

Queensland



# SUNSHINE COAST UNIVERSITY COLLEGE ACT 1994

**Reprinted as in force on 1 July 1994  
(Act not amended up to this date)**

**Reprint No. 1**

This reprint is prepared by  
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 1 July 1994.

See Endnotes for—

- details about when provisions commenced
- any provisions that have not commenced and are not incorporated in the reprint.

Queensland



**SUNSHINE COAST UNIVERSITY  
COLLEGE ACT 1994**

**TABLE OF PROVISIONS**

Section		Page
<b>PART 1—PRELIMINARY</b>		
1	Short title .....	7
2	Commencement .....	7
3	Definitions .....	8
4	Meaning of “academic staff” .....	9
<b>PART 2—THE COLLEGE AND ITS COUNCIL</b>		
<i>Division 1—College establishment and general functions and powers</i>		
5	The College .....	10
6	Functions of College .....	10
7	General powers of College .....	11
<i>Division 2—Council establishment and general functions and powers</i>		
8	The Council .....	11
9	Functions of Council .....	11
10	Powers of Council .....	12
11	Way Council must act .....	12
12	Delegation .....	12
<i>Division 3—Council composition and members</i>		
13	Membership of Council .....	13
14	Official members .....	13
15	Appointed members .....	13
16	Elected members .....	13
17	When Council is taken to be properly constituted .....	14

---

18	Additional members . . . . .	14
19	Appointed members' term of office . . . . .	14
20	Elected members' term of office . . . . .	14
21	Additional members' term of office . . . . .	15
22	Limit on consecutive terms of office . . . . .	15
23	Failure to elect or appoint elected members . . . . .	15
24	Person may act as appointed, elected or additional member . . . . .	15
25	Casual vacancies . . . . .	16
26	Eligibility for membership of Council . . . . .	16
27	Vacation of office . . . . .	16
	<i>Division 4—Meetings of the Council</i>	
28	Who is to preside at meetings of the Council . . . . .	17
29	Quorum . . . . .	17
30	Conduct of meetings . . . . .	17
	<b>PART 3—CERTAIN OFFICERS OF THE COLLEGE</b>	
31	Chancellor . . . . .	18
32	Deputy Chancellor . . . . .	18
33	Vice-Chancellor . . . . .	18
34	Acting Vice-Chancellor . . . . .	19
	<b>PART 4—BODIES CONNECTED WITH THE COLLEGE</b>	
	<i>Division 1—College affiliated with Queensland University of Technology</i>	
35	Affiliation with QUT . . . . .	19
36	Agreement about affiliation . . . . .	19
37	Affiliation purposes . . . . .	19
38	College may offer facilities for QUT staff and students . . . . .	21
39	Management of College funds . . . . .	21
40	Resolution of difficulties . . . . .	21
	<i>Division 2—Convocation</i>	
41	Convocation . . . . .	22
	<i>Division 3—The Union</i>	
42	The Union . . . . .	22
43	Composition . . . . .	22

44 Role . . . . . 23  
 45 Union is not Council’s employee or agent . . . . . 23  
 46 General powers . . . . . 23  
 47 Constitution . . . . . 23

**PART 5—PROPERTY AND FINANCE**

*Division 1—Property held on trust or conditions*

48 Amendment of terms of trusts and gifts . . . . . 24  
 49 Selection of designated purpose . . . . . 24  
 50 Approval of proposed scheme . . . . . 25  
 51 Property to be held for designated purpose . . . . . 25  
 52 Certain persons to be given notice of scheme’s approval . . . . . 25  
 53 Amendment of approved scheme . . . . . 25  
 54 This Division does not limit College’s powers under other laws . . . . . 26  
 55 College may carry out conditions of gift etc. . . . . 26

*Division 2—Dealing with State land by Council*

56 Application of Land Act 1962 . . . . . 26  
 57 College may grant lease over State land . . . . . 26

*Division 3—Finance*

58 Trust funds . . . . . 27  
 59 Powers of investment . . . . . 27  
 60 Investment of amounts . . . . . 27  
 61 Application of revenue . . . . . 28  
 62 Financial accommodation . . . . . 28  
 63 College is statutory body under the Statutory Bodies Financial  
 Arrangements Act 1982 . . . . . 29  
 64 Financial review . . . . . 29  
 65 College is statutory body under the Financial Administration and  
 Audit Act 1977 . . . . . 29  
 66 College’s financial year . . . . . 29

**PART 6—COLLEGE STATUTES**

67 College statutes . . . . . 29  
 68 College statute’s status . . . . . 30  
 69 College statutes affecting Union . . . . . 30

---

70	College rules .....	31
<b>PART 7—CONTROL OF TRAFFIC AND CONDUCT ON COLLEGE LAND</b>		
<i>Division 1—Authorised persons and security officers</i>		
71	Appointment of authorised persons and security officers .....	32
72	Terms of appointment .....	32
73	Identity cards .....	32
74	Proof of authority .....	33
<i>Division 2—Traffic control</i>		
75	Persons authorised to control traffic on College's land .....	33
76	Regulatory notice .....	34
77	Information notices .....	34
78	Removal and detention of illegally parked or abandoned vehicles .....	35
79	Disposal of unclaimed vehicles .....	36
80	Application of proceeds of sale .....	36
<i>Division 3—Conduct on College's land</i>		
81	Conduct causing a public nuisance .....	37
82	Power to deal with persons causing a public nuisance .....	37
<b>PART 8—MISCELLANEOUS</b>		
83	Forming and taking part in corporations .....	38
84	Use of facilities and staff .....	39
85	College to be treated as a university .....	39
86	Review of Act .....	39
<b>PART 9—SPECIAL ARRANGEMENTS ABOUT ESTABLISHMENT OF THE COLLEGE</b>		
<i>Division 1—First Council</i>		
87	First Council .....	39
88	Appointment of other members of first Council .....	40
89	Failure to appoint members .....	41
90	When first Council is taken to be properly constituted .....	41
91	Acting members .....	41
92	Casual vacancies .....	42
93	Eligibility for membership of first Council .....	42

*Sunshine Coast University College Act 1994*


---

94	Vacation of office . . . . .	42
95	First Council's functions . . . . .	43
96	Cessation of first Council . . . . .	43
	<i>Division 2—Other special arrangements</i>	
97	Planning President . . . . .	43
98	Planning President's functions . . . . .	44
99	Delegation by Planning President . . . . .	44
100	Acting Planning President . . . . .	44
101	Cessation of office . . . . .	44
	<i>Division 3—Expiry of Part</i>	
102	Expiry . . . . .	45

**ENDNOTES**

1	Index to Endnotes . . . . .	46
2	Date to which amendments incorporated . . . . .	46
3	List of legislation . . . . .	46





# **SUNSHINE COAST UNIVERSITY COLLEGE ACT 1994**

[reprinted as in force on 1 July 1994<sup>2</sup>]

**An Act to establish the Sunshine Coast University College, and for related purposes**

## **PART 1—PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *Sunshine Coast University College Act 1994*<sup>3</sup>.

### **Commencement**

**2.(1)** This Act (other than Part 2, Division 3, and Part 4, Divisions 2 and 3) commences on 1 July 1994.

**(2)** Part 4, Divisions 2 and 3 commence on 1 January 1996.

**(3)** Part 2, Division 3 commences on 1 July 1996.

**(4)** However, a proclamation made before—

(a) 1 January 1996—may fix a day earlier than 1 January 1996 for the commencement of Part 4, Divisions 2 and 3; and

(b) 1 July 1996—may fix a day later than 1 July 1996 for the commencement of Part 2, Division 3.

**(5)** Section 15DA of the *Acts Interpretation Act 1954* does not apply to this Act.

**Definitions**

3. In this Act—

“**academic staff**” of the College has the meaning given by section 4;

“**additional member**” means a member of the Council appointed under section 18;

“**appointed member**” means a member of the Council appointed under section 15;

“**authorised person**” means a person holding office as an authorised person because of an appointment under section 71;

“**Chancellor**” means the Chancellor of the College;

“**College**” means the Sunshine Coast University College;

“**College rules**” means College rules made under section 70;

“**College statute**” means a College statute made under section 67;

“**Convocation**” means the Convocation of the College;

“**Council**” means the Council of the College;

“**Deputy Chancellor**” means the Deputy Chancellor of the College;

“**elected member**” means a member of the Council elected or appointed under section 16;

“**general staff**” means staff (other than academic staff) of the College;

“**higher education**” has the meaning given by the *Higher Education (General Provisions) Act 1993*;

“**higher education award**” has the meaning given by the *Higher Education (General Provisions) Act 1993*;

“**land**” of the College means land and buildings owned by or under the control of the College;

“**member**” means a member of the Council;

“**official member**” means a person who is an official member of the Council under section 14;

“**official traffic sign**” has the meaning given by the *Traffic Act 1949*;

“**owner**” of a vehicle includes the person registered as the owner of the

vehicle under—

- (a) the *Transport Infrastructure (Roads) Act 1991*; or
- (b) the corresponding law of another State or a Territory;

**“Planning President”** means the Planning President of the College;

**“property”**, in Part 5, Division 1, includes income from the property and a part or residue of the property;

**“QUT”** means the Queensland University of Technology;

**“requirement”** of a regulatory notice includes—

- (a) a direction on a regulatory notice; and
- (b) a direction, indication or requirement, declared by College statute as being a requirement of the notice;

**“security officer”** means a person holding office as a security officer because of an appointment under section 71;

**“State land”** means land—

- (a) granted in trust, or reserved and set apart for a purpose, under the *Land Act 1962*; and
- (b) vested in or placed under the control of the College;

**“student”** means a student enrolled in the College;

**“Union”** means the Sunshine Coast University College Student Union;

**“vehicle”** has the meaning given by the *Traffic Act 1949*;

**“Vice-Chancellor”** means the Vice-Chancellor of the College.

### **Meaning of “academic staff”**

4. The **“academic staff”** of the College consist of—

- (a) the College’s teaching and research staff; and
- (b) staff of the College whose instrument of appointment by the Council states that they are members of the College’s academic staff.

## **PART 2—THE COLLEGE AND ITS COUNCIL**

### *Division 1—College establishment and general functions and powers*

#### **The College**

**5.(1)** The Sunshine Coast University College is established.

**(2)** The College—

- (a) is a corporation; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

#### **Functions of College**

**6.** The College's functions are—

- (a) to provide education at university standard; and
- (b) to provide facilities for study and research generally and, in particular, about matters of particular importance to the people of the region served by the College (the “**region**”); and
- (c) to encourage, by study, research and in other ways, the advancement and development of knowledge and the practical application of knowledge to government, industry, commerce and the community; and
- (d) to provide courses of study or instruction (at the levels of achievement the Council considers appropriate) to meet the needs of the region; and
- (e) to confer higher education awards; and
- (f) to disseminate knowledge and promote scholarship; and
- (g) to provide facilities and resources for the wellbeing of the College's staff and students; and
- (h) to exploit commercially, for the College's benefit, a facility or resource of the College, including study, research or knowledge, or the practical application of study, research or knowledge,

belonging to the College, whether alone or with someone else;  
and

- (i) to perform other functions given to the College under this or another Act.

### **General powers of College**

**7.(1)** The College has all the powers of an individual, and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with property; and
- (c) appoint agents and attorneys; and
- (d) engage consultants; and
- (e) fix charges, and other terms, for services and other facilities it supplies; and
- (f) do anything else necessary or convenient to be done for, or in connection with, its functions.

**(2)** Without limiting subsection (1), the College has the powers given to it under this or another Act.

**(3)** The College may exercise its powers inside or outside Queensland.

**(4)** Without limiting subsection (3), the College may exercise its powers outside Australia.

### ***Division 2—Council establishment and general functions and powers***

#### **The Council**

**8.** There is a Council of the College.

#### **Functions of Council**

**9.(1)** The Council is the College's governing body.

(2) The Council has the functions conferred on it under this or another Act.

### **Powers of Council**

**10.(1)** The Council may do anything necessary to be done for, or in connection with, its functions.

(2) Without limiting subsection (1), the Council has the powers given to it under this or another Act and, in particular—

- (a) to appoint the College's staff; and
- (b) to manage and control the College's affairs and property; and
- (c) to manage and control the College's finances.

### **Way Council must act**

**11.** The Council must act in the way that appears to it to most likely promote the interests of the College.

### **Delegation**

**12.(1)** The Council may delegate its powers under this Act to—

- (a) a member of the Council; or
- (b) a committee of the Council; or
- (c) a member of the College's staff.

(2) However, the Council may not delegate its power—

- (a) to make College statutes or College rules; or
- (b) to adopt the College's annual budget; or
- (c) to approve spending of funds available to the College by way of bequest, donation or special grant.

***Division 3—Council composition and members<sup>1</sup>******Membership of Council***

*13.(1) The Council consists of official members, appointed members and elected members.*

*(2) The Council may also include additional members.*

***Official members***

*14.(1) There are 3 official members.*

*(2) The official members are—*

*(a) the Chancellor; and*

*(b) the Vice-Chancellor; and*

*(c) the chief executive of the department or the chief executive's nominee.*

***Appointed members***

*15.(1) There are 8 appointed members.*

*(2) The Governor in Council is to appoint the appointed members.*

***Elected members***

*16.(1) There are 8 elected members.*

*(2) The elected members are—*

*(a) 3 members of the College's academic staff; and*

*(b) 1 member of the College's full-time general staff; and*

*(c) 2 members of the student body; and*

*(d) 2 members of the Convocation (other than persons mentioned in paragraph (a), (b) or (c)).*

---

<sup>1</sup> This provision had not commenced on or before reprint date.

*(3) The elected members mentioned in subsection (2)(a), (b) or (d) are to be elected by a ballot at which all the members of the entity to which the members belong may vote.*

*(4) The elected members mentioned in subsection (2)(c) are to be elected by a ballot at which all the College's students may vote.*

*(5) Despite subsection (3), the Council may authorise the Convocation to appoint the members mentioned in subsection (2)(d) rather than the members being elected by the members of the Convocation.*

### ***When Council is taken to be properly constituted***

*17. The Council is taken to be properly constituted when it has 10 or more members.*

### ***Additional members***

*18.(1) There may be 2 additional members.*

*(2) The Council may appoint the additional members.*

*(3) An additional member must not be—*

*(a) a member of the College's academic or full-time general staff; or*

*(b) a student.*

### ***Appointed members' term of office***

*19. An appointed member is to be appointed for a term of not more than 3 years.*

### ***Elected members' term of office***

*20.(1) An elected member holds office for 3 years.*

*(2) An elected member's term of office starts on the later of—*

*(a) if the member is re-elected or reappointed—the day after the member's previous term of office ends; or*

*(b) if paragraph (a) does not apply—the day after the day when the term of office of the member's predecessor ends.*



***Additional members' term of office***

*21. The appointment of an additional member is to be for a term of not more than 3 years decided by the Council.*

***Limit on consecutive terms of office***

*22. Without the Minister's previous approval, a person must not be elected or appointed to serve more than 2 consecutive terms of office as—*

- (a) an appointed or additional member; or*
- (b) an elected member of the same type.*

***Failure to elect or appoint elected members***

*23.(1) If an entity permitted to elect or appoint elected members fails to elect or appoint any or enough persons as elected members by a day fixed by the Council by written notice given to the entity, the Minister may appoint to the Council as many members of the entity as necessary to satisfy section 16.*

*(2) A person appointed under subsection (1) is taken to have been elected or appointed by the entity under section 16.*

*(3) This section applies to the periodic election or appointment of members and an election or appointment required because of a casual vacancy.*

***Person may act as appointed, elected or additional member***

*24.(1) The Governor in Council may appoint a person to act as an appointed member during any period, or during all periods, when the member is absent from the State or, for another reason, cannot perform the functions of the office.*

*(2) The Council may appoint a person to act as an additional member during any period, or during all periods, when the member is absent from the State or, for another reason, cannot perform the functions of the office.*

*(3) An entity permitted to elect or appoint elected members may appoint a person to act as 1 of the elected members during any period, or during all periods, when the member is absent from the State or, for another reason,*

*cannot perform the functions of the office.*

### ***Casual vacancies***

**25.(1)** *If a vacancy happens in the office of an appointed member, someone else may be appointed a member by the Governor in Council.*

**(2)** *If a vacancy happens in the office of an elected member appointed by the Convocation, another eligible member of the Convocation may be elected or appointed a member of the Council.*

**(3)** *If a vacancy happens in the office of another elected member, another eligible person may be elected by the entity concerned to fill the vacancy.*

**(4)** *A person appointed or elected to fill a vacancy is appointed or elected for the balance of the term of office of the member's predecessor.*

### ***Eligibility for membership of Council***

**26.** *A person is not eligible to become an elected, appointed or additional member if—*

- (a) the person is bankrupt or is otherwise taking advantage of the laws in force about bankruptcy; or*
- (b) the person has been found guilty of an indictable offence.*

### ***Vacation of office***

**27.(1)** *The office of an elected, appointed or additional member becomes vacant if—*

- (a) the member dies; or*
- (b) for an elected or additional member—the member ceases to be eligible to become a member of the type concerned; or*
- (c) the member is absent without the Council's leave and without reasonable excuse from every meeting of the Council in a period of 6 months; or*
- (d) the member becomes an official member; or*
- (e) the member resigns from office by signed notice—*

- (i) *if the member is an appointed member—given to the Minister; or*
- (ii) *if the member is an elected or additional member—given to the Vice-Chancellor.*

*(2) A resignation takes effect on the day the notice of resignation is given to the Minister or the Vice-Chancellor or, if a later day of effect is specified in the notice, the later day.*

#### ***Division 4—Meetings of the Council***

##### **Who is to preside at meetings of the Council**

**28.(1)** The Chancellor must preside at meetings of the Council.

**(2)** If the Chancellor and the Deputy Chancellor are both absent from a meeting of the Council or the offices are vacant, the members present must elect a member to preside at the meeting.

##### **Quorum**

**29.** A quorum exists at a meeting of the Council if at least half the members are present.

##### **Conduct of meetings**

**30.** The Council may otherwise regulate its proceedings as it considers appropriate.

### **PART 3—CERTAIN OFFICERS OF THE COLLEGE**

#### **Chancellor**

**31.(1)** There is a Chancellor of the College.

**(2)** The Council must elect a Chancellor whenever there is a vacancy in

the office.

- (3) The Chancellor need not be a member.
- (4) The Chancellor holds office for the period fixed by the Council.
- (5) The period must not be longer than 5 years.

### **Deputy Chancellor**

**32.(1)** There is a Deputy Chancellor of the College.

(2) The Council must elect a member as Deputy Chancellor whenever there is a vacancy in the office.

(3) The Deputy Chancellor holds office for 1 year.

(4) The Deputy Chancellor is to act as Chancellor—

- (a) when there is a vacancy in the office; and
- (b) while the Chancellor is absent from the State or, for another reason, cannot perform the functions of the office.

### **Vice-Chancellor**

**33.(1)** There is a Vice-Chancellor of the College.

(2) The Council must appoint a Vice-Chancellor whenever there is a vacancy in the office.

(3) The terms of appointment are as decided by the Council.

(4) The appointment, and the terms of appointment, are of no effect unless approved by the Governor in Council.

(5) The Vice-Chancellor is the chief executive officer of the College and may exercise the powers and perform the functions conferred on the Vice-Chancellor by this or another Act or the Council.

(6) The Vice-Chancellor may delegate powers of the Vice-Chancellor under this or another Act to a member of the College's staff.

### **Acting Vice-Chancellor**

**34.** The Council may appoint a person to act as Vice-Chancellor—

- (a) during any vacancy, or during all vacancies, in the office; and
- (b) during any period, or during all periods, when the Vice-Chancellor is absent from the State or, for another reason, cannot perform the functions of the office.

## **PART 4—BODIES CONNECTED WITH THE COLLEGE**

### *Division 1—College affiliated with Queensland University of Technology*

#### **Affiliation with QUT**

**35.** The College is affiliated with QUT.

#### **Agreement about affiliation**

**36.(1)** As soon as possible after the commencement of this section, the College and QUT must enter into an agreement (the “affiliation agreement”) about the way the affiliation will operate.

**(2)** Apart from matters mentioned in this Part, the affiliation agreement may specify terms for the supply by QUT of academic and administrative services for the College.

#### **Affiliation purposes**

**37.(1)** A purpose of the affiliation is—

- (a) to meet Commonwealth requirements for access to funds under the Commonwealth’s Unified National System of Higher Education; and
- (b) to enable QUT to negotiate for the College with the Commonwealth about the College’s educational profile and funding.

**(2)** QUT must allow 2 persons nominated by the Council to take part in

negotiations with the Commonwealth about the College's educational profile and funding.

(3) QUT must not agree to the College's educational profile or funding without the Council's approval.

(4) Apart from negotiating with the Commonwealth for the College, QUT must help the College become a provider of higher education in the region served by the College.

(5) The ways in which QUT may help the College include—

- (a) by providing general academic quality assurance for the College in the way agreed between it and the College, including, for example—
  - (i) contributing to the development by the College of quality teaching programs, whether by the College alone or jointly with QUT; and
  - (ii) promoting and helping in the teaching and supervision of students of the College and QUT; and
  - (iii) promoting and encouraging appropriate research among students and staff of the College and QUT; and
  - (iv) in areas of common interest, promoting a cooperative teaching and research effort between the College's and QUT's staff; and
  - (v) helping the College in the selection of senior staff of the College; and
- (b) by making teaching and research facilities available at QUT for the College's staff; and
- (c) by making study and research facilities available at QUT for the College's students.

(6) The facilities mentioned in subsection (5)(b) and (c) are to be made available under an agreement between the Vice-Chancellor of QUT and the Vice-Chancellor of the College.

(7) QUT must bear the cost of making the facilities available unless the agreement otherwise provides.

**College may offer facilities for QUT staff and students**

**38.(1)** As part of the affiliation, the Vice-Chancellor may agree with the Vice-Chancellor of QUT—

- (a) to make teaching and research facilities available at the College for staff of QUT; and
- (b) to make study and research facilities available at the College for students of QUT.

**(2)** The College must bear the cost of making the facilities available unless the agreement otherwise provides.

**Management of College funds**

**39.** QUT must pay into a separate fund kept for the purpose—

- (a) amounts the Commonwealth pays to QUT for the College; and
- (b) amounts agreed between the State and QUT.

**Resolution of difficulties**

**40.(1)** If a dispute about any aspect of the affiliation cannot be resolved between QUT and the College, either party may ask the Minister to resolve the dispute.

**(2)** QUT and the College must give effect to the Minister's decision.

***Division 2—Convocation<sup>2</sup>******Convocation***

**41.(1)** *A Convocation of the College is established.*

**(2)** *The Council is to decide the membership of the Convocation by College statute.*

**(3)** *The Council is to decide—*

---

<sup>2</sup> This provision had not commenced on or before the reprint date.

- (a) *how meetings of the Convocation are to be called; and*
- (b) *how the Convocation is to conduct its proceedings; and*
- (c) *if and how members of the Convocation are to be appointed as members of the Council; and*
- (d) *the quorum of a meeting of the Convocation; and*
- (e) *the powers and functions of the Convocation.*

### ***Division 3—The Union<sup>2</sup>***

#### ***The Union***

**42.(1)** *The Sunshine Coast University College Student Union is established.*

**(2)** *The Union—*

- (a) *is a corporation with perpetual succession; and*
- (b) *has a common seal; and*
- (c) *may sue and be sued in its corporate name.*

#### ***Composition***

**43.** *The persons who are eligible to be members of the Union are—*

- (a) *students; and*
- (b) *persons eligible for membership under the Union's constitution.*

#### ***Role***

**44.(1)** *The Union has the role and powers specified in its constitution.*

**(2)** *The Union also has the role and powers decided by the Council.*

#### ***Union is not Council's employee or agent***

**45.** *The Union is not the employee or agent of the Council merely because of section 44.*



***General powers***

**46.** *Without limiting section 44, the Union has all the powers of an individual and may for example acquire, hold and dispose of, or deal with, property.*

***Constitution***

**47.(1)** *The Union must have a written constitution.*

**(2)** *The Union's constitution, and each amendment of the constitution, must be submitted to the Council for its approval.*

**(3)** *The constitution or amendment has no effect until approved by the Council.*

**PART 5—PROPERTY AND FINANCE*****Division 1—Property held on trust or conditions*****Amendment of terms of trusts and gifts**

**48.** If—

- (a) property is held by the College on terms requiring the property to be used for a particular purpose (the “**donor's purpose**”); and
- (b) either—
  - (i) in the Council's opinion, the donor's purpose—
    - (A) has been wholly or substantially achieved; or
    - (B) no longer exists; or
    - (C) has been adequately provided for in another way; or
    - (D) is uncertain, cannot be identified, or is insufficiently defined; or
    - (E) becomes impossible, impractical or inexpedient to carry out; or

(ii) the property is inadequate for the purpose;

the Council may devise a scheme (the “**proposed scheme**”) for the use of the property for another purpose (the “**designated purpose**”).

### **Selection of designated purpose**

**49.(1)** In selecting the designated purpose, the Council must prefer a purpose that—

- (a) is as nearly similar as practicable to the donor’s purpose; and
- (b) can practically and conveniently be achieved.

**(2)** However, the proposed scheme is not invalid merely because another designated purpose may have been more properly selected under subsection (1).

### **Approval of proposed scheme**

**50.(1)** A proposed scheme is of no effect until it is approved by the Governor in Council and the approval is notified in the Gazette.

**(2)** The Governor in Council may modify the proposed scheme before approving it.

**(3)** On approval, the proposed scheme becomes an approved scheme.

**(4)** The College must give a copy of the approved scheme to anybody who requests it.

**(5)** The copy must be given free of charge.

### **Property to be held for designated purpose**

**51.** Property to which the approved scheme applies is to be held by the college for the property’s designated purpose instead of the donor’s purpose.

### **Certain persons to be given notice of scheme’s approval**

**52.** If the approved scheme applies to land, the College must, within 1 month of notification of the scheme’s approval in the Gazette under

section 50, give a copy of the approved scheme to the person responsible for keeping a register of interests in the land.

### **Amendment of approved scheme**

**53.(1)** The Council may amend the approved scheme.

**(2)** Sections 48 to 52 apply to the amendment of the approved scheme in the same way as they apply to the original approved scheme.

**(3)** For the purpose of applying the sections, a reference to the donor's purpose is taken to be a reference to the designated purpose of the approved scheme that is to be amended.

### **This Division does not limit College's powers under other laws**

**54.** This Division does not, by implication, limit the College's powers and rights under any other law about property held on trust by the College.

### **College may carry out conditions of gift etc.**

**55.** The College may agree to and carry out any conditions of a gift, grant, bequest, devise or other way by which it takes or acquires any property.

## ***Division 2—Dealing with State land by Council***

### **Application of Land Act 1962**

**56.** Subject to section 57, State land is held and may be disposed of under the Land Act 1962.

### **College may grant lease over State land**

**57.(1)** The College may only grant an interest in State land by way of lease.

**(2)** The lease must—

(a) be for a term of not more than 20 years; and

- (b) not contain a covenant, agreement or option for the renewal of the lease or the purchase of the land; and
- (c) be for the highest annual rent that can reasonably be obtained without taking a fine, premium or other consideration for the grant of the lease and having regard to the purpose for which the land is to be used.

### *Division 3—Finance*

#### **Trust funds**

**58.** The College may establish or administer trust funds.

#### **Powers of investment**

**59.(1)** The College may establish an investment common fund for the collective investment of trust funds or other amounts held by the College.

**(2)** The College may add amounts to or withdraw amounts from the investment common fund, without incurring any liability for breach of trust.

**(3)** The College must periodically distribute the income of the investment common fund among each of the funds forming the investment common fund (a “**component fund**”) having regard to the share of each component fund in the investment common fund.

**(4)** Despite subsection (3), if a component fund consists of an amount received for use for a stated purpose and the amount cannot or will not be used for the purpose immediately, income attributable to the share of the amount in the investment common fund may be paid into the general funds of the College if the income is not needed immediately for the stated purpose.

**(5)** Despite subsection (3), the College may—

- (a) add a part of the income of the investment common fund to the fund’s capital; or
- (b) use a part of the income to establish or augment another fund to make provision against capital depreciation or reduction of income.

**Investment of amounts**

**60.(1)** The College may invest amounts held by the College (including trust funds) only in authorised trustee investments.

**(2)** Subsection (1) does not authorise the investment of trust funds or other amounts—

- (a) in a way that is contrary to the instrument creating the trust; or
- (b) in a way that is a breach of a condition under which the funds or amounts were acquired.

**(3)** If an amount is held by the College subject to a condition, this section does not prevent the College holding or dealing with the amount under the condition.

**Application of revenue**

**61.(1)** Subject to the terms of a relevant trust, amounts received by the College from any source are to be applied solely to College purposes.

**(2)** To remove any doubt, each of the following purposes is a College purpose—

- (a) enabling a student or staff member, or former student or staff member, of the College to undertake study or research at the College or elsewhere;
- (b) the advancement of learning generally;
- (c) helping a body affiliated or associated with the College.

**Financial accommodation**

**62.(1)** The College may, with the approval of the Governor in Council, obtain advances—

- (a) by a loan from the Treasurer; or
- (b) by a loan or overdraft from a financial institution; or
- (c) by a loan from someone else.

**(2)** The College must obtain the Treasurer's approval before entering into negotiations with a person mentioned in subsection (1)(b) or (c).

(3) A loan under subsection (1)(c) is subject to the security, rate of interest and other terms being agreed to by the College and approved by the Governor in Council.

### **College is statutory body under the Statutory Bodies Financial Arrangements Act 1982**

63. To remove any doubt, it is declared that the College is a statutory body under the *Statutory Bodies Financial Arrangements Act 1982*.

### **Financial review**

64.(1) The Council must, in each year, adopt a budget for the College for the next year.

(2) In framing the budget the Council need not take account of amounts mentioned in subsection (4).

(3) The Council must control its spending as nearly as possible within the limits of the approved budget.

(4) The Council must carry out an annual review of—

- (a) amounts available, or expected to be available, to the College by way of bequest, donation or special grant; and
- (b) the spending of the amounts.

### **College is statutory body under the Financial Administration and Audit Act 1977**

65. To remove any doubt, it is declared that the College is a statutory body under the *Financial Administration and Audit Act 1977*.

### **College's financial year**

66. The College's financial year is a calendar year.

**College statutes**

**67.(1)** The Council may make College statutes.

**(2)** A College statute may only be made about—

- (a) the admission of students; and
- (b) the disciplining of students; and
- (c) the fees to be paid—
  - (i) for examinations; or
  - (ii) for attendance at lectures and classes of the College; or
  - (iii) for the use of the College's facilities; and
- (d) the membership of Convocation; and
- (e) the conduct of a ballot for the election of elected members; and
- (f) the making and notifying of College rules; and
- (g) the ownership and exploitation of inventions and discoveries made by the College's staff or using its facilities; and
- (h) a direction, indication or requirement for a regulatory notice.

**(3)** Without limiting subsection (2)(b), a College statute may authorise the Council or a member of the College's staff to impose a penalty (not more than 10 penalty units) for a breach of a provision of a College statute about the discipline of students and may provide for its recovery and enforcement.

**College statute's status**

**68.** A College statute—

- (a) is subordinate legislation; and
- (b) is an exempt instrument under the *Legislative Standards Act 1992*.

**College statutes affecting Union**

**69.(1)** A College statute affecting the Union's role or powers may be made only if the Council—

- (a) has given the Union a copy of the proposed statute at least 28 days before making it; and
- (b) has considered the comments (if any) given to it by the Union under subsection (2).

(2) The Union may give the Council written comments about the proposed College statute within 14 days of receiving the copy.

(3) The Council may amend the proposed College statute to take account of any of the comments.

(4) If the Council amends the proposed College statute to take account of any of the comments, it does not have to give the Union a copy of the proposed statute before making it.

### **College rules**

**70.(1)** The Council may make College rules under a College statute.

(2) If a College rule is inconsistent with this Act or a College statute, the rule is invalid to the extent of the inconsistency.

(3) A College rule—

- (a) must be notified in the way required by College statute; and
- (b) takes effect on the day of its notification or, if a later day or time is fixed in the rule, on the day or at the time fixed.

(4) On the day a College rule is notified under subsection (3)(a) or as soon as practicable after that day, copies of the rule must be available to be obtained (by purchase or otherwise) at the place, or at each of the places, specified in the notice.

(5) Failure to comply with subsection (4) does not affect the validity of the notification under subsection (3)(a).



## **PART 7—CONTROL OF TRAFFIC AND CONDUCT ON COLLEGE LAND**

### *Division 1—Authorised persons and security officers*

#### **Appointment of authorised persons and security officers**

**71.(1)** The Vice-Chancellor may, in writing, appoint a person who the Vice-Chancellor is satisfied has the necessary training, or knowledge and experience, to be an authorised person under this Act.

**(2)** The Vice-Chancellor may, in writing, appoint a person who the Vice-Chancellor is satisfied has the necessary training, or knowledge and experience, to be a security officer under this Act.

**(3)** A person may be appointed both an authorised person and a security officer.

#### **Terms of appointment**

**72.(1)** An authorised person or security officer holds office on the conditions specified in the instrument of appointment.

**(2)** An authorised person or security officer—

- (a)** if the appointment provides for a term of appointment—ceases to hold office as an authorised person or security officer at the end of the term; and
- (b)** may resign by signed notice given to the Vice-Chancellor.

#### **Identity cards**

**73.(1)** The Vice-Chancellor must issue an identity card to each authorised person and security officer.

**(2)** The identity card must—

- (a)** contain a recent photograph of the authorised person or security officer; and
- (b)** be in a form approved by the Vice-Chancellor; and

(c) be signed by the authorised person or security officer.

(3) A person who ceases to be an authorised person or security officer must, as soon as practicable, return the person's identity card to the Vice-Chancellor, unless the person has a reasonable excuse for not returning it.

Maximum penalty for subsection (3)—10 penalty units.

### **Proof of authority**

**74.(1)** An authorised person or security officer may exercise a power under this Act in relation to someone else only if the person or officer—

- (a) first produces his or her identity card for inspection by the other person; or
- (b) has his or her identity card displayed so that it is clearly visible.

(2) If, for any reason, it is not practicable to comply with subsection (1), the authorised person or security officer must produce the identity card for inspection by the person at the first reasonable opportunity.

(3) If subsection (2) is relevant and is complied with by an authorised person or security officer, the exercise of a power in relation to someone else by the authorised person or security officer is not invalid merely because of subsection (1).

## ***Division 2—Traffic control***

### **Persons authorised to control traffic on College's land**

**75.(1)** An authorised person may control traffic on the College's land and, for this purpose, may give directions to persons on the land.

(2) A person must not fail to comply with a direction given under subsection (1), unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (2)—10 penalty units.

**Regulatory notice**

**76.(1)** The College may erect or display on, or at or near any vehicular entrance to, the College's land, a notice (a "**regulatory notice**") regulating the driving, parking or standing of vehicles on the land, including, for example—

- (a) fixing a maximum speed limit; or
- (b) indicating a pedestrian crossing; or
- (c) indicating a place where the driving, parking or standing of a vehicle is restricted or prohibited.

**(2)** A person on the College's land must comply with a regulatory notice, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

**(3)** A regulatory notice—

- (a) must specify the limits of the area to which the notice applies; and
- (b) may state that a contravention of a requirement of the notice is an offence against this Act and the penalty for the offence.

**(4)** Without limiting subsection (1), the College may erect and display regulatory notices in the form of official traffic signs.

**(5)** Evidence that a regulatory notice was erected or displayed at a place mentioned in subsection (1) is evidence that the notice was erected or displayed by the College.

**(6)** A regulatory notice erected or displayed under this section must be easily visible to passers by.

**Information notices**

**77.(1)** This section applies if a regulatory notice does not state that a contravention of a requirement of the notice is an offence against this Act and the penalty for the offence.

**(2)** The College must erect or display at or near each vehicular entrance to the College's land to which the regulatory notice relates, and other places the Vice-Chancellor considers appropriate, information notices stating that a contravention of a requirement of a regulatory notice is an offence and the

penalty for the offence.

(3) An information notice may contain any other information the Vice-Chancellor considers appropriate.

(4) An information notice erected or displayed under this section must be easily visible to passers by.

(5) In this section—

“**regulatory notice**” does not include an official traffic sign.

### **Removal and detention of illegally parked or abandoned vehicles**

**78.(1)** An authorised person may seize, remove and hold, a vehicle that the authorised person believes on reasonable grounds—

- (a) is parked in contravention of a regulatory notice; or
- (b) is abandoned.

(2) The vehicle must be held at a safe place.

(3) An authorised person may exercise the powers given under subsection (1)(a) only if—

- (a) the authorised person believes on reasonable grounds that it is necessary or desirable to seize and remove the vehicle having regard to the safety and convenience of traffic on the College’s land; and
- (b) the authorised person—
  - (i) cannot immediately locate the driver of the vehicle; or
  - (ii) believes on reasonable grounds that the driver of the vehicle is not willing or able to remove the vehicle immediately.

(4) As soon as is practicable and no later than 14 days after the vehicle is seized, the College must give to the owner of the vehicle a written notice stating how the owner may recover the vehicle.

(5) If the owner cannot be decided or located within 14 days after the vehicle is seized, the notice may be given by publishing it in a newspaper circulating generally in the State.

(6) If the vehicle was parked in contravention of a regulatory notice, the

owner of the vehicle must pay to the College the cost of seizing, removing, holding and returning the vehicle.

(7) In this section—

“**vehicle**” includes a part of the vehicle and anything attached to, or contained in, the vehicle.

### **Disposal of unclaimed vehicles**

**79.(1)** This section applies if the owner of a seized vehicle does not recover the vehicle within 2 months after notice is given to the owner under section 78(4) or (5).

(2) After publishing a notice in a newspaper circulating generally in the State, the College may sell the vehicle by public auction.

(3) The notice must—

- (a) identify the vehicle; and
- (b) state that the vehicle is to be sold by auction; and
- (c) specify how the owner may recover the vehicle before the auction; and
- (d) specify the time and place of the auction.

(4) Compensation is not recoverable against the College for the sale of a vehicle under this section.

(5) In this section—

“**vehicle**” includes a part of the vehicle and anything attached to, or contained in, the vehicle.

### **Application of proceeds of sale**

**80.(1)** The proceeds of the sale must be applied in the following order—

- (a) in payment of the reasonable expenses incurred in the sale;
- (b) in payment of the reasonable cost of seizing, removing and holding the vehicle;
- (c) in payment of any balance to the owner.

(2) Compensation is not recoverable against the College for a payment under this section.

### *Division 3—Conduct on College’s land*

#### **Conduct causing a public nuisance**

**81.** A person must not be disorderly or create a disturbance on the College’s land.

Maximum penalty—20 penalty units.

#### **Power to deal with persons causing a public nuisance**

**82.(1)** This section applies if a security officer—

- (a) finds the person contravening section 81; or
- (b) finds the person in circumstances that leads the security officer to suspect on reasonable grounds that the person has just contravened section 81; or
- (c) has information that leads the security officer to suspect on reasonable grounds that the person has just contravened section 81; or
- (d) reasonably believes, having regard to the way the person is behaving, that the person’s presence may pose a threat to the safety of anyone else on or leaving the land; or
- (e) has information that leads the security officer to believe, on reasonable grounds, the person’s presence may pose a threat to the safety of anyone else on or leaving the land; or
- (f) reasonably believes the person is on the land without lawful justification or excuse.

(2) The security officer may direct the person to leave the College’s land or a part of the College’s land.

(3) A person must not fail to comply with a direction given to the person under subsection (2), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

## **PART 8—MISCELLANEOUS**

### **Forming and taking part in corporations**

**83.(1)** The College may be a member of, form, take part in forming or manage a corporation whose objects include any of the following objects—

- (a) making available facilities for study, research or education;
- (b) performing research, development, consultancy or other services for public or private entities;
- (c) helping or engaging in the development or promotion of the College's research or the application or use of the results of the research;
- (d) preparing, publishing, distributing or licensing the use of literary or artistic work, audio or audio visual material or computer software;
- (e) exploiting commercially a facility or resource of the College, including, for example, study, research or knowledge, or the practical application of study, research or knowledge, developed by or belonging to the College, whether alone or with someone else;
- (f) seeking or encouraging gifts to the College or for the College's purposes;
- (g) another object, consistent with this Act, that the Council considers is appropriate in the circumstances.

(2) The College, or a corporation managed by the College or of which the College is a member, may enter into an agreement or arrangement with a corporation whose objects include an object mentioned in subsection (1) for

the purpose of achieving the object.

(3) This section does not limit the powers that the College has apart from this section.

### **Use of facilities and staff**

**84.(1)** The College may enter into a contract or other arrangement with an entity for the use of the College's facilities and staff.

(2) This section does not limit the powers that the College has apart from this section.

### **College to be treated as a university**

**85.** The College is a university for the purposes of the *Higher Education (General Provisions) Act 1993*.

### **Review of Act**

**86.** The Minister must review the College's status and affiliation arrangements as soon as possible after 10 years from the commencement of this Act.

## **PART 9—SPECIAL ARRANGEMENTS ABOUT ESTABLISHMENT OF THE COLLEGE**

### *Division 1—First Council*

#### **First Council**

**87.(1)** Until the Council is constituted under section 13, the Council (the “**first Council**”) is to consist of—

- (a) the Chancellor; and
- (b) the Vice-Chancellor; and



- (c) the chief executive of the department or the chief executive's nominee; and
- (d) 3 members nominated by QUT and appointed by the Minister; and
- (e) 6 members appointed by the Governor in Council; and
- (f) 3 other members appointed under section 88.

(2) The first Council may also appoint 2 members who are not persons mentioned in section 88(1)(a), (b) or (c).

(3) The Planning President is a member of the first Council until the Vice-Chancellor takes office.

### **Appointment of other members of first Council**

**88.(1)** The first Council must appoint as members under section 87(1)(f)—

- (a) 1 member of the College's academic staff; and
- (b) 1 member of the College's full-time general staff; and
- (c) either—
  - (i) a student; or
  - (ii) an enrolled student of QUT who, in the Council's opinion, has an interest in the provision of higher education on the Sunshine Coast.

(2) The appointments must be made as soon as possible after the first Council is constituted.

(3) However, before the first Council appoints a member mentioned in subsection (1)(a), (b) or (c)(ii), the Council must consult with and have regard to the views of—

- (a) for the member mentioned in subsection (1)(a)—the College's academic staff and any entity representing the staff; and
- (b) for the member mentioned in subsection (1)(b)—the College's full-time general staff and any entity representing the staff; and

(c) for the member mentioned in subsection (1)(c)(ii)—the Queensland University of Technology Student Guild.

(4) Subsection (3) also applies to an appointment required because of a casual vacancy.

### **Failure to appoint members**

**89.(1)** If the first Council fails to appoint a member of the Council under section 88 by a day fixed by the Minister by written notice given to the Council, the Minister may appoint an eligible person as a member.

(2) A person appointed under subsection (1) is taken to have been appointed by the first Council.

(3) This section also applies to an appointment required because of a casual vacancy.

### **When first Council is taken to be properly constituted**

**90.** The first Council is taken to be properly constituted when it has 7 or more members.

### **Acting members**

**91.(1)** The Minister may appoint a person to act as a member mentioned in section 87(1)(d) during any period, or during all periods, when the member is absent from the State or, for another reason, cannot perform the functions of the office.

(2) The Governor in Council may appoint a person to act as a member mentioned in section 87(1)(e) during any period, or during all periods, when the member is absent from the State or, for another reason, cannot perform the functions of the office.

(3) The first Council may appoint a person to act as a member mentioned in section 87(1)(f) or (2) during any period, or during all periods, when the member is absent from the State or, for another reason, cannot perform the functions of the office.

**Casual vacancies**

**92.(1)** If a vacancy happens in the office of a member appointed by the Governor in Council, someone else may be appointed a member by the Governor in Council.

**(2)** If a vacancy happens in the office of a member appointed by the Minister, another eligible person may be appointed a member by the Minister.

**(3)** If a vacancy happens in the office of a member appointed by the first Council, another eligible person may be appointed a member by the Council.

**(4)** A member appointed to fill a vacancy is appointed for the balance of the term of office of the member's predecessor.

**Eligibility for membership of first Council**

**93.** A person is not eligible to become a member of the first Council mentioned in section 87(1)(d), (e) or (f) or (2) if—

- (a) the person is bankrupt or is otherwise taking advantage of the laws in force about bankruptcy; or
- (b) the person has been found guilty of an indictable offence.

**Vacation of office**

**94.(1)** The office of a member of the first Council mentioned in section 87(1)(d), (e) or (f) or (2) becomes vacant if—

- (a) the member dies; or
- (b) for a member mentioned in section 87(1)(f)—the member ceases to be eligible to become a member of the type concerned; or
- (c) the member is absent without the Council's leave and without reasonable excuse from every meeting of the Council in a period of 6 months; or
- (d) the member resigns from office by signed notice—
  - (i) if the member is appointed by the Minister or the Governor in Council—given to the Minister; or

- (ii) if the member is appointed by the Council—given to the Vice-Chancellor.

(2) A resignation takes effect on the day the notice of resignation is given to the Minister or the Vice-Chancellor or, if a later day of effect is specified in the notice, the later day.

### **First Council's functions**

**95.(1)** Without limiting section 9, the first Council must ensure that all necessary steps are taken to enable a Council to be constituted under section 13 no later than—

- (a) if a day is fixed under section 2(4)(b)—that day; or
- (b) if paragraph (a) does not apply—1 July 1996.

(2) The steps that must be taken under subsection (1) include holding elections to elect the elected members of the Council that are to be elected.

### **Cessation of first Council**

**96.(1)** The members of the first Council go out of office when section 13 commences.

(2) However, the Chancellor and Vice-Chancellor do not cease to hold office merely because of subsection (1).

## ***Division 2—Other special arrangements***

### **Planning President**

**97.(1)** There is a Planning President for the College.

(2) The Council of QUT is to appoint a Planning President whenever there is a vacancy in the office.

(3) The person appointed must be a member of QUT's staff.

(4) The Planning President holds office on the terms decided by the Council of QUT.

(5) The Planning President is seconded to the College but remains a member of QUT's staff.

### **Planning President's functions**

**98.** The Planning President has—

- (a) the functions and powers conferred on the Planning President by the Council; and
- (b) the functions and powers of the Vice-Chancellor.

### **Delegation by Planning President**

**99.** The Planning President may delegate the Planning President's powers under this or another Act to a staff member of the College.

### **Acting Planning President**

**100.** The Council may appoint a person to act as Planning President—

- (a) while there is a vacancy in the office; or
- (b) during any period, or during all periods, when the Planning President is absent from the State or, for another reason, cannot perform the functions of the office.

### **Cessation of office**

**101.(1)** The Planning President goes out of office on whichever of the following happens first—

- (a) the Vice-Chancellor takes up office;
- (b) section 13 commences;

(2) The going out of office under subsection (1)(a) does not create a vacancy in the office.

***Division 3—Expiry of Part*****Expiry**

**102.** This Part expires when section 13 commences.

**ENDNOTES****1 Index to Endnotes**

	Page
2 Date to which amendments incorporated . . . . .	46
3 List of legislation . . . . .	46

**2 Date to which amendments incorporated**

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Sunshine Coast University College Act 1994 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

**3 List of legislation****Sunshine Coast University College Act 1994 No. 16**

date of assent 10 May 1994

Pt 4 Divs 2–3 commence 1 January 1996 (see s 2(2) unless an earlier day is fixed under s 2(4)(a))

Pt 2 Div 3 commences 1 July 1996 (see s 2(3) unless an earlier day is fixed under section 2(4)(b))

remaining provisions commenced 1 July 1994 (see s 2(1))

**Note—** (1) Pt 9 expires when s 13 commences (see s 102)

(2) Section 15DA of the Acts Interpretation Act 1954 does not apply to this Act