

Authorised Version No. 005
Victorian College of Agriculture and Horticulture Act 1982

No. 9812 of 1982

Authorised Version incorporating amendments as at
1 August 2015

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An Act to provide for the establishment of a post-secondary education institution to be known as the Victorian College of Agriculture and Horticulture and for the transfer to the College of the control and administration of the Agricultural Colleges carried on as State Agricultural Colleges pursuant to the **Agricultural Colleges Act 1958**, to repeal the **Agricultural Colleges Act 1958**, to amend the **Land Act 1958** and the **Post-Secondary Education Remuneration Tribunal Act 1980**, and for other purposes.

Preamble

WHEREAS, pursuant to the **Agricultural Colleges Act 1958**, the Agricultural Colleges known as the Dookie Agricultural College, the Glenormiston Agricultural College, the Longerenong Agricultural College, the Burnley Horticultural College, the McMillan Rural Studies Centre and the Gilbert Chandler College of Dairy Technology have been carried on as State Agricultural Colleges under the control of the Minister of Agriculture:

AND WHEREAS it is desired that such Agricultural Colleges shall be amalgamated into one post-secondary education institution under the **Post-Secondary Education Act 1978**:

AND WHEREAS it is therefore expedient to provide for the establishment of a post-secondary education institution to be known as the Victorian College of Agriculture and Horticulture and further to provide that the control and administration of

such Agricultural Colleges shall be transferred from the Minister of Agriculture to the College:

AND WHEREAS it is desired to provide that the governing body of the College shall be a Council constituted as a body corporate by Order of the Governor in Council made pursuant to the **Post-Secondary Education Act 1978**:

AND WHEREAS it is expedient to make such further provision in respect of the foregoing as is hereinafter set out:

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

1 Short title and commencement

- (1) This Act may be cited as the **Victorian College of Agriculture and Horticulture Act 1982**.
- (2) This Act shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette.
- (3) This Act is divided into Parts as follows:

Part I—General

Part II—Transitional Provisions.

2 Definitions

In this Act unless inconsistent with the context or subject-matter—

College means the Victorian College of Agriculture and Horticulture established by this Act;

Council means the Council of the College constituted as a body corporate by Order in Council made as provided for this Act;

the Agricultural Colleges means the Agricultural Colleges, known as the Dookie Agricultural College, the Glenormiston Agricultural College, the Longerenong Agricultural College, the Burnley Horticultural College, the McMillan Rural Studies Centre and the Gilbert Chandler College of Dairy Technology, which have been carried on as State Agricultural Colleges pursuant to the **Agricultural Colleges Act 1958**.

Part I—General

3 The College

- (1) There shall be a post-secondary education institution to be called the Victorian College of Agriculture and Horticulture.
- (2) The College shall consist of a Council, the academic and general staff of the College and the students of the College.

4 The Council

The Council shall be the governing body of the College and shall be constituted as a body corporate by Order in Council made as provided for in section 6.

5 Power of Council with respect to Crown lands

- (1) In addition to any powers conferred upon it by the **Post-Secondary Education Act 1978** and by the Order in Council constituting it as a body corporate, the Council shall have power to enter into arrangements for the use by the College of any Crown lands temporarily or permanently reserved under the **Crown Land (Reserves) Act 1978** being lands used for or in connexion with the Agricultural Colleges (other than the lands referred to in section 7(1)(b)) with the body administering the Crown lands.
- (2) For the purposes of subsection (1), the body administering the Crown lands is the Minister of State, committee of management or trustees (as the case may be) having the control of the Crown lands for the time being.
- (3) Any arrangement entered into pursuant to subsection (1) shall describe fully the lands to which it refers.

Part II—Transitional provisions

6 Council of College to be incorporated under Post-Secondary Education Act 1978

- (1) For the purpose of making an application pursuant to section 23(1) of the **Post-Secondary Education Act 1978** to the Post-Secondary Education Commission for the incorporation under that Act of the Council to manage and control the College, the Minister shall be deemed to be the governing body of the College.
- (2) The Minister shall make the application referred to in subsection (1) as soon as practicable after the commencement of this Act.
- (3) The Minister shall for the purposes of the application referred to in subsection (1) have power to do all such things as may be lawfully required of him by the Post-Secondary Education Commission in respect of that application but on and from the publication in the Government Gazette pursuant to section 23(3) of the **Post-Secondary Education Act 1978** of the Order in Council constituting the Council as a body corporate to manage and control the College the Minister shall cease to be the governing body of the College.
- (4) Section 26(1) of the **Post-Secondary Education Act 1978** shall not apply in respect of the Order in Council constituting the Council as a body corporate to manage and control the College.

7 Transfer to College of control of Agricultural Colleges

- (1) On and from a day to be fixed by proclamation of the Governor in Council published in the Government Gazette (*the appointed day*)—

- (a) the control and administration of the Agricultural Colleges shall be transferred to and vested in the Council;
- (b) the lands described in Parts I and II of the Second Schedule to the **Agricultural Colleges Act 1958** (being the lands upon which the Agricultural Colleges known as Longerenong Agricultural College and Dookie Agricultural College are respectively established) shall be deemed to be permanently reserved under the **Crown Land (Reserves) Act 1978** for the purpose of agricultural colleges and shall be under the control of the Council;
- (c) all personal property vested in the Minister of Agriculture and used for or in connexion with the Agricultural Colleges shall be transferred to and vest in the Council;
- (d) the Council shall assume possession of all documents and records of the Agricultural Colleges and of the Division of Agricultural Education of the Department of Agriculture relating to degrees diplomas certificates and other awards conferred by the Agricultural Colleges;
- (e) any student of the Agricultural Colleges who before the appointed day had been awarded a scholarship under section 7(2) of the **Agricultural Colleges Act 1958** is entitled to the benefit of the scholarship for the remainder of the term for which it was awarded;
- (f) the **Agricultural Colleges Act 1958** shall be **repealed**;

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S. 7(1)(g)
repealed by
No. 21/2015
s. 3(Sch. 1
item 63).

- (h) the Order in Council specified in Schedule Two shall be revoked; and
 - (i) any reference to the Agricultural Colleges, the State Agricultural Colleges or the Division of Agricultural Education of the Department of Agriculture in any other Act or any proclamation Order in Council regulation by-law or other instrument or document shall, if not inconsistent with the context or subject-matter, be deemed and taken to refer to the College.
- (2) The appointed day shall be a day after the day upon which the Council is constituted as a body corporate to manage and control the College by Order in Council made as provided for in section 6.
- (3) Except as in this Act expressly or by necessary implication provided—
- (a) all persons things and circumstances appointed or created by or under the **Agricultural Colleges Act 1958** or existing or continuing under that Act immediately before the appointed day shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if that Act had not been repealed;
 - (b) in particular and without affecting the generality of paragraph (a), that repeal shall not disturb the continuity of status operation or effect of any regulation order grant lease renewal demise purchase lease condition obligation liability or right made effected

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issued granted fixed accrued incurred or
acquired or existing or continuing by or
under the **Agricultural Colleges Act 1958**
before the appointed day.

- (4) Notwithstanding the enactment of this Act, the
Dookie Agricultural College Land Act 1972
shall continue to have the same operation and
effect as if this Act had not been enacted.

S. 8
amended by
No. 50/1988
s. 93(2)(Sch. 2
Pt 2 item 67),
repealed by
No. 46/1998
s. 7(Sch. 1).

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Schedules

Schedules

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**Sch. 1
repealed by
No. 21/2015
s. 3(Sch. 1
item 63).**

Schedule two

s. 7(1)(h).

The proclamation of the Governor in Council dated 5 May 1981 and published in the Government Gazette of 6 May 1981 at page 1434 declaring the McMillan Rural Studies Centre and the Gilbert Chandler College of Dairy Technology to be Agricultural Colleges for the purposes of section 6 of the **Agricultural Colleges Act 1958**.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The **Victorian College of Agriculture and Horticulture Act 1982** was assented to on 14 December 1982 and came into operation on 22 December 1982: Government Gazette 22 December 1982 page 4132—appointed day is 8 March 1983: Government Gazette 23 February 1983 page 426.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Victorian College of Agriculture and Horticulture Act 1982** by Acts and subordinate instruments.

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(2)(Sch. 2 Pt 2 item 67) on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: This information relates only to the provision/s amending the **Victorian College of Agriculture and Horticulture Act 1982**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Victorian College of Agriculture and Horticulture Act 1982**

Statute Law Revision Act 2015, No. 21/2015

Assent Date: 16.6.15
Commencement Date: S. 3(Sch. 1 item 63) on 1.8.15: s. 2(1)
Current State: This information relates only to the provision/s amending the **Victorian College of Agriculture and Horticulture Act 1982**

3 Amendments Not in Operation

Not updated for this publication.

4 Explanatory details

No entries at date of publication.