# Melbourne College of Divinity Amendment Act 2016
## No. 61 of 2016

## TABLE OF PROVISIONS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Part 1—Preliminary</strong></td>
<td></td>
</tr>
<tr>
<td>1 Purpose</td>
<td>1</td>
</tr>
<tr>
<td>2 Commencement</td>
<td>2</td>
</tr>
<tr>
<td>3 Principal Act</td>
<td>2</td>
</tr>
<tr>
<td><strong>Part 2—Amendment of the Melbourne College of Divinity Act 1910</strong></td>
<td>3</td>
</tr>
<tr>
<td>4 Change of title to Principal Act</td>
<td>3</td>
</tr>
<tr>
<td>5 Preamble</td>
<td>3</td>
</tr>
<tr>
<td>6 Short title</td>
<td>4</td>
</tr>
<tr>
<td>7 Definitions</td>
<td>4</td>
</tr>
<tr>
<td>8 Constitution</td>
<td>5</td>
</tr>
<tr>
<td>9 Objects</td>
<td>5</td>
</tr>
<tr>
<td>10 Incorporation</td>
<td>5</td>
</tr>
<tr>
<td>11 The Council</td>
<td>5</td>
</tr>
<tr>
<td>12 Composition of Council</td>
<td>6</td>
</tr>
<tr>
<td>13 Terms and conditions of office</td>
<td>6</td>
</tr>
<tr>
<td>14 Resignation and removal of appointed members</td>
<td>7</td>
</tr>
<tr>
<td>15 Certificate of appointment</td>
<td>7</td>
</tr>
<tr>
<td>16 Special meetings</td>
<td>7</td>
</tr>
<tr>
<td>17 Election of Chancellor and Deputy Chancellor</td>
<td>7</td>
</tr>
<tr>
<td>18 Procedure of Council</td>
<td>8</td>
</tr>
<tr>
<td>19 Declaration of interests</td>
<td>8</td>
</tr>
<tr>
<td>20 Council member's responsibilities</td>
<td>8</td>
</tr>
<tr>
<td>21 Resolutions without meetings of the Council</td>
<td>8</td>
</tr>
<tr>
<td>22 Delegation</td>
<td>9</td>
</tr>
<tr>
<td>23 Indemnities</td>
<td>9</td>
</tr>
<tr>
<td>24 Appointment of officers</td>
<td>9</td>
</tr>
<tr>
<td>25 Creation and administration of trust and other funds</td>
<td>9</td>
</tr>
<tr>
<td>26 Accounts and audit</td>
<td>9</td>
</tr>
<tr>
<td>27 Academic Board</td>
<td>9</td>
</tr>
<tr>
<td>28 Powers of Academic Board</td>
<td>10</td>
</tr>
<tr>
<td>29 Section 23 substituted</td>
<td>10</td>
</tr>
<tr>
<td>30 Academic functions</td>
<td>11</td>
</tr>
<tr>
<td>31 Awards</td>
<td>11</td>
</tr>
<tr>
<td>Section</td>
<td>Page</td>
</tr>
<tr>
<td>---------</td>
<td>------</td>
</tr>
<tr>
<td>32</td>
<td>11</td>
</tr>
<tr>
<td>33</td>
<td>12</td>
</tr>
<tr>
<td>34</td>
<td>12</td>
</tr>
<tr>
<td>35</td>
<td>12</td>
</tr>
<tr>
<td>36</td>
<td>12</td>
</tr>
<tr>
<td>37</td>
<td>13</td>
</tr>
<tr>
<td><strong>Part 3—Transitional provisions</strong></td>
<td>14</td>
</tr>
<tr>
<td>38</td>
<td>14</td>
</tr>
<tr>
<td><strong>Part 4—Consequential amendment</strong></td>
<td>21</td>
</tr>
<tr>
<td>39</td>
<td>21</td>
</tr>
<tr>
<td><strong>Part 5—Repeal of amending Act</strong></td>
<td>22</td>
</tr>
<tr>
<td>40</td>
<td>22</td>
</tr>
<tr>
<td><strong>Endnotes</strong></td>
<td>23</td>
</tr>
<tr>
<td>1</td>
<td>23</td>
</tr>
</tbody>
</table>

General information
Melbourne College of Divinity Amendment Act 2016†
No. 61 of 2016

[Assented to 2 November 2016]

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purpose

The main purpose of this Act is to amend the Melbourne College of Divinity Act 1910—

(a) to change the title of the Melbourne College of Divinity Act 1910 to the University of Divinity Act 1910; and
Part 1—Preliminary

(b) to make other changes to reflect the University of Divinity's title, operation and status as a university; and

(c) to make various transitional and consequential amendments.

2 Commencement

(1) Subject to subsection (2), this Act comes into operation on a day to be proclaimed.

(2) If this Act does not come into operation before 1 August 2017, it comes into operation on that day.

3 Principal Act

In this Act, the Melbourne College of Divinity Act 1910 is called the Principal Act.
Part 2—Amendment of the Melbourne College of Divinity Act 1910

4 Change of title to Principal Act

In the title to the Principal Act, for "Melbourne College" substitute "University".

5 Preamble

At the end of the Preamble to the Principal Act insert—

"The Melbourne College of Divinity, a self-accrediting higher education provider since 1910, was created by the Melbourne College of Divinity Act 1910 at the request of a group of Victoria's churches to provide for the award of degrees, diplomas, and certificates in divinity and its associated disciplines. The College was significantly enlarged in 1972 with the inclusion of the Roman Catholic Church and the Churches of Christ, and the adoption of a collegiate structure for the delivery of its awards.

In 2011 the Melbourne College of Divinity was recognised as an Australian University of Specialisation, the first in Australia, and it commenced operation with university title on 1 January 2012. In 2013 the Melbourne College of Divinity resolved to request that its name be changed from the Melbourne College of Divinity to the University of Divinity to reflect its new status.

The University of Divinity is a collegiate university, conferring awards and conducting research in divinity and its associated disciplines through a network of colleges in Victoria and across Australia and overseas. The University's vision is to address the issues of the contemporary
world through critical engagement with theological traditions.

To align the University of Divinity with its status as a university, it is expedient to amend its name and the title of this Act and to make other related amendments.”.

6 Short title

In section 1 of the Principal Act, for "Melbourne College" substitute "University".

7 Definitions

In section 2 of the Principal Act—

(a) in the definition of Council, for "College" substitute "University";

(b) the definition of the College is repealed;

(c) the definition of recognised teaching institution is repealed;

(d) the definition of Regulations is repealed;

(e) insert the following definitions—

"Chancellor means the person holding the office of the Chancellor of the University;

college of the University means a college authorised by the Council under section 23;

Deputy Chancellor means the person holding the office of the Deputy Chancellor of the University;

regulations means regulations made under this Act;

University means the University of Divinity incorporated under this Act;
8 Constitution

(1) In the heading to section 3 of the Principal Act, for "College" substitute "University".

(2) In section 3(1) of the Principal Act, for "Melbourne College" substitute "University".

(3) Section 3(2)(b) of the Principal Act is repealed.

(4) In section 3(2) of the Principal Act, for "College" (wherever occurring) substitute "University".

9 Objects

(1) In the heading to section 4 of the Principal Act, for "College" substitute "University".

(2) In section 4 of the Principal Act, for "College" (where twice occurring) substitute "University".

10 Incorporation

(1) In section 5(1) of the Principal Act—

(a) for "College continues to be a body corporate under the name of the Melbourne College" substitute "University continues to be a body corporate under the name of the University";

(b) for "said College" substitute "University".

(2) In section 5(2) of the Principal Act, for "College" (wherever occurring) substitute "University".

11 The Council

(1) In section 6(1) of the Principal Act, for "College" (where twice occurring) substitute "University".

(2) In section 6(2) of the Principal Act—

(a) in paragraph (a), for "a Dean of the College" substitute "the Vice-Chancellor";
(b) paragraph (b) is repealed;

(c) in paragraphs (d), (f), (g), (h), (j), (k) and (l), for "College" substitute "University";

(d) in paragraph (i), for "College" (where twice occurring) substitute "University".

12 Composition of Council

(1) For section 7(1)(a) of the Principal Act substitute—

"(a) the Vice-Chancellor;".

(2) For section 7(4)(a) of the Principal Act substitute—

"(a) not more than one may be a person who—

(i) is employed by the Council or a college of the University; or

(ii) is a student of the University; and".

(3) For section 7(5) of the Principal Act substitute—

"(5) The Council must not appoint under subsection (1) a person who—

(a) is employed by the Council or a college of the University; or

(b) is a student of the University.".

(4) In section 7(6) of the Principal Act, for "recognised teaching institution" substitute "college of the University".

13 Terms and conditions of office

For section 8(1) of the Principal Act substitute—

"(1) Subject to this Act, a member of the Council appointed by a church or the Council under section 7 holds office for a period of not more than 3 years, with the appointment terminating on 31 December in the final year of the member's appointment.".
14 Resignation and removal of appointed members

In section 9 of the Principal Act—

(a) in subsection (1), for "President" (where twice occurring) substitute "Chancellor";

(b) in subsection (2), for "President" substitute "Chancellor".

15 Certificate of appointment

In section 10 of the Principal Act, for "President of the Council a certificate in writing under his" substitute "Chancellor a certificate in writing under the recognised head's".

16 Special meetings

In section 13(1) of the Principal Act, for "President or the Vice-President" substitute "Chancellor or the Deputy Chancellor".

17 Election of Chancellor and Deputy Chancellor

For section 14 of the Principal Act substitute—

"14 Election of Chancellor and Deputy Chancellor

(1) As soon as practicable after a vacancy in the office of the Chancellor or Deputy Chancellor occurs, the Council must elect a Council member appointed under section 7(1)(c), (d) or (e) to the vacant office.

(2) The Chancellor or Deputy Chancellor, as the case may be—

(a) holds office for a term not exceeding 3 years or for the term of the member's appointment to the Council, whichever is the shorter; and

(b) is eligible for reappointment.".
18 Procedure of Council

(1) For section 15(1) of the Principal Act substitute—

"(1) The Chancellor must preside at a meeting of the Council at which the Chancellor is present.

(1A) In the absence of the Chancellor, the Deputy Chancellor must preside at a meeting of the Council at which the Deputy Chancellor is present."

(2) In section 15(2) of the Principal Act, for "President nor Vice-President are" substitute "Chancellor nor Deputy Chancellor is".

19 Declaration of interests

In section 16 of the Principal Act—

(a) in subsection (1), for "President" substitute "Chancellor";

(b) in subsection (2), for "President" (where twice occurring) substitute "Chancellor".

20 Council member's responsibilities

In section 17 of the Principal Act—

(a) in subsection (1), for "College" (where twice occurring) substitute "University";

(b) in subsection (3)(a), for "College" substitute "University".

21 Resolutions without meetings of the Council

In section 18(1) of the Principal Act, for "President" substitute "Chancellor".
22 Delegation

In section 18A of the Principal Act—

(a) omit "the Dean of the College, the Registrar of the College,";

(b) for "by the College" substitute "by the University".

23 Indemnities

In section 18B of the Principal Act, for "College" substitute "University".

24 Appointment of officers

(1) For section 19(1) of the Principal Act substitute—

"(1) The Council must appoint the Vice-Chancellor to act as chief executive officer of the University.".

(2) In section 19(1A) and (4) of the Principal Act, for "College" substitute "University".

(3) In section 19(3) of the Principal Act, for "his membership" substitute "being a member of the Council".

25 Creation and administration of trust and other funds

In section 19A(1), (3), (9) and (10) of the Principal Act, for "College" substitute "University".

26 Accounts and audit

In section 20 of the Principal Act, for "College" (wherever occurring) substitute "University".

27 Academic Board

In section 20A(1) of the Principal Act, for "College" (wherever occurring) substitute "University".
Melbourne College of Divinity Amendment Act 2016
No. 61 of 2016

Part 2—Amendment of the Melbourne College of Divinity Act 1910

28 Powers of Academic Board

In section 21(1)(a) of the Principal Act, for "College" (where twice occurring) substitute "University".

29 Section 23 substituted

For section 23 of the Principal Act substitute—

"23 Colleges of the University

(1) The Council, on the advice of the Academic Board and in accordance with the regulations, may authorise a college to teach and examine students in academic programs and courses of study that will lead to the award by the Council of a degree, diploma, certificate or other award relating to a program or course of study.

(2) The Academic Board is responsible for ensuring that each college of the University accounts to the Board for all academic matters relating to courses of study and programs offered by the college that lead to the award by the Council of a degree, diploma, certificate or other award relating to that program or course of study.

(3) The Council or the Academic Board may require a college of the University to provide any of the following information relating to academic programs or courses of study provided by the college—

(a) the curricula of those programs or courses of study;

(b) the qualifications and experience of staff of the college teaching the programs or courses of study;
Melbourne College of Divinity Amendment Act 2016
No. 61 of 2016
Part 2—Amendment of the Melbourne College of Divinity Act 1910

(c) the views of students undertaking those programs or courses of study;

(d) any other information that the Board or the Council believes is necessary for the evaluation or improvement of the quality of the delivery of those programs or courses of study.

(4) The Council, on the advice of the Academic Board and in accordance with the regulations, may revoke the authorisation of a college of the University under subsection (1) if it is of the opinion that the college should no longer be authorised for the purpose of providing academic programs or courses of study that lead to the award of a degree, diploma, certificate or other award by the Council.

30 Academic functions

In section 24 of the Principal Act, for "College" (wherever occurring) substitute "University".

31 Awards

(1) In the heading to section 25 of the Principal Act, for "College" substitute "University".

(2) In section 25(1) of the Principal Act omit "(including a post-graduate award)".

(3) In section 25(2) of the Principal Act, for "College" substitute "University".

32 Section 26 repealed

Section 26 of the Principal Act is repealed.
33 No religious test for candidates, examiners, officers etc.

In section 27 of the Principal Act—

(a) for "him" substitute "the person";

(b) for "College" (where twice occurring) substitute "University".

34 Persons fulfilling prescribed conditions entitled to graduate etc.

In section 29 of the Principal Act, for "degree diploma" (where twice occurring) substitute "degree, diploma".

35 Regulations

In section 30 of the Principal Act—

(a) in paragraph (d), for "President and Vice-President" substitute "Chancellor and Deputy Chancellor";

(b) in paragraph (f), for "Dean, the registrar the examiners" substitute "Vice-Chancellor, the examiners,";

(c) in paragraphs (ga), (j), (ja), (l), (la) and (m), for "College" substitute "University";

(d) for paragraph (ia) substitute—

"(ia) the authorisation of colleges by the Council under section 23 and the terms and conditions of such authorisations;";

(e) in paragraph (ib), for "recognised teaching institutions" substitute "colleges of the University".

36 Requirements for regulations

In section 32(3) of the Principal Act, for "Registrar of the College" substitute "Council".

Authorised by the Chief Parliamentary Counsel
37 Service of notices

For section 33(3) of the Principal Act substitute—

"(3) Any notice or other document required to be served on the University may be served by leaving it with the Vice-Chancellor or sending it by prepaid post to the University at its usual address.

Note

The Electronic Transactions (Victoria) Act 2000 provides for the service of documents by electronic communication in accordance with that Act."
Part 3—Transitional provisions

38 Transitional provisions

After section 34 of the Principal Act insert—

35 Title to Act

On and from the commencement of the Melbourne College of Divinity Amendment Act 2016, in any Act (other than the Melbourne College of Divinity Amendment Act 2016), subordinate instrument, or other document, unless the context otherwise requires, a reference to the Melbourne College of Divinity Act 1910 is to be construed as a reference to the University of Divinity Act 1910.

36 University is same body despite change of name

(1) Despite the change of the name of the University from the Melbourne College of Divinity to the University of Divinity, the University is the same body as the Melbourne College of Divinity in existence immediately before the commencement of the Melbourne College of Divinity Amendment Act 2016 and no decision, matter or thing is affected because of that change of name.

(2) On and from the commencement of the Melbourne College of Divinity Amendment Act 2016, a reference in any Act (other than the Melbourne College of Divinity Amendment Act 2016), subordinate instrument, or other document, unless the context otherwise requires, to the Melbourne College of Divinity is to be
construed as a reference to the University of Divinity.

(3) Any power exercised before the commencement of the Melbourne College of Divinity Amendment Act 2016 under the name "Melbourne College of Divinity" is taken, on and from that commencement, to have been exercised under the name "University of Divinity".

(4) The affixing of the common seal of the Melbourne College of Divinity before the commencement of the Melbourne College of Divinity Amendment Act 2016 is taken, on and from that commencement, to have been the affixing of the common seal of the University of Divinity.

37 Council

On and from the commencement of the Melbourne College of Divinity Amendment Act 2016—

(a) the Council is taken to be the same body as it was immediately before that commencement, despite any changes to the constitution of the Council, and no decision, matter or thing is affected because of those changes; and

(b) the members of the Council in office immediately before that commencement continue in office on the same terms and conditions as those on which they were originally appointed for the remainder of their original terms; and

(c) in any Act (other than the Melbourne College of Divinity Amendment Act 2016), subordinate instrument, or
other document, unless the context otherwise requires, a reference to the Council constituted under the Melbourne College of Divinity Act 1910 is to be construed as a reference to the Council constituted under the University of Divinity Act 1910.

38 Chancellor, Deputy Chancellor and Vice-Chancellor

(1) On and from the commencement of the Melbourne College of Divinity Amendment Act 2016—

(a) the President holding office immediately before that commencement is taken to be the Chancellor; and

(b) the Vice-President holding office immediately before that commencement is taken to be the Deputy Chancellor; and

(c) the Dean holding office immediately before that commencement is taken to be the Vice-Chancellor; and

(d) the President, Vice-President and Dean holding office immediately before that commencement continue in office as the Chancellor, Deputy Chancellor and Vice-Chancellor respectively on the same terms and conditions on which they were originally appointed as President, Vice-President or Dean (as the case may be) for the remainder of their original terms.
(2) On and from the commencement of the Melbourne College of Divinity Amendment Act 2016, in any Act (other than the Melbourne College of Divinity Amendment Act 2016), subordinate instrument, or other document, unless the context otherwise requires—

(a) a reference to the President is to be construed as a reference to the Chancellor; and

(b) a reference to the Vice-President is to be construed as a reference to the Deputy Chancellor; and

(c) a reference to the Dean is to be construed as a reference to the Vice-Chancellor.

39 Colleges of the University

On and from the commencement of the Melbourne College of Divinity Amendment Act 2016—

(a) a recognised teaching institution is taken to be a college of the University; and

(b) in any Act (other than the Melbourne College of Divinity Amendment Act 2016), subordinate instrument, or other document, unless the context otherwise requires, a reference to a recognised teaching institution is to be construed as a reference to a college of the University.

40 Persons enrolled as students

On and from the commencement of the Melbourne College of Divinity Amendment Act 2016, a person who is
enrolled as a student of the Melbourne College of Divinity immediately before that commencement is taken to be enrolled as a student of the University of Divinity on the same terms that applied immediately before that day to that person as a student of the Melbourne College of Divinity.

41 Awards and degrees

(1) On and after 1 January 2012, any degree, diploma, certificate or other award conferred or granted by the Council on a person who, before 1 January 2012, has fulfilled the conditions prescribed for admission to that degree, diploma, certificate or other award must be conferred or granted in the name of the Melbourne College of Divinity.

(2) On and after 1 January 2012, any degree, diploma, certificate or other award conferred or granted by the Council on a person who, on or after 1 January 2012, has fulfilled the conditions prescribed for admission to that degree, diploma, certificate or other award must be conferred or granted in the name of the University of Divinity.

(3) Despite the amendment of section 5 by the Melbourne College of Divinity Amendment Act 2016, the common seal of the Melbourne College of Divinity may be used for the purposes of conferring a degree or granting a diploma, certificate or other award in the name of the Melbourne College of Divinity in accordance with subsection (1).
Melbourne College of Divinity Amendment Act 2016
No. 61 of 2016

Part 3—Transitional provisions

42 Regulations of the University

On and from the commencement of the Melbourne College of Divinity Amendment Act 2016, in any Act (other than the Melbourne College of Divinity Amendment Act 2016), subordinate instrument, or other document, unless the context otherwise requires, a reference to regulations of the Melbourne College of Divinity made under section 30 is to be construed as a reference to regulations of the University of Divinity made under that section.

43 Regulations dealing with transitional matters

(1) The Governor in Council may make regulations containing provisions of a transitional nature, including matters of an application or savings nature, arising as a result of the enactment of this Act, including the repeals and amendments made by the Melbourne College of Divinity Amendment Act 2016.

(2) Regulations made under this section may—

(a) have a retrospective effect to a day on or from the date that the Melbourne College of Divinity Amendment Act 2016 receives the Royal Assent; and

(b) be of limited or general application; and

(c) leave any matter or thing to be decided by a specified person or class of person; and
(d) provide for the exemption of persons or matters or a class of persons or matters from any of the regulations made under this section.

(3) Regulations made under this section have effect despite anything to the contrary in any Act (other than this Act or the Charter of Human Rights and Responsibilities Act 2006) or in any subordinate instrument.

(4) This section is repealed on the second anniversary of the day on which it comes into operation.'
Part 4—Consequential amendment

39 Amendment of the Education and Training Reform Act 2006

In section 4.7.7(2)(c) of the Education and Training Reform Act 2006, for "Melbourne College of Divinity" substitute "University of Divinity".
Part 5—Repeal of amending Act

40 Repeal of amending Act

This Act is repealed on 1 August 2018.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the Interpretation of Legislation Act 1984).
Endnotes

1 General information


† Minister's second reading speech—

Legislative Assembly: 8 June 2016
Legislative Council: 31 August 2016

The long title for the Bill for this Act was "A Bill for an Act to amend the Melbourne College of Divinity Act 1910 to provide for the title, operation and status of the University of Divinity and for other purposes."