



Australian Capital Territory

Hotel School Act 1996

A1996-72

Republication No 4

Effective: 13 April 2004 – 1 June 2005

Republication date: 13 April 2004

Last amendment made by A2004-9

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Hotel School Act 1996* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 13 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Hotel School Act 1996

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R4
13/04/04

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Australian Capital Territory

Hotel School Act 1996

An Act relating to the Australian International Hotel School

Part 1 Preliminary

1 Name of Act

This Act is the *Hotel School Act 1996*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

board means the board of management of the school.

director means the director of the school.

school means the Australian International Hotel School continued in existence by section 4.

staff, in relation to the school, means the persons employed or engaged by the school.

Part 2 Australian International Hotel School

4 Continuation of former school

- (1) The body corporate named the Australian International Hotel School, in existence under the *Canberra Institute of Technology Act 1987* immediately before the commencement of this part, continues in existence under this Act, with the same name, by force of this section.
- (2) The school—
 - (a) continues as a body corporate; and
 - (b) shall have a common seal.

5 Functions

The school has the following functions:

- (a) to provide education and training to develop knowledge and skills in relation to—
 - (i) hotel management; and
 - (ii) related fields approved in writing by the Minister;
- (b) to confer awards in relation to courses and programs conducted by the school;
- (c) to consult and cooperate with other institutions, persons or bodies in relation to the provision of educational or training services in hotel management and related fields;
- (d) to make suitable arrangements with industry and the commercial community in connection with the exercise of its functions;

- (e) to do anything incidental to any of its functions.

6 Ministerial directions

- (1) The Minister may give written directions to the school in relation to the exercise of its functions, either generally or in relation to a particular matter.
- (2) The school shall give effect to a direction.
- (3) The Minister shall present a copy of a direction to the Legislative Assembly within 5 sitting days after it is given to the school.
- (4) A report prepared by the school under the *Annual Reports (Government Agencies) Act 2004* for a financial year must include—
 - (a) a copy of any direction given under this section during the year; and
 - (b) a statement by the school about action taken during the year to give effect to any direction given (whether before or during the year) under this section.

Note **Financial year** has an extended meaning in the *Annual Reports (Government Agencies) Act 2004*.

7 Powers

The school has power to do all things necessary or convenient to be done in connection with the exercise of its functions and, in particular, may—

- (a) erect buildings and structures and carry out works; and
- (b) occupy, use and control any land or building made available to the school by another person; and
- (c) charge fees in connection with courses or programs conducted by the school; and
- (d) provide goods, services, facilities or resources to any person; and

- (e) charge for the provision of goods, services, facilities or resources; and
- (f) conduct a hotel for the purposes of the school; and
- (g) accept gifts, grants, devises and bequests, whether on trust or otherwise, and act as trustee of money or other property vested in it on trust; and
- (h) provide scholarships and like benefits; and
- (i) appoint agents and attorneys; and
- (j) act as an agent for another person; and
- (k) obtain commercial sponsorship; and
- (l) establish and maintain library, museum, art and other collections; and
- (m) do anything incidental to any of its powers.

8 Limits on contracts

- (1) The school shall not enter into a contract involving the payment or receipt of an amount exceeding the prescribed amount except in writing, and in accordance with the written approval of the Minister.
- (2) In subsection (1):
prescribed amount means—
 - (a) \$50 000; or
 - (b) if another amount is prescribed by the regulations—the amount so prescribed.

9 Formation of companies etc

The school shall not—

- (a) form, or participate in the formation of, a company; or

(b) subscribe for, or purchase, company shares or securities.

10 Partnerships and joint ventures

- (1) The school shall not—
- (a) enter into a partnership; or
 - (b) participate in a joint venture not involving the formation of a company by the school;
- except in accordance with the written approval of the Minister.
- (2) The Minister's approval—
- (a) shall be given particularly, not generally; and
 - (b) may be subject to specified conditions.
- (3) Within 15 sitting days after the date of an approval, the Minister shall present a statement to the Legislative Assembly setting out particulars of the activity approved and the reasons for the approval.
- (4) The Minister may omit from the statement particular matter that the Minister believes on reasonable grounds would adversely affect the commercial interests of the school.
- (5) If subsection (4) applies, the Minister shall ensure that the statement indicates the general nature of the matter omitted and the reasons for the omission.

Part 3 **Board of management**

Division 3.1 **Establishment, functions and powers**

11 **Establishment**

There shall be a board of management of the school.

12 **Functions**

- (1) The board shall manage the affairs of the school.
- (2) Without limiting subsection (1), the board shall—
 - (a) decide the strategies and policies to be followed by the school in exercising its functions; and
 - (b) ensure the efficient and cost effective functioning of the school.

13 **Report to Minister**

If the Minister gives a written direction to the chairperson requiring the board to inquire into and report on a matter concerning the school, the board shall provide the Minister with a report on the matter, including a recommendation if appropriate, within the period specified in the direction.

14 **Powers**

- (1) The board has power to do all things necessary or convenient to be done in connection with the exercise of its functions.
- (2) Without limiting subsection (1), the board may make arrangements, or give directions to staff or students, in relation to the exercise of its functions, particularly in relation to the following matters:
 - (a) the general governance and financial management of the school;

- (b) the employment or engagement of persons for the purposes of the school;
 - (c) the enrolment and assessment of students and their admission to examinations;
 - (d) the conferral of awards, including honorary awards;
 - (e) the payment of fees or charges;
 - (f) the granting of scholarships, bursaries and prizes;
 - (g) the association or affiliation with the school of any person, body or institution;
 - (h) any other matter incidental to the exercise of its functions.
- (3) An arrangement made, or direction given, under subsection (2) shall not be inconsistent with the *Financial Management Act 1996* or the financial management guidelines under that Act.

Division 3.2 Constitution

15 Membership

The board consists of—

- (a) the director; and
- (b) not more than 8 non-executive members provided that at least 1 member is a representative of a tertiary education institution.

16 Appointment and terms of office of non-executive members

Schedule 1 has effect in relation to the non-executive members of the board.

17 Chairperson and deputy chairperson

- (1) The chairperson of the board shall be a non-executive member appointed in writing by the Minister.

- (2) The deputy chairperson of the board shall be a non-executive member appointed in writing by the Minister.
- (3) A member of the staff of the school is not eligible to be appointed as the chairperson or deputy chairperson of the board.

Division 3.3 Meetings

18 Calling meetings

The chairperson shall call a meeting of the board—

- (a) at least twice during each academic term of the school; and
- (b) on receipt of a written direction to do so by the Minister; and
- (c) on receipt of a written request to do so by—
 - (i) the director; or
 - (ii) at least 3 other members; and
- (d) at the other times the chairperson considers necessary for the efficient exercise of its functions.

19 Presiding at meetings

- (1) The chairperson shall preside at all meetings of the board at which he or she is present.
- (2) If the chairperson is absent from a meeting of the board, the deputy chairperson shall preside.
- (3) If the chairperson and deputy chairperson are both absent from a meeting of the board, the members present shall elect a member, other than the director, to preside.

20 Quorum and voting

At a meeting of the board—

- (a) 5 members constitute a quorum; and

- (b) a question arising shall be determined by a majority of votes of the members present and voting; and
- (c) the member presiding has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

21 Procedure

- (1) The board may determine the procedures to be followed in relation to its meetings.
- (2) The board shall keep a record of its proceedings.

22 Disclosure of interests

- (1) A member of the board who has a direct or indirect interest, pecuniary or otherwise, in a matter being considered or about to be considered by the board shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board.
- (2) A disclosure shall be recorded in the minutes of the meeting and, unless the board otherwise determines, the member shall not—
 - (a) be present during any deliberation of the board in relation to that matter; or
 - (b) take part in any decision of the board in relation to that matter.
- (3) A member referred to in subsection (2) shall not—
 - (a) be present during any deliberation of the board for the purpose of considering whether to make a determination under that subsection in relation to that member; or
 - (b) take part in the making by the board of such a determination.
- (4) A member of the board shall not be taken to have an interest in a matter only because of his or her office as member.

Part 4 Administration

Division 4.1 Director

23 Director

There shall be a director of the school.

24 Functions

- (1) The director shall manage the affairs of the school on a daily basis—
 - (a) on behalf of the board; and
 - (b) in accordance with the strategies and policies decided, and any directions given, by the board.
- (2) Anything done in the name of, or on behalf of, the school by the director shall be taken to have been done by the school.

25 Appointment and terms of office

Schedule 2 has effect in relation to the director.

26 Powers

The director has power to do all things necessary or convenient to be done in connection with the exercise of his or her functions.

27 Delegation

The director may, in writing, delegate all or any of the director's powers under this Act to a member of the staff of the school.

Division 4.2 Personnel

28 Employees

- (1) The school may employ persons for the exercise of its functions.
- (2) The terms and conditions of employment shall be as determined in writing by the board.

29 Consultants etc

- (1) The school may engage persons other than employees to assist in relation to the exercise of its functions.
- (2) The terms and conditions of engagement shall be as determined in writing by the board.

Division 4.3 Finance

30 Fees

- (1) Fees determined by the board are payable to the school in relation to attendances at courses or programs conducted by the school.
- (2) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

31 Money of the school

The money of the school consists of—

- (a) money paid to the school in accordance with an appropriation by an Act for the purposes of the school; and
- (b) money borrowed by, or on behalf of, the school in accordance with the *Financial Management Act 1996*; and
- (c) fees paid to the school in connection with courses or programs conducted by the school; and

- (d) money received by the school in relation to the provision of goods, services, facilities or resources; and
- (e) the proceeds of the sale or other disposition of any property of the school; and
- (f) money received by the school in relation to sponsorships; and
- (g) money received by the school by way of, or as a result of, a gift, grant, devise or bequest; and
- (h) any money derived by the school in the exercise of its functions.

33 Application of money

The money of the school is to be applied only—

- (a) in payment or discharge of expenses, obligations and liabilities of the school arising under this Act; and
- (b) in payment of remuneration, allowances and fees payable under this Act.

34 Trust money

The school shall pay money held on trust into a bank account maintained under the *Financial Management Act 1996*, section 55.

35 Application of Financial Management Act, pt 8

- (1) The *Financial Management Act 1996*, part 8 has effect in relation to the school as if the references in that part to the chief executive officer of a statutory authority were references to the board.
- (2) Subsection (1) shall not be taken to prevent the director from acting on behalf of the board.

Part 5 Miscellaneous

36 Immunity from suit

- (1) No action, suit or proceeding lies against a person who is or has been—
- (a) the director; or
 - (b) a non-executive member of the board;
- in relation to an act done or omitted to be done in good faith in the exercise, or purported exercise, of a function under this Act.
- (2) Subsection (1) does not affect any liability that the school or Territory would have, apart from that subsection, in relation to the act or omission.

37 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Schedule 1 Appointment and terms of office of non-executive members of board

(see s 16)

1 **Appointment**

The non-executive members of the board shall be appointed by the Minister in writing.

2 **Terms of office**

- (1) A non-executive member of the board holds office, subject to this Act—
 - (a) for the period specified in the instrument of appointment; and
 - (b) on the terms and conditions (if any) in relation to matters not provided for by this Act that are specified in the instrument of appointment.
- (2) The period of appointment shall not be more than 3 years.
- (3) A former non-executive member of the board is eligible for reappointment.

4 **Resignation**

A non-executive member of the board may resign by giving a signed notice of resignation to the Minister.

5 **Acting members**

- (1) The Minister may, in writing, appoint a person to act in the office of chairperson, deputy chairperson or a non-executive member—
 - (a) during a vacancy in the office, whether or not an appointment has previously been made to the office; or

Schedule 1 Appointment and terms of office of non-executive members of board

Clause 5

- (b) during any period, or during all periods, when the holder of the office is for any reason unable to exercise the functions of the office.
- (2) A person appointed to act during a vacancy in an office shall not so act continuously for more than 12 months.
- (3) Anything done by or in relation to a person purporting to act under an appointment under subsection (1) is not invalid on the ground that—
 - (a) the appointment was ineffective or had ceased to have effect; or
 - (b) the occasion to act had not arisen or had ceased.
- (4) The director is not eligible to be appointed under subsection (1).

Schedule 2 Appointment and terms of office of director

(see s 25)

1 **Appointment**

The director shall be appointed by the Minister in writing.

2 **Terms of office**

- (1) The director holds office, subject to this Act—
 - (a) for the period specified in the instrument of appointment; and
 - (b) on the terms and conditions (if any) in relation to matters not provided for by this Act that are specified in the instrument of appointment.
- (2) The period of the appointment shall not be more than 3 years.
- (3) A former director is eligible for reappointment.

4 **Resignation**

The director may resign by giving a signed notice of resignation to the Minister.

5 **Acting director**

- (1) The Minister may, in writing, appoint a person to act as the director—
 - (a) during a vacancy in the office of director, whether or not an appointment has previously been made to the office; or
 - (b) during any period, or during all periods, when the director is for any reason unable to exercise the functions of the office.

Schedule 2 Appointment and terms of office of director

Clause 5

- (2) A person appointed to act as the director during a vacancy in the office of director shall not so act continuously for more than 12 months.
- (3) Anything done by or in relation to a person purporting to act under an appointment under subclause (1) is not invalid on the ground that—
 - (a) the appointment was ineffective or had ceased to have effect;
or
 - (b) the occasion to act had not arisen or had ceased.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Hotel School Act 1996 No 72

notified 20 December 1996 (Gaz 1996 No S328)
s 1, s 2 commenced 20 December 1996 (s 2 (1))
remainder commenced 1 January 1997 (s 2 (2) and Gaz 1996
No S347)

as amended by

Remuneration Tribunal (Consequential Amendments) Act 1997 No 41 sch 1 (as am by Act 2002 No 49 amdt 3.222)

notified 19 September 1997 (Gaz 1997 No S264)
commenced 24 September 1997 (s 2 as am by Act 2002 No 49
amdt 3.222)

Acts Revision (Taxation of Territory Authorities) Act 1998 No 35 sch pt 1

notified 14 October 1998 (Gaz 1998 No 41)
commenced 14 October 1998 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 186

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 186 commenced 12 September 2001 (s 2 and see Gaz 2001
No S65)

Statute Law Amendment Act 2002 (No 2) No 49 amdt 3.222

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
amdt 3.222 commenced 24 September 1997 (s 2 (3))

Note This Act only amends the Remuneration Tribunal
(Consequential Amendments) Act 1997 No 41.

Taxation (Government Business Enterprises) Act 2003 A2003-12 sch 1 pt 1.4

notified LR 27 March 2003
s 1, s 2 taken to have commenced 1 July 2002 (LA s 75 (2))
sch 1 pt 1.4 commenced 28 March 2003 (s 2 (2))

Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1 pt 1.19

notified LR 19 March 2004

s 1, s 2 commenced 19 March 2004 (LA s 75 (1))

sch 1 pt 1.19 commenced 13 April 2004 (s 2 and see Annual Reports (Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.2117

Ministerial directions

s 6 am A2004-9 amdt 1.27

Powers

s 7 pars renum R2 LA

Establishment, functions and powers

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA

Constitution

div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA

Meetings

div 3.3 hdg (prev pt 3 div 3 hdg) renum R2 LA

Director

div 4.1 hdg (prev pt 4 div 1 hdg) renum R2 LA

Personnel

div 4.2 hdg (prev pt 4 div 2 hdg) renum R2 LA

Finance

div 4.3 hdg (prev pt 4 div 3 hdg) renum R2 LA

Fees

s 30 am 2001 No 44 amdt 1.2118

Liability for ACT taxes etc

s 32 sub 1998 No 35 sch pt 1
om A2003-12 amdt 1.4

Regulation-making power

s 37 sub 2001 No 44 amdt 1.2119

Transitional provisions

pt 6 hdg om 2001 No 44 amdt 1.2120

Interpretation

s 38 om 2001 No 44 amdt 1.2120

Endnotes

5 Earlier republications

Board of management—first non-executive members

s 39 om 2001 No 44 amdt 1.2120

Board of management—first presiding members

s 40 om 2001 No 44 amdt 1.2120

New director—former dean

s 41 om 2001 No 44 amdt 1.2120

Continuing employees

s 42 om 2001 No 44 amdt 1.2120

Savings—instruments made under CIT Act

s 43 om 2001 No 44 amdt 1.2120

References to former director or dean

s 44 om 2001 No 44 amdt 1.2120

Acts done on behalf of school

s 45 om 2001 No 44 amdt 1.2120

Reports 1996-97

s 46 om 2001 No 44 amdt 1.2120

Financial statements 1996-97

s 47 om 2001 No 44 amdt 1.2120

Appointment

sch 1, cl 1 am 1997 No 41 sch 1

Remuneration and allowances

sch 2, cl 3 om 1997 No 41 sch 1

Savings—instruments made under CIT Act

sch 3 om 2001 No 44 amdt 1.2120

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1998 No 35	31 July 1999

Republication No	Amendments to	Republication date
2	Act 2001 No 44	17 June 2002
2 (RI)	Act 2001 No 44 ‡	10 February 2003
3	A2003-12	28 March 2003

‡ includes retrospective amendments by Act 2002 No 49

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