

Queensland



BOND UNIVERSITY ACT 1987

**Reprinted as in force on 7 December 1995
(includes amendments up to Act No. 88 of 1989)**

Reprint No. 1

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the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 7 December 1995. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- use different spelling consistent with current drafting practice (s 26(2))
- use standard punctuation consistent with current drafting practice (s 27)
- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43).

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
 - **table of obsolete and redundant provisions**
 - **table of renumbered provisions.**

Queensland



BOND UNIVERSITY ACT 1987

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BOND UNIVERSITY ACT 1987

[as amended by all amendments that commenced on or before 7 December 1995]

An Act to provide in relation to the operation of a university in Queensland under the name and style Bond University

Preamble

Whereas a company limited by guarantee has been incorporated under the Companies (Queensland) Code by the name ‘Bond University Limited’ having as its objects the establishment, maintenance, promotion and operation of a university in Queensland under the name and style ‘Bond University’.

And whereas it is desirable that statutory provision be made in relation to the operation of Bond University and certain of the powers of the company controlling Bond University.

Short title

1. This Act may be cited as the *Bond University Act 1987*.

Interpretation

2. In this Act—

“**academic staff**” means persons employed by the employer within Bond University or within an entity established pursuant to this Act within or associated with Bond University being persons so employed for the purpose of providing education and learning to students of the university or entity.

“**Bond University**” means the centre for education and learning established by the university company in pursuance of its objects provided for by its memorandum of association.

“employer” means the proprietary company incorporated under the Companies (Queensland) Code by the name ‘Bond University Services Pty. Ltd.’ its successors and assigns.

“employer of general staff” means the proprietary company incorporated under the Companies (Queensland) Code by the name ‘Bond University Staff Services Pty. Ltd.’ its successors and assigns.

“general staff” means persons employed by the employer of general staff within Bond University or within an entity established pursuant to this Act within or associated with Bond University being persons other than academic staff.

“university company” means the company limited by guarantee incorporated under the Companies (Queensland) Code by the name ‘Bond University Limited’.

“university council” means the board of directors of the university company.

Function and powers of university company

3.(1) The function of the university company is to pursue, within the limits of financial resources available to it, the objects provided by its memorandum of association, and in particular, the university company may award and confer degrees, diplomas and other awards as awards of a tertiary educational institution.

(2) In the discharge of its function the university company has and may exercise within the limits of financial resources available to it the powers conferred on it by its memorandum of association and in particular—

- (a) may do all such things as are necessary or reasonably desirable for the proper maintenance, promotion or operation of Bond University; and
- (b) may establish, abolish, replace and add to faculties, departments, schools or other organisational sections or units within Bond University as the university council thinks fit.

(3) Nothing in this section shall be construed to excuse or exempt the university company from complying with law that apart from this Act would apply to the company.

Use of name ‘Bond University’

4. Notwithstanding the provisions of any other Act, the university company and the university council is each authorised to use the name ‘Bond University’ in the discharge of its functions and exercise of its powers in relation to the conduct of Bond University.

Establishment of associated entities

5.(1) The university company may establish or join in establishing colleges, chairs, centres for research or learning and other institutions or bodies within or associated with Bond University with a view to the proper discharge of its function or the effectual exercise of its powers.

(2) The university council may specify terms and conditions to be observed by all persons concerned in relation to any college, chair, centre, institution or body established or to be established within or associated with Bond University and may exact such penalty as is specified by the university council for any breach of such terms and conditions.

(3) Where any such penalty is a pecuniary sum it may be recovered by the university council from the person who has breached the terms and conditions as a debt due and owing to it by action in a court of competent jurisdiction.

Principle of non-discrimination

6.(1) No test of religion, politics, race or sex shall be administered to any person in order to entitle that person to be admitted as a student of Bond University or to hold any office therein or to graduate therefrom or to enjoy any advantage, benefit or privilege thereof.

(2) No person shall be denied admission as a student of Bond University or be ineligible to hold office therein or to graduate therefrom or to enjoy any advantage, benefit or privilege thereof because of that person’s religious or political views or beliefs, race or sex.

Provisions concerning investment

7.(1) The university company may establish 1 or more investment common funds for the investment of moneys held by it in any form of

investment authorised by its memorandum of association, whether or not the investment is an authorised trustee investment.

(2) Subject to express direction in or express condition of any trust binding upon it in respect of particular moneys, the university company may, from time to time without liability for breach of trust, bring into or withdraw from any such investment common fund the whole or any part of trust moneys or other moneys of the university company.

(3) Subject to subsections (4) and (5) the university company shall 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 of each fund in the common fund during the relevant accounting period.

(4) In any case where the university company has brought into an investment common fund moneys that have been received by it to be expended for a stated purpose but that cannot or will not be expended for that purpose forthwith, there may be paid into the general funds of the university company and therein utilised the whole or any part of that part of the income of that investment common fund which is attributable to the participation of those moneys in that fund and which is not required for that stated purpose.

(5) The university company may, if it considers it expedient so to do, from time to time add some portion of the income of an investment common fund to the capital of the common fund or use some portion of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.

Gifts etc. to colleges etc.

8.(1) The university company is authorised to acquire by gift, devise or bequest property upon trust to apply the same or the proceeds thereof or the income therefrom for the benefit of a college, chair, centre, institution or other body established within or associated with Bond University notwithstanding the beneficiary thereof may not be a legal entity.

(2) A gift, devise or bequest or property purporting to be to or for the benefit of—

(a) a college, chair, centre, institution or other body established within

or associated with Bond University; or

(b) Bond University;

shall be deemed to be a gift, devise or bequest to the university company upon trust to apply the same for the purposes of the beneficiary in accordance with the terms of the gift, devise or bequest, and any act that could have been performed by the beneficiary, had it been a corporate entity, may be performed by the university company as validly and effectually as if the gift, devise or bequest had been to or for the benefit of the university company.

Rule as to perpetuities not applicable

9. The rule of law relating to perpetuities does not apply in relation to any gift, devise or bequest of property accepted by the university company.

Student's legal capacity re loans

10. In the event that the university company proposes to make loans to students of Bond University then, notwithstanding any Act or law to the contrary, a student of the university who has not attained the age of full legal capacity to whom a loan is to be so made shall be deemed to have full capacity in law—

- (a) to contract for the loan and its repayment; and
- (b) to execute all instruments of acknowledgment and securities in respect of the loan; and
- (c) to incur all obligations provided by the contract or implied by law upon the borrower of a loan.

Independence of Bond University

11. It is declared that the university company alone is responsible for and has authority over the provision of education within Bond University and shall not be subject therein to the direction of any person.

Academic staff association

12.(1) An association of members of the academic staff that—

- (a) has a constitution that includes in the objects of the association the following objects—
 - (i) to enhance, promote and defend the conditions of employment of academic staff;
 - (ii) to negotiate on behalf of academic staff with the employer in relation to the conditions of employment of the academic staff;
 - (iii) to develop in conjunction with the employer a procedure for settlement of industrial disputes between the academic staff and the employer;
 - (iv) consistently with the object expressed in subparagraph (i), to advance the work of Bond University and any other entity established pursuant to this Act within or associated with Bond University and to preserve the independence, integrity and standing of the university and entity;
 - (v) consistently with the object expressed in subparagraph (i), to have regard to and foster the objects of the university company provided for by its memorandum of association; and
- (b) if at any time there be more than 1 such association that satisfies paragraph (a)—is the first such association formed after the employer begins to employ academic staff;

shall be the academic staff association within Bond University.

(2) The employer shall recognise the academic staff association as the appropriate entity to represent academic staff in relation to the objects referred to in subsection (1)(a).

(3) No provision of subsection (1) or (2) shall be construed to entitle the academic staff association or any member or officer thereof to nominate any person to be appointed as a member of the university council.

General staff association

13.(1) An association of members of the general staff that—

- (a) has a constitution that includes in the objects of the association the following objects—
 - (i) to enhance, promote and defend the conditions of employment of general staff;
 - (ii) to negotiate on behalf of general staff with the employer in relation to the conditions of employment of the general staff;
 - (iii) to develop in conjunction with the employer a procedure for settlement of industrial disputes between the general staff and the employer;
 - (iv) consistently with the object expressed in subparagraph (i) to advance the work of Bond University and any other entity established pursuant to this Act within or associated with Bond University and to preserve the independence, integrity and standing of the university and entity;
 - (v) consistently with the object expressed in subparagraph (i) to have regard to and foster the objects of the university company provided for by its memorandum of association; and
- (b) if at any time there be more than 1 such association that satisfies paragraph (a)—is the first such association formed after the employer begins to employ general staff;

shall be the general staff association within Bond University.

(2) The employer shall recognise the general staff association as the appropriate entity to represent general staff in relation to the objects referred to in subsection (1)(a).

(3) No provision of subsection (1) or (2) shall be construed to entitle the general staff association or any member or officer thereof to nominate any person to be appointed as a member of the university council.

Visitor

14.(1) The university council may appoint a visitor.

(2) The visitor appointed under subsection (1) shall have, in respect of members of Bond University, all of the powers and functions possessed under the law by visitors.

(3) In this section—

“members of Bond University” means members of the university council, in their capacity as councillors, academic staff, graduates of Bond University and students enrolled as candidates proceeding to a degree or diploma at Bond University.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 7 December 1995. Future amendments of the Bond University Act 1987 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 List of legislation

Bond University Act 1987 No. 19

date of assent 23 April 1987
commenced on date of assent
as amended by—

Bond University Act Amendment Act 1987 No. 67

date of assent 1 December 1987
commenced on date of assent

Bond University Act Amendment Act 1989 No. 88

date of assent 10 October 1989
commenced on date of assent

5 List of annotations

Interpretation

s 2 def “**academic staff**” ins 1987 No. 67 s 3(a)
def “**employer**” ins 1987 No. 67 s 3(b)
def “**employer of general staff**” ins 1989 No. 88 s 3
def “**general staff**” ins 1989 No. 88 s 3

Student’s legal capacity re loans

s 10 amd 1989 No. 88 s 4

Academic staff association

s 12 ins 1987 No. 67 s 4

General staff association

s 13 ins 1989 No. 88 s 5

Visitor

s 14 ins 1989 No. 88 s 5

6 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A

7 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
5(2), 2nd sentence	5(3)