

**Authorised Version No. 010**  
**University of Divinity Act 1910**  
**No. 2275 of 1910**

Authorised Version incorporating amendments as at  
1 January 2017

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Authorised Version incorporating amendments as at  
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An Act to provide for the Constitution and Incorporation of a  
College of Divinity under the name of the Melbourne College of  
Divinity.

**Preamble**

Preamble  
amended by  
No. 61/2016  
s. 5.

WHEREAS by section twenty-five of the  
**University Act 1890** as amended by the  
**University Act 1903** it is provided inter alia that,  
subject to the statutes and regulations of the  
University, the Council thereof may after  
examination confer in any Faculty except Divinity  
any degree diploma certificate or licence:

Nos 1151  
s. 25, 1826  
s. 2.

AND WHEREAS it is expedient to provide  
facilities for the conferring of degrees diplomas  
and certificates in divinity and for that purpose to  
provide for the constitution and incorporation of a  
body (other than the University of Melbourne or  
any College or educational establishment affiliated  
to or connected with the University) which body  
shall be authorized to confer degrees diplomas and  
certificates in divinity, and to hold examinations  
for that purpose:

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

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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.

**BE IT THEREFORE ENACTED by the King'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**

This Act may be cited as the **University of Divinity Act 1910**.

S. 1  
amended by  
No. 61/2016  
s. 6.

## 2 Definitions

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

<i>associated disciplines</i> means studies in religion and ministry practice directly related to Divinity in its contemporary, historical, social and cultural contexts;	S. 2 def. of <i>associated disciplines</i> inserted by No. 54/2005 s. 3.
<i>Chancellor</i> means the person holding the office of the Chancellor of the University;	S. 2 def. of <i>Chancellor</i> inserted by No. 61/2016 s. 7(e).
<i>college of the University</i> means a college authorised by the Council under section 23;	S. 2 def. of <i>college of the University</i> inserted by No. 61/2016 s. 7(e).
<i>Council</i> means the Council of the University;	S. 2 def. of <i>Council</i> inserted by No. 54/2005 s. 3, amended by No. 61/2016 s. 7(a).
<i>Deputy Chancellor</i> means the person holding the office of the Deputy Chancellor of the University;	S. 2 def. of <i>Deputy Chancellor</i> inserted by No. 61/2016 s. 7(e).
* * * * *	S. 2 def. of <i>the College</i> repealed by No. 61/2016 s. 7(b).
<i>prescribed</i> means prescribed by this Act or by any regulations;	

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S. 2 def. of  
*recognised  
teaching  
institution*  
inserted by  
No. 54/2005  
s. 3,  
repealed by  
No. 61/2016  
s. 7(c).

\* \* \* \* \*

S. 2 def. of  
*Regulations*  
repealed by  
No. 61/2016  
s. 7(d).

\* \* \* \* \*

S. 2 def. of  
*regulations*  
inserted by  
No. 61/2016  
s. 7(e).

*regulations* means regulations made under this  
Act;

S. 2 def. of  
*University*  
inserted by  
No. 61/2016  
s. 7(e).

*University* means the University of Divinity  
incorporated under this Act;

S. 2 def. of  
*Vice-  
Chancellor*  
inserted by  
No. 61/2016  
s. 7(e).

*Vice-Chancellor* means the person holding the  
office of the Vice-Chancellor of the  
University.

S. 3 (Heading)  
amended by  
No. 61/2016  
s. 8(1).

### 3 Constitution of University

S. 3  
amended by  
Nos 8335  
s. 2(a)(i)–(iv),  
9325 s. 4(1),  
substituted by  
No. 54/2005  
s. 4.

S. 3(1)  
amended by  
No. 61/2016  
s. 8(2).

- (1) For the purpose of this Act, the body corporate  
under the name the University of Divinity  
continues to be constituted and incorporated as  
provided in this Act.

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(2) The University consists of—

(a) the Council;

S. 3(2)  
amended by  
No. 61/2016  
s. 8(4).

\* \* \* \* \*

S. 3(2)(b)  
repealed by  
No. 61/2016  
s. 8(3).

(c) members of the boards and committees of  
the University;

S. 3(2)(c)  
amended by  
No. 61/2016  
s. 8(4).

(d) members of the academic staff and general  
staff of the University that are specified by  
the Council or of a class of staff specified by  
the Council;

S. 3(2)(d)  
amended by  
No. 61/2016  
s. 8(4).

(e) persons enrolled as students of the  
University in courses or parts of courses  
leading to a degree, diploma, certificate or  
other award of the University;

S. 3(2)(e)  
amended by  
No. 61/2016  
s. 8(4).

(f) persons designated by the University as  
scholars of the University.

S. 3(2)(f)  
amended by  
No. 61/2016  
s. 8(4).

#### 4 Objects of University

S. 4 (Heading)  
amended by  
No. 61/2016  
s. 9(1).

The objects of the University include—

(a) the pursuit of the highest standards in  
teaching and research in Divinity and  
associated disciplines;

S. 4  
amended by  
No. 8335  
s. 3,  
substituted by  
Nos 9325  
s. 5, 54/2005  
s. 4,  
amended by  
No. 61/2016  
s. 9(2).

(b) the offering to scholars and students of  
Divinity of the opportunity to anchor faith in  
understanding, and in a spirit of dialogue to  
engage with society;

S. 4(c)  
amended by  
No. 61/2016  
s. 9(2).

- (c) to respect, encourage, challenge and inform students who come to the University to learn;
- (d) to respond to the academic needs of the churches, and to promote their integrity;
- (e) to address issues from a sound and reasoned theological viewpoint and to offer society opportunities for dialogue with traditions and values that have been refined over centuries;
- (f) to aid, by research and other appropriate means, the advancement and development of knowledge and its practical application to the churches, wider academic and community life, and public policy;
- (g) to confer degrees, diplomas and certificates and other awards in Divinity and associated disciplines.

S. 5  
amended by  
No. 9325  
s. 6(a).

## 5 Incorporation

S. 5(1)  
amended by  
Nos 9325  
s. 6(b),  
54/2005  
s. 5(1),  
61/2016  
s. 10(1).

- (1) The University continues to be a body corporate under the name of the University of Divinity with perpetual succession and a common seal, and by that name shall be capable in law of suing and being sued, and for the purposes of the University shall be capable of acquiring, holding and disposing of real and personal property and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

S. 5(2)  
inserted by  
No. 9325  
s. 6(c),  
amended by  
No. 61/2016  
s. 10(2).

- (2) Without affecting the generality of subsection (1), the University may—
  - (a) erect buildings;

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- |                                                                                                                                                                                                                                           |                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| (b) accept gifts, devises and bequests made to the University whether on trust or otherwise;                                                                                                                                              | S. 5(2)(b)<br>amended by<br>No. 61/2016<br>s. 10(2).                           |
| (c) act as trustee of moneys or other property vested in the University upon trust;                                                                                                                                                       | S. 5(2)(c)<br>amended by<br>No. 61/2016<br>s. 10(2).                           |
| (d) reimburse to—                                                                                                                                                                                                                         | S. 5(2)(d)<br>substituted by<br>No. 54/2005<br>s. 5(2)(a).                     |
| (i) members of the Council, reasonable travelling and other expenses incurred in attending meetings of the Council and in carrying out the business of the University;                                                                    | S. 5(2)(d)(i)<br>amended by<br>No. 61/2016<br>s. 10(2).                        |
| (ii) members of committees and boards established for the purposes of this Act, reasonable travelling and other expenses incurred in attending meetings of those committees or boards and in carrying out the business of the University; | S. 5(2)(d)(ii)<br>amended by<br>No. 61/2016<br>s. 10(2).                       |
| (iii) other persons, reasonable travelling and other expenses incurred in carrying out the business of the University;                                                                                                                    | S. 5(2)(d)(iii)<br>amended by<br>No. 61/2016<br>s. 10(2).                      |
| (e) raise or borrow money in such manner and upon such security (if any) as the Council determines;                                                                                                                                       | S. 5(2)(e)<br>amended by<br>No. 54/2005<br>s. 5(2)(b).                         |
| (f) invest and deal with moneys of the University upon such security or otherwise in such manner as may from time to time be determined by the Council;                                                                                   | S. 5(2)(f)<br>amended by<br>Nos 54/2005<br>s. 5(2)(c),<br>61/2016<br>s. 10(2). |
| (g) grant scholarships, prizes, exhibitions, bursaries and other awards;                                                                                                                                                                  | S. 5(2)(g)<br>amended by<br>No. 54/2005<br>s. 5(2)(d).                         |

S. 5(2)(h)  
amended by  
Nos 54/2005  
s. 5(2)(e),  
61/2016  
s. 10(2).

(h) publish material arising from or relating to  
the activities of the University;

S. 5(2)(i)  
inserted by  
No. 54/2005  
s. 5(2)(f),  
amended by  
No. 61/2016  
s. 10(2).

(i) do anything else necessary to carry out the  
objects of the University or that is authorised  
by this Act.

S. 6  
repealed by  
No. 9325 s. 7,  
new s. 6  
inserted by  
No. 54/2005  
s. 6.

## 6 The Council

S. 6(1)  
amended by  
No. 61/2016  
s. 11(1).

(1) The Council is the governing authority of  
the University and has the direction and  
superintendence of the University.

(2) The primary responsibilities of the Council  
include—

S. 6(2)(a)  
amended by  
No. 61/2016  
s. 11(2)(a).

(a) appointing and monitoring the performance  
of the Vice-Chancellor;

S. 6(2)(b)  
repealed by  
No. 61/2016  
s. 11(2)(b).

\* \* \* \* \*

S. 6(2)(d)  
amended by  
No. 61/2016  
s. 11(2)(c).

(c) ensuring that its processes are carried out in  
accordance with this Act;

(d) approving the mission and strategic direction  
of the University, and its annual budget and  
business plan;

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- |                                                                                                                                                                                                                                                  |                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| (e) appointing an external auditor;                                                                                                                                                                                                              |                                                         |
| (f) appointing an audit committee with a chairperson and at least 3 other persons who are not staff or students of the University;                                                                                                               | S. 6(2)(f)<br>amended by<br>No. 61/2016<br>s. 11(2)(c). |
| (g) overseeing and reviewing the management of the University and its performance as a higher education institution;                                                                                                                             | S. 6(2)(g)<br>amended by<br>No. 61/2016<br>s. 11(2)(c). |
| (h) establishing policy and procedural principles for the operation of the University consistent with legal requirements and community expectations;                                                                                             | S. 6(2)(h)<br>amended by<br>No. 61/2016<br>s. 11(2)(c). |
| (i) approving and monitoring systems of control and accountability of the University including those required to maintain a general overview of any entity controlled by the University in accordance with section 50AA of the Corporations Act; | S. 6(2)(i)<br>amended by<br>No. 61/2016<br>s. 11(2)(d). |
| (j) overseeing and monitoring the assessment and management of risk across the University, including commercial undertakings;                                                                                                                    | S. 6(2)(j)<br>amended by<br>No. 61/2016<br>s. 11(2)(c). |
| (k) overseeing and monitoring the academic activities of the University;                                                                                                                                                                         | S. 6(2)(k)<br>amended by<br>No. 61/2016<br>s. 11(2)(c). |
| (l) approving any significant commercial activities of the University.                                                                                                                                                                           | S. 6(2)(l)<br>amended by<br>No. 61/2016<br>s. 11(2)(c). |

## 7 Composition of Council

S. 7  
repealed by  
No. 9325 s. 7,  
new s. 7  
inserted by  
No. 54/2005  
s. 6.

(1) The Council consists of—

S. 7(1)(a)  
substituted by  
No. 61/2016  
s. 12(1).

(a) the Vice-Chancellor;

(b) the Chairperson of the Academic Board;

(c) not more than 2 persons appointed by each of the following—

(i) the Standing Committee of the Provincial Council of the Anglican Church of Australia in Victoria;

(ii) the Baptist Union of Victoria;

(iii) the Conference of the Churches of Christ in Victoria and Tasmania;

(iv) the Episcopal Conference of the Melbourne Province of the Roman Catholic Church in Victoria;

S. 7(1)(c)(v)  
substituted by  
No. 28/2008  
s. 8(2).

(v) the Synod within the meaning of **The Uniting Church in Australia Act 1977**;

(d) 3 persons appointed by the Council;

(e) not more than 6 other persons appointed in accordance with subsection (2).

(2) With the agreement of two-thirds of the appointed members of the Council, and of the heads of churches represented on the Council, any other church may appoint not more than 2 members to the Council.

(3) Of the persons appointed under subsection (1)—

(a) 2 must be persons with financial expertise with relevant qualifications and experience in financial management at a senior level;

(b) one must be a person with commercial expertise at a senior level.

(4) Of the persons appointed by each of the churches under subsection (1) or (2)—

(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

(b) none shall be a member of the Parliament of Victoria or of the Commonwealth or of any other State or Territory of Australia.

S. 7(4)(a)  
substituted by  
No. 61/2016  
s. 12(2).

(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.

S. 7(5)  
substituted by  
No. 61/2016  
s. 12(3).

(6) At least half the members of the Council must be persons who are neither enrolled as a student nor employed by the Council or a college of the University.

S. 7(6)  
amended by  
No. 61/2016  
s. 12(4).

## **8 Terms and conditions of office**

S. 8  
amended by  
Nos 8335  
s. 2(b)(c), 9325  
s. 8(a)–(e),  
substituted by  
No. 54/2005  
s. 6.

(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

S. 8(1)  
substituted by  
No. 61/2016  
s. 13.

31 December in the final year of the member's appointment.

- (2) Despite subsection (1)—
- (a) a church may appoint a member until 31 December in the year, or in the year following the year, the member's appointment takes effect to ensure that 3 offices of the members appointed by the churches fall vacant each year;
  - (b) the Council may appoint a member until 31 December in the year, or in the year following the year, the member's appointment takes effect to ensure that one office of the members appointed by the Council falls vacant each year;
  - (c) a member of the Council appointed in accordance with paragraph (a) or (b) holds office for the period specified in his or her instrument of appointment.
- (3) A member appointed to the Council is eligible to be appointed to the Council at the end of the member's term of office, but not so as to extend his or her period in office to exceed 12 years membership (whether consecutive or not).
- (4) Subsection (3) does not apply to a member appointed to the Council whose membership of the Council exceeds 12 years if the Council passes a resolution that the person may continue to be a member beyond that period.

S. 8A  
inserted by  
No. 54/2005  
s. 6.

## **8A Acting members**

- (1) If a member of the Council is unable to attend a meeting of the Council and has obtained leave of the Council before that meeting, the body that appointed that person may appoint another person qualified to be appointed as a member to act as the member during the meeting.

- (2) While the appointment of an acting member remains in force, the acting member has and may exercise all the powers and perform all the duties and functions of the member.

**9 Resignation and removal of appointed members**

S. 9  
amended by  
No. 9325 s. 9,  
substituted by  
No. 54/2005  
s. 6.

- (1) A member of the Council, other than the Chancellor, may resign by writing delivered to the Chancellor.
- (2) The Chancellor may resign by writing delivered to a meeting of the Council.
- (3) A member of the Council appointed by a church may, at any time, be removed by the church.
- (4) The office of a member of the Council becomes vacant if the member—
- (a) is or becomes disqualified from managing corporations under Part 2D.6 of the Corporations Act; or
  - (b) has failed to attend, without the Council's prior approval, 3 consecutive ordinary meetings of the Council.
- (5) Without limiting this section and the powers of a church under this section, the Council may remove a member from office in accordance with this section.
- (6) The Council may only remove a member from office if it is of the opinion that the member has failed to comply with the responsibilities of a member of the Council.

S. 9(1)  
amended by  
No. 61/2016  
s. 14(a).

S. 9(2)  
amended by  
No. 61/2016  
s. 14(b).

- (7) The Council must not remove a member from office unless—
- (a) another member gives notice at an ordinary meeting of the Council of an intention to move a motion for the member to be removed from the Council and sets out in the notice the grounds for removal; and
  - (b) the member gives that notice no later than at the last ordinary meeting of the Council before the meeting at which the motion to remove the member will be put to the Council; and
  - (c) if the member to be removed is not present at the meeting at which that notice is given, the Council gives the member written notice of the intention and sets out in the notice the grounds for removal; and
  - (d) the Council gives the member to be removed an opportunity, at or before the meeting where the motion for removal is to be considered, to make submissions in writing or personally before the Council of the reasons why the member should not be removed from the Council; and
  - (e) by a majority of two-thirds of the members present at the meeting, the Council passes a resolution removing the member from office on the grounds stated in the notice given under this section.

S. 9A  
inserted by  
No. 54/2005  
s. 6.

#### **9A Filling of vacancies on retirement**

The appointment of a person as a member of the Council to fill a vacancy caused by the retirement of a member upon the expiration of the term of office must be made at least one month before the date of expiration of the term of office of the retiring member.

**9B Casual vacancies**

- (1) If the office of a member of the Council becomes vacant otherwise than by reason of the expiry of the member's term of office, a person must be appointed to fill the vacancy as soon as practicable after the office falls vacant.
- (2) The member so appointed must satisfy the requirements of section 7 with respect to the office that has become vacant.
- (3) The appointment shall be made by the body by which the member whose office has become vacant was appointed.
- (4) The person appointed holds office, subject to this Act, for the remainder of the term of the office that fell vacant.
- (5) If the vacancy occurs within 3 months before the expiry of a member's term of office, the office may be left vacant for the remainder of the term.

S. 9B  
inserted by  
No. 54/2005  
s. 6.

**9C Failure by church to appoint member**

If a church fails to appoint a member to fill a vacant office under section 9A or 9B within 3 months after the vacancy occurs, the Council may appoint a member to fill the vacant office.

S. 9C  
inserted by  
No. 54/2005  
s. 6.

**10 Certificate of appointment**

Where any person is appointed a member of the Council by a church the recognised head in Victoria of the church or union which appointed that member shall deliver or send to the Chancellor a certificate in writing under the recognised head's hand stating that such person has been appointed; and such certificate shall be conclusive evidence of the appointment.

S. 10  
amended by  
Nos 9325  
s. 10(a)(b),  
54/2005  
s. 7(1)(a)(b),  
61/2016 s. 15.

## 11 Validation of acts and proceedings

S. 11(1)  
amended by  
No. 54/2005  
s. 7(2).

(1) No act or proceeding of the Council acting under the powers conferred by this Act shall be invalid or illegal by reason only of there being any vacancy in the number of members at the time of doing or executing such act or proceeding.

S. 11(2)  
amended by  
No. 54/2005  
s. 7(2).

(2) All acts and proceedings of the Council or of any person acting as a member thereof shall, notwithstanding that it may be afterwards discovered that there was some defect in the appointment of any person acting as a member, be as valid as if such person had been duly appointed.

## 12 Ordinary meetings

S. 12  
substituted by  
No. 54/2005  
s. 8.

- (1) The Council must hold meetings for the transaction of ordinary business at least 4 times in each year.
- (2) The meetings are to be held at the times and places that are prescribed by the regulations or, if there are no regulations, at the times and places that the Council determines.

## 13 Special meetings

S. 13(1)  
amended by  
Nos 54/2005  
s. 7(2),  
61/2016 s. 16.

- (1) The Council may hold special meetings, and the Chancellor or the Deputy Chancellor or any three or more members may call a special meeting.
- (2) No special meeting shall be held unless at least four clear days' notice thereof is given to members.
- (3) The notice shall be in writing and shall specify the time and place of the meeting and the object thereof.
- (4) No business shall be transacted at a special meeting except such as is stated in the notice thereof.

#### **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.

S. 14  
amended by  
No. 54/2005  
s. 9,  
substituted by  
No. 61/2016  
s. 17.

#### **15 Procedure of Council**

- (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) If neither the Chancellor nor Deputy Chancellor is present at a meeting the members present may elect a member to preside at the meeting.
- (3) The person presiding at a meeting has a deliberative vote and a second or casting vote.
- (4) A majority of the members of the Council currently holding office constitutes a quorum.

S. 15  
amended by  
No. 8335  
s. 2(d),  
substituted by  
No. 54/2005  
s. 10.

S. 15(1)  
substituted by  
No. 61/2016  
s. 18(1).

S. 15(1A)  
inserted by  
No. 61/2016  
s. 18(1).

S. 15(2)  
amended by  
No. 61/2016  
s. 18(2).

## 16 Declaration of interests

S. 16  
substituted by  
No. 54/2005  
s. 10.

S. 16(1)  
amended by  
No. 61/2016  
s. 19(a).

(1) A member of the Council who has an interest in a matter being considered or about to be considered by the Council must, as soon as practicable after the relevant facts have come to his or her knowledge, declare the nature of the interest at a meeting of the Council or in writing addressed to the Chancellor.

S. 16(2)  
amended by  
No. 61/2016  
s. 19(b).

(2) If the Chancellor receives a written declaration under subsection (1), the Chancellor must report it, or cause it to be reported, at the next meeting of the Council.

(3) The person presiding at a meeting at which a declaration is made under subsection (1) or reported under subsection (2) must cause a record of the declaration to be made in the minutes of the meeting.

(4) After a declaration is made under subsection (1) by a member of the Council—

- (a) unless the Council otherwise directs, the member must not be present during any deliberation with respect to that matter; and
- (b) the member is not entitled to vote on the matter; and
- (c) if the member does vote on the matter, the vote must be disallowed.

## **17 Council member's responsibilities**

S. 17  
substituted by  
No. 54/2005  
s. 10.

- (1) A member of the Council must act in the interests of the University as a whole and is responsible to the Council for furthering the purposes of the Council and the objects of the University rather than any constituent person or body who appointed the member.
- (2) A member of the Council must not make improper use of his or her position on the Council including the improper use of any information acquired in the course of his or her duties to obtain directly or indirectly any advantage for himself or herself or any other person.
- (3) A member of the Council, in carrying out his or her functions and duties, must—
  - (a) act in good faith, honestly and for proper purposes consistent with the objects and interests of the University;
  - (b) exercise appropriate care and diligence;
  - (c) take reasonable steps to avoid all conflicts of interest unless they are disclosed in accordance with section 16.

S. 17(1)  
amended by  
No. 61/2016  
s. 20(a).

S. 17(3)(a)  
amended by  
No. 61/2016  
s. 20(b).

## **18 Resolutions without meetings of the Council**

S. 18  
substituted by  
No. 54/2005  
s. 10.

- (1) If a majority of the members for the time being of the Council sign a document circulated by, or on behalf of, the Chancellor containing a statement that those members are in favour of a resolution in terms set out in the document, a resolution in those terms shall be taken to have been passed at a meeting of the Council held on the day on which

S. 18(1)  
amended by  
No. 61/2016  
s. 21.

the document is signed or, if the members do not sign it on the same day, on the day on which the last member to sign signs the document.

- (2) If a resolution is, under subsection (1), taken to have been passed at a meeting of the Council, each member must be advised as soon as practicable and given a copy of the terms of the resolution.
- (3) For the purposes of subsection (1), two or more separate documents containing a statement in identical terms, each of which is signed by one or more members, shall be taken to constitute one document.
- (4) In this section, *member*, in relation to a resolution, does not include a member who, by reason of section 16, is not permitted to vote on the resolution.

S. 18A  
inserted by  
No. 54/2005  
s. 10,  
amended by  
No. 61/2016  
s. 22.

### **18A Delegation**

The Council, by resolution of the Council or by or under regulation, may delegate all or any of its powers, authorities, duties and functions, other than—

- (a) the power to make regulations; and
- (b) this power of delegation—

to any of the members of a committee or board appointed by the Council, a member of the Council or a person employed by the University.

S. 18B  
inserted by  
No. 54/2005  
s. 10,  
amended by  
No. 61/2016  
s. 23.

### **18B Indemnities**

The University must indemnify and keep indemnified each member of the Council and any member of a committee or board constituted by resolution of the Council or by or under regulation against all actions or claims (whether arising during or after the term of office of that member) in respect of any act or thing done or omitted to be

done in good faith in the exercise or purported exercise of any powers or duty conferred or imposed upon the Council, committee or board or upon any member or members of the Council by or under this Act.

## **19 Appointment of officers**

- |                                                                                                                                                                                    |                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| (1) The Council must appoint the Vice-Chancellor to act as chief executive officer of the University.                                                                              | S. 19(1)<br>amended by<br>Nos 8335 s. 4,<br>9325 s. 11(1),<br>substituted by<br>Nos 54/2005<br>s. 11(1),<br>61/2016<br>s. 24(1). |
| (1A) The Council may appoint examiners, teaching staff and any other officer or person that are necessary for carrying out the objects and purposes of the University.             | S. 19(1A)<br>inserted by<br>No. 54/2005<br>s. 11(1),<br>amended by<br>No. 61/2016<br>s. 24(2).                                   |
| (2) The Council—<br><br>(a) may provide for the remuneration of any officer or person so appointed; and<br><br>(b) may remove any officer or person so appointed.                  | S. 19(2)<br>amended by<br>No. 54/2005<br>s. 11(2).                                                                               |
| (3) A member of the Council is not disqualified by reason only of being a member of the Council from being appointed to any office under this section.                             | S. 19(3)<br>amended by<br>Nos 54/2005<br>s. 11(3),<br>61/2016<br>s. 24(3).                                                       |
| (4) The Council may by resolution specify the persons or classes of person who are to be academic staff and general staff employed by the University for the purposes of this Act. | S. 19(4)<br>inserted by<br>No. 54/2005<br>s. 11(4),<br>amended by<br>No. 61/2016<br>s. 24(2).                                    |

S. 19A  
inserted by  
No. 54/2005  
s. 12.

## **19A Creation and administration of trust and other funds**

S. 19A(1)  
amended by  
No. 61/2016  
s. 25.

- (1) The University—
  - (a) may acquire property by gift, grant, bequest or devise; and
  - (b) may agree to and carry out any conditions of any such gift, grant, bequest or devise.

- (2) Subject to this Act, the Council may create and administer any trust fund or funds for any other purpose whatsoever.

S. 19A(3)  
amended by  
No. 61/2016  
s. 25.

- (3) The Council may establish one or more investment common funds for the collective investment of any trust and other funds held by or in the custody of the University.
- (4) The Council, from time to time without liability for breach of trust, may bring into or withdraw from any investment common fund the whole or any part of any trust fund or other fund, despite any direction to the contrary, whether express or implied, contained in the trust instrument.
- (5) The Council must not bring into any investment common fund the whole or any part of any trust fund if any of the securities in which the capital of the investment common fund is invested are securities in which the trust fund is not authorised to be invested.
- (6) Subject to subsection (7), the Council must periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation by each fund in the common fund during the relevant accounting period.

- (7) The Council, if it considers it expedient to do so, may from time to time add some portion of the income of the common fund to the capital of the common fund or use some part of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.
- (8) The Council may, out of the annual income of a trust fund in an investment common fund, periodically deduct an amount not exceeding 5% of the annual income of that trust fund as commission for the administration of that trust fund.
- (9) The commission deducted in accordance with subsection (8) is to be received and accepted by the University as full payment to it for the costs of administration of the trust fund. **S. 19A(9) amended by No. 61/2016 s. 25.**
- (10) The University must not make any other charges on the trust fund in addition to the commission received under subsection (9), except in accordance with the trust deed. **S. 19A(10) amended by No. 61/2016 s. 25.**

## **20 Accounts and audit**

**No. 1151 s. 20.  
S. 20  
repealed by  
No. 8335 s. 5,  
new s. 20  
inserted by  
No. 9325  
s. 12(1).**

- (1) The Council must cause to be kept proper accounts and records of the transactions and affairs of the University and shall do all things necessary to ensure that all payments out of moneys of the University are correctly made and properly authorized and that adequate control is maintained over the assets of or in the custody of the University and over the incurring of liabilities by the University. **S. 20(1) amended by Nos 54/2005 s. 13(a), 61/2016 s. 26.**

S. 20(2)  
amended by  
Nos 54/2005  
s. 13(b),  
61/2016 s. 26.

(2) The accounts and records shall be kept at the office of the University or at such other place or places as the Council thinks fit and shall be open to inspection by members of the Council at all times and to such other persons as the Council shall from time to time determine at such times and places and subject to such conditions as it thinks fit.

S. 20(3)  
amended by  
Nos 54/2005  
s. 13(c),  
61/2016 s. 26.

(3) The Council shall cause the accounts of the University to be audited once in each year by a registered company auditor.

S. 20A  
inserted by  
No. 54/2005  
s. 14.

## **20A Academic Board**

(1) There shall be an Academic Board for the purposes of—

S. 20A(1)(a)  
amended by  
No. 61/2016  
s. 27.

(a) oversight of academic programs and courses of study in the University and other academic affairs of the University;

S. 20A(1)(b)  
amended by  
No. 61/2016  
s. 27.

(b) providing advice to the Council on the academic programs and courses of study in the University and other academic affairs of the University.

(2) The Academic Board consists of the number of members that the regulations prescribe.

S. 21  
amended by  
No. 8335 s. 6,  
substituted by  
No. 54/2005  
s. 14.

## **21 Powers of Academic Board**

(1) The Academic Board—

S. 21(1)(a)  
amended by  
No. 61/2016  
s. 28.

(a) may discuss and submit to the Council an opinion on any matter relating to academic programs and courses of study of the University and, in particular, may make to the Council any recommendations that it thinks proper with respect to instruction,

studies, discipline, examinations, assessments, research, degrees, diplomas, certificates and other awards in those programs or courses of study of the University; and

- (b) must report to the Council on all matters submitted to it by the Council for report.
- (2) The Academic Board has any other powers and duties that are conferred or imposed upon it by this Act or by the regulations.
- (3) The Academic Board may regulate its own proceedings subject to this Act and except as otherwise prescribed by the regulations.

## **22 Boards and committees**

- (1) The Academic Board may appoint boards and committees that are constituted in accordance with the regulations.
- (2) A board or committee appointed by the Academic Board must report to the Academic Board on its activities at the times and in the manner that the Academic Board directs.

S. 22  
substituted by  
No. 54/2005  
s. 14.

## **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,

S. 23  
amended by  
Nos 5956  
s. 2(1)(a), 8335  
s. 7(1),  
23/1990  
s. 4(1),  
substituted by  
Nos 54/2005  
s. 14, 61/2016  
s. 29.

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;
  - (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.

\* \* \* \* \*

S. 23A  
inserted by  
No. 23/1990  
s. 5,  
repealed by  
No. 54/2005  
s. 14.

## 24 Academic functions

The University may—

S. 24  
amended by  
No. 5956  
s. 2(1)(b),  
substituted by  
No. 8335  
s. 7(2),  
amended by  
Nos 9325  
s. 13(a)(b),  
23/1990  
s. 4(2),  
substituted by  
No. 54/2005  
s. 14,  
amended by  
No. 61/2016  
s. 30.

- (a) conduct academic programs and courses of study for the admission to an examination or to a degree, diploma, certificate or other award of the University;
- (b) hold examinations for the academic programs and courses of study conducted by the University in the manner, at the times and in the subjects that are prescribed.

S. 24(a)  
amended by  
No. 61/2016  
s. 30.

S. 24(b)  
amended by  
No. 61/2016  
s. 30.

## 25 Awards of the University

S. 25  
(Heading)  
amended by  
No. 61/2016  
s. 31(1).

S. 25  
amended by  
No. 5956 s. 3,  
substituted by  
Nos 8335  
s. 7(2),  
54/2005 s. 14.

- (1) Subject to the regulations, the Council may, after appropriate assessment, confer any degree or grant any diploma, certificate or other award in Divinity or associated disciplines.

S. 25(1)  
amended by  
No. 61/2016  
s. 31(2).

S. 25(2)  
amended by  
No. 61/2016  
s. 31(3).

- (2) The Council may admit honoris causa to any degree in Divinity any person whether or not the person has graduated at the University.
- (3) If the regulations so provide, the Council may, in prescribed circumstances and in the manner prescribed, revoke any degree, diploma, certificate or other award conferred or granted by the Council.

S. 26  
amended by  
Nos 5956  
s. 2(2), 8335  
s. 8,  
substituted by  
No. 54/2005  
s. 14,  
repealed by  
No. 61/2016  
s. 32.

\* \* \* \* \*

S. 27  
amended by  
No. 61/2016  
s. 33.

**27 No religious test for candidates, examiners, officers etc.**

No religious test shall be imposed upon any person in order to entitle the person to be enrolled by the University or to be a candidate for any examination or to graduate or to receive any diploma or certificate or to be an examiner or to hold any office or employment or any advantage emolument or privilege in connexion with the University.

S. 28  
repealed by  
No. 9325  
s. 14.

\* \* \* \* \*

S. 29  
amended by  
No. 61/2016  
s. 34.

**29 Persons fulfilling prescribed conditions entitled to graduate etc.**

Every person who has fulfilled the conditions prescribed for enrolment or for the granting of any degree, diploma or certificate shall be entitled to

be enrolled or to receive such degree, diploma or certificate (as the case may be).

### 30 Regulations

In addition to any regulations which it is empowered to make under this Act the Council may make regulations (not repugnant to any law in force in Victoria) for or with respect to all or any of the following subjects—

- (a) the time and place of its meetings, and the management and conduct of business thereat;
- (b) the keeping of minutes of meetings;
- (c) the use and custody of the seal;
- (d) the election of the Chancellor and Deputy Chancellor;

(da) the appointment of boards and committees;

\* \* \* \* \*

- (f) the appointment and removal and the powers duties and the control supervision and guidance and the remuneration of the Vice-Chancellor, the examiners, teaching staff and all officers and persons appointed or employed by it;

(g) admission to courses of study;

S. 30 amended by No. 54/2005 s. 15(a).

S. 30(d) amended by No. 61/2016 s. 35(a).

S. 30(da) inserted by No. 8335 s. 9(1)(a), amended by No. 54/2005 s. 15(b).

S. 30(e) repealed by No. 9325 s. 12(2).

S. 30(f) amended by Nos 8335 s. 9(1)(b), 9325 s. 11(2), 61/2016 s. 35(b).

S. 30(g) substituted by Nos 8335 s. 9(1)(c), 9325 s. 15(a).

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S. 30(ga)  
inserted by  
No. 9325  
s. 15(a),  
amended by  
No. 61/2016  
s. 35(c).

(ga) enrolment at the University;

S. 30(gb)  
inserted by  
No. 9325  
s. 15(a).

(gb) admission to examinations;

S. 30(gc)  
inserted by  
No. 9325  
s. 15(a).

(gc) scholarships, prizes, exhibitions, bursaries  
and other awards;

(h) discipline;

(i) examinations and courses of study;

S. 30(ia)  
inserted by  
No. 8335  
s. 9(1)(d),  
substituted by  
Nos 54/2005  
s. 15(c),  
61/2016  
s. 35(d).

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

S. 30(ib)  
inserted by  
No. 8335  
s. 9(1)(d),  
substituted by  
No. 54/2005  
s. 15(c),  
amended by  
No. 61/2016  
s. 35(e).

(ib) the fees to be paid by colleges of the  
University;

S. 30(j)  
substituted by  
No. 54/2005  
s. 15(d),  
amended by  
No. 61/2016  
s. 35(c).

(j) degrees, diplomas, certificates and other  
awards of the University;

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- |                                                                                                                                                                                                          |                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| (ja) the recognition of qualifications for the purposes of admission to degrees, diplomas, certificates or other awards of the University;                                                               | S. 30(ja) inserted by No. 8335 s. 9(1)(e), substituted by Nos 9325 s. 15(b), 54/2005 s. 15(d), amended by No. 61/2016 s. 35(c). |
| (jb) prescribing degrees, diplomas, certificates or other awards for the purposes of this Act and the qualifications required for the conferring of the degrees, diplomas, certificates or other awards; | S. 30(jb) inserted by No. 8335 s. 9(1)(e), substituted by No. 54/2005 s. 15(d).                                                 |
| * * * * *                                                                                                                                                                                                | S. 30(jc) inserted by No. 8335 s. 9(1)(e), repealed by No. 54/2005 s. 15(d).                                                    |
| * * * * *                                                                                                                                                                                                | S. 30(jd) inserted by No. 23/1990 s. 6, repealed by No. 54/2005 s. 15(d).                                                       |
| (k) fees to be paid for admission, enrolment, administration, lectures, classes, courses of study, examinations, diplomas, certificates or degrees;                                                      | S. 30(k) substituted by Nos 8335 s. 9(1)(f), 9325 s. 15(c), amended by No. 54/2005 s. 15(e).                                    |
| (l) the use of any buildings or facilities of the University;                                                                                                                                            | S. 30(l) substituted by No. 9325 s. 15(c), amended by No. 61/2016 s. 35(c).                                                     |

S. 30(la)  
inserted by  
No. 9325  
s. 15(c),  
amended by  
No. 61/2016  
s. 35(c).

(la) fees to be paid for the use of buildings or facilities of the University; and

S. 30(m)  
amended by  
No. 61/2016  
s. 35(c).

(m) generally for duly administering and carrying out the powers of the University.

S. 31  
substituted by  
No. 54/2005  
s. 16.

### **31 Regulations affecting courses of study**

- (1) Before a regulation concerning a degree, diploma, certificate or other award is made, amended or revoked by the Council, the Council must submit the proposal to the Academic Board for its report.
- (2) If the Council declares a proposed regulation to which subsection (1) applies to be urgent, the Council may make the regulation without complying with subsection (1).
- (3) A regulation made under subsection (2) ceases to have effect at the expiration of 6 months after it is made, unless it sooner expires or is revoked.
- (4) If the Academic Board does not report to the Council within 2 months (or such longer or shorter period as the Council determines in any particular case) after submission of a proposed regulation to the Academic Board, the Council may make, amend or revoke the regulation without the report.

S. 32  
amended by  
No. 8335  
s. 9(2),  
substituted by  
No. 54/2005  
s. 16.

### **32 Requirements for regulations**

- (1) The Council must ensure that before a regulation is made at least 7 clear days' notice in writing is given to members of the Council specifying the time and place of the meeting at which the regulation is to be made and containing a copy of the regulation to be amended, revoked or remade

and of the proposed amendment or revocation or the re-made regulation.

- (2) The production of a verified copy of regulations made by the Council under the common seal of the Council seal is sufficient evidence of the authenticity of the regulations in all courts.
- (3) The Council must—
  - (a) arrange for copies of all regulations to be published; and
  - (b) supply a copy of the regulations to a person on request by the person and on payment of the prescribed charge.

S. 32(3)  
amended by  
No. 61/2016  
s. 36.

### 33 Service of notices

- (1) A notice required by this Act or the regulations to be served on a member of the Council may be given personally to the member or sent by prepaid post or electronic transmission to the member.
- (2) It is not necessary to give notice of a meeting of the Council to a member of the Council who is absent from Victoria.
- (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.

S. 33(1)  
substituted by  
No. 54/2005  
s. 17.

S. 33(2)  
substituted by  
No. 54/2005  
s. 17.

S. 33(3)  
substituted by  
No. 61/2016  
s. 37.

#### Note

The **Electronic Transactions (Victoria) Act 2000** provides for the service of documents by electronic communication in accordance with that Act.

### 34 Transitional and savings

- (1) The Melbourne College of Divinity is deemed to be the same body after as before its reconstitution under section 4 of the **Melbourne College of Divinity (Amendment) Act 2005** and no act,

S. 34  
inserted by  
No. 54/2005  
s. 18.

matter or thing is to be affected by that reconstitution.

- (2) Section 8(3) does not apply to a member of the Council appointed, co-opted or elected before the commencement of section 6 of the **Melbourne College of Divinity (Amendment) Act 2005** with respect to that appointment, co-option or election but does apply to that member in relation to any further appointment to the Council after that date.

S. 35  
inserted by  
No. 61/2016  
s. 38.

### 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**.

S. 36  
inserted by  
No. 61/2016  
s. 38.

### 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

S. 37  
inserted by  
No. 61/2016  
s. 38.

to the Council constituted under the  
**University of Divinity Act 1910.**

S. 38  
inserted by  
No. 61/2016  
s. 38.

**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.

S. 39  
inserted by  
No. 61/2016  
s. 38.

### **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.

S. 40  
inserted by  
No. 61/2016  
s. 38.

### **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

S. 41  
inserted by  
No. 61/2016  
s. 38.

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).

S. 42  
inserted by  
No. 61/2016  
s. 38.

#### **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.

S. 43  
inserted by  
No. 61/2016  
s. 38.

#### **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.
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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The **Melbourne College of Divinity Act 1910** was assented to on 17 December 1910 and came into operation on 17 December 1910.

The title of this Act was changed from the **Melbourne College of Divinity Act 1910** to the **University of Divinity Act 1910** by section 4 of the **Melbourne College of Divinity Amendment Act 2016**, No. 61/2016.

### 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).

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- **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).

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## 2 Table of Amendments

This publication incorporates amendments made to the **University of Divinity Act 1910** by Acts and subordinate instruments.

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**Melbourne College of Divinity (Amendment) Act 1956, No. 5956/1956**

*Assent Date:* 22.5.56  
*Commencement Date:* 22.5.56  
*Current State:* All of Act in operation

**Melbourne College of Divinity Act 1972, No. 8335/1972**

*Assent Date:* 5.12.72  
*Commencement Date:* 5.12.72  
*Current State:* All of Act in operation

**Melbourne College of Divinity Act 1979, No. 9325/1979**

*Assent Date:* 18.12.79  
*Commencement Date:* 18.12.79  
*Current State:* All of Act in operation

**Melbourne College of Divinity (Amendment) Act 1990, No. 23/1990**

*Assent Date:* 5.6.90  
*Commencement Date:* 5.6.90  
*Current State:* All of Act in operation

**Melbourne College of Divinity (Amendment) Act 2005, No. 54/2005**

*Assent Date:* 13.9.05  
*Commencement Date:* 20.10.05: Government Gazette 13.10.05 p. 2263  
*Current State:* All of Act in operation

**The Uniting Church in Australia Amendment Act 2008, No. 28/2008**

*Assent Date:* 3.6.08  
*Commencement Date:* S. 8(2) on 4.6.08: s. 2(1)  
*Current State:* This information relates only to the provision/s amending the **University of Divinity Act 1910**

**Melbourne College of Divinity Amendment Act 2016, No. 61/2016**

*Assent Date:* 2.11.16  
*Commencement Date:* Ss 4–38 on 1.1.17: Special Gazette (No. 381) 13.12.16 p. 1  
*Current State:* This information relates only to the provision/s amending the **University of Divinity Act 1910**

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### 3 Amendments Not in Operation

This publication does not include amendments made to the **University of Divinity Act 1910** by the following Act/s.

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#### **University of Divinity Act 1910, No. 2275/1910**

<i>Assent Date:</i>	17.12.10
<i>Commencement Date:</i>	S. 43(4) inserted on 1.1.17 by No. 61/2016 s. 38: Special Gazette (No. 381) 13.12.16 p. 1
<i>Note:</i>	S. 43(4) repeals s. 43 on 1.1.19
<i>Current State:</i>	This information relates only to the provision/s amending the <b>University of Divinity Act 1910</b>

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At the date of this publication, the following provisions amending the **University of Divinity Act 1910** were Not in Operation:

#### **Amending Act/s:**

#### **University of Divinity Act 1910, No. 2275/1910**

##### **43 Regulations dealing with transitional matters**

- (4) This section is **repealed** on the second anniversary of the day on which it comes into operation.

#### **4 Explanatory details**

No entries at date of publication.