject immediately before its vesting under this section.

**10. *Amendment of Register etc***

The Registrar of Titles, on being requested to do so and on delivery of any relevant certificate of title, instrument or document, must make any

amendments in the Register under the **Transfer of Land Act 1958** that are necessary because of the operation of this Act.

**11. *Rules of the Company***

- (1) The rules of the Company in force immediately before 1 July 1997, to the extent to which they could be made as regulations by The University of Melbourne and are not inconsistent with any regulations so made, continue to have effect—
  - (a) as if made as regulations under a Statute of The University of Melbourne; and
  - (b) as if any reference to the Company were a reference to The University of Melbourne.
- (2) Rules continued in force under sub-section (1) may be amended or revoked as if they were regulations made under a Statute by The University of Melbourne.

**12. *Powers of the Company***

Despite anything to the contrary in the constitution of the Company, the Company is deemed to have, and always to have had, power to do all things it is authorised or empowered to do under and for the purposes of this Act or necessary or expedient to be done for the purposes of the merger with The University of Melbourne in accordance with this Part.

---

**PART 3—CONSEQUENTIAL AMENDMENTS**

**13. *Amendment of Melbourne University Act 1958***

In section 19 (1) and (2) of the **Melbourne University Act 1958** for "or licence" substitute ", licence or other award".

No. 6405.  
Reprinted to  
Act No.  
57/1996.

**14. *Amendment of the Vocational Education and Training Act 1990***

- (1) In section 80(1) and (2) of the **Vocational Education and Training Act 1990**, omit paragraph (d).
- (2) In section 82 of the **Vocational Education and Training Act 1990**, omit paragraph (c).

No 45/1990.  
Reprinted to  
Act No.106/94  
and  
subsequently  
amended by  
Act Nos  
92/1995,  
85/1995,  
35/1996 and  
59/1996.

*Melbourne University (VCAH) Act 1997*  
*Act No. 9/1997*

---

**NOTES**

- † *Minister's second reading speech—*  
*Legislative Assembly: 20 March 1997*  
*Legislative Council: 2 April 1997*

The long title for the Bill for this Act was "to amend the **Melbourne University Act 1958** to provide for the merger of the Victorian College of Agriculture and Horticulture with The University of Melbourne, to make consequential amendments to the **Vocational Education and Training Act 1990** and for other purposes."