



ANNO QUARTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

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No. 52 of 1965

**An Act to Consolidate and Amend the Law Relating to the  
University of Queensland**

[ASSENTED TO 7TH DECEMBER, 1965]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. (1) **Short title.** This Act may be cited as "*The University of Queensland Act of 1965.*"

(2) **Commencement.** This Act shall come into operation on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

2. **Division of Act.** This Act is divided into Parts and a Schedule as follows:—

PART I—PRELIMINARY (ss. 1-4):

PART II—CONSTITUTION AND GOVERNMENT OF THE UNIVERSITY  
(ss. 5–20);

*Division 1—The University* (s. 5);

*Division 2—The Senate* (ss. 6–14);

*Division 3—Convocation* (ss. 15–18);

*Division 4—Matters Relating to the Senate and Convocation Generally* (ss. 19–20);

PART III—FACULTIES AND GRANTING OF DEGREES, ETC. (ss. 21–26);

PART IV—ESTABLISHMENT OF COLLEGES (s. 27);

PART V—PROPERTY AND FINANCE (ss. 28–31);

PART VI—OFFENCES (ss. 32–33);

PART VII—STATUTES AND REGULATIONS (ss. 34–36);

PART VIII—MISCELLANEOUS (ss. 37–38);

SCHEDULE.

**3. Repeals and Savings.** (1) The Acts mentioned in the Schedule to this Act are repealed to the extent therein indicated. The said Acts are, in this Act, referred to as the “repealed Acts.”

(2) Unless otherwise expressly provided herein every Proclamation, Order in Council, regulation, Statute, registration, register or other act of authority made, granted, issued, renewed, given, kept or done under the repealed Acts, or under the regulations or Statutes under the repealed Acts, or any of them and in force at the commencement of this Act shall, subject to this Act, be deemed to be a Proclamation, Order in Council, regulation, Statute, register or other act of authority made, granted, issued, renewed, given, kept or done under this Act or, as the case may be, under the regulations or Statutes under the repealed Acts and shall continue in force accordingly until it expires by effluxion of time or is repealed, amended or otherwise modified, revoked, cancelled, suspended or surrendered, or ceases to be kept, as the case may be under this Act.

Every such Proclamation, Order in Council, regulation, Statute, registration, register or other act of authority shall be read and construed subject to this Act.

In this subsection, “Statute” includes every and any rule made pursuant to Statute.

(3) The Vice-Chancellor, Deputy Vice-Chancellor and all deans, professors, readers, lecturers, examiners and other officers and servants of the University appointed under the repealed Acts or any of them and in office at the commencement of this Act shall, subject to this Act, continue to hold their offices in terms of their appointments thereto respectively under and for the purposes of this Act and shall, without further or other appointment, be deemed to be appointed under and for the purposes of this Act.

(4) The persons who immediately prior to the commencement of this Act held the offices respectively of Chancellor and Deputy Chancellor of the Senate pursuant to the repealed Acts, shall upon the commencement of this Act be respectively the Chancellor and Deputy Chancellor of the Senate pursuant to this Act and each of them shall, subject to this Act respectively continue to be the Chancellor and Deputy Chancellor of the Senate until the election of a Chancellor and a Deputy Chancellor respectively is first held under the provisions of this Act.



(5) The person who immediately prior to the commencement of this Act held the office of Warden of the Council pursuant to the repealed Acts shall upon the commencement of this Act be the Warden of Convocation and shall, subject to this Act, continue to be the Warden until the election of a Warden is first held under the provisions of this Act.

**4. Interpretation.** In this Act, unless the context otherwise indicates or requires, the following terms shall have the meanings respectively assigned to them, that is to say:—

“Convocation”—The Convocation of the University as constituted by this Act;

“Minister”—The Minister for Education or other Minister of the Crown for the time being charged with the administration of this Act: The term includes a Minister of the Crown temporarily performing the duties of the Minister administering this Act;

“Rules”—Rules made by the Senate under the authority of a Statute;

“Senate”—The Senate of the University as constituted by this Act;

“Statutes”—The Statutes of the University made under the authority of this Act;

“University”—The University of Queensland, the body corporate preserved, continued in existence and constituted by and under this Act.

## PART II—CONSTITUTION AND GOVERNMENT OF THE UNIVERSITY

### *Division 1—The University*

**5. (1) Constitution of University.** The University of Queensland established under the repealed Acts is hereby preserved, continued in existence and constituted under this Act as a body corporate under the name of “The University of Queensland” and by that name shall have perpetual succession, and shall have a common seal, and be capable by that name of—

- (a) suing and being sued;
- (b) compounding or proving in any court of competent jurisdiction all debts or sums of money due to it;
- (c) taking, acquiring by grant, purchasing, taking on lease, property (whether situated in Queensland or elsewhere);
- (d) granting, selling, alienating, leasing, assigning, transferring and surrendering to the Crown, property (whether situated in Queensland or elsewhere); and
- (e) doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

**(2) Composition of body corporate.** The University shall consist of—

- (a) the members of the Senate;
- (b) the members for the time being of Convocation;
- (c) the academic staff employed for the time being by the University; and
- (d) those persons who under the provisions of the Statutes are for the time being undergraduates of the University.

## Division 2—The Senate

**6. Constitution of Senate.** (1) Subject to subsection (2) of this section there shall be a Senate of the University consisting of—

- (a) the Director-General of Education who shall be an *ex-officio* member;
- (b) the Vice-Chancellor of the University who shall be an *ex-officio* member;
- (c) the President of the Professorial Board of the University who shall be an *ex-officio* member;
- (d) one member of the Professorial Board of the University appointed by the said Board;
- (e) one member of the Staff Association of the University appointed by the said Association;
- (f) one person, being a graduate of the University, appointed by the Council of the University of Queensland Union;
- (g) eleven persons appointed by the Governor in Council;
- (h) the Anglican Archbishop of Brisbane or his nominee;
- (i) the Roman Catholic Archbishop of Brisbane or his nominee;
- (j) one person appointed by the Queensland Council of Churches;
- (k) one person appointed by the advisory council of each college or university institution established under and in accordance with section twenty-seven of this Act;
- (l) ten persons appointed by Convocation, but so that there shall not at any one time be included in the members appointed by Convocation—
  - (i) more than two full-time members of the teaching staff at the University; and
  - (ii) more than three full-time members in the aggregate of the teaching staffs of the secondary schools, technical colleges, institutes of technology and similar educational institutions.

(2) The Senate may from time to time appoint a person or persons (not being a member or members of the teaching staff of the University) to be a member or, as the case may be, members of the Senate:

Provided that—

- (a) the number of such persons so appointed shall not at any one time exceed two; and
- (b) the term of office of a member appointed in pursuance of this subsection shall, subject to this Act, expire on the same day as those appointed members appointed in pursuance of subsection (1) of this section, who are in office at the date of his appointment.

(3) A member of the Senate other than an *ex-officio* member is in this Act referred to as an “appointed member”.

(4) If a body or person required by this section to appoint a person or number of persons to be a member or members of the Senate fails or refuses to appoint a sufficient number of such persons by the date determined by the Senate pursuant to section eight of this Act, the Minister may appoint a sufficient number of persons who shall be deemed to have been appointed by the body or person who should have appointed him or them.

(5) Whenever the Director-General of Education is prevented by absence, illness, or other cause whatever from performing his duties as a member of the Senate, the Governor in Council may appoint some person to act as a member of the Senate in the place of the Director-General of Education during such time as the Director-General of Education is so prevented from performing such duties, and the person appointed while so acting shall have and may exercise all the powers, functions, and authorities of, and shall perform all the duties of, a member of the Senate.

(6) A person (not being a person who is a member of the Senate) appointed at any time by the Senate to act in the place of the Vice-Chancellor of the University or of the President of the Professorial Board of the University shall while so acting also act as a member of the Senate in the place of the Vice-Chancellor of the University or of the President of the Professorial Board of the University, as the case may be, and while so acting shall have and may exercise all of the powers, functions, and authorities of, and shall perform all the duties of, a member of the Senate.

**7. Continuation of Senate.** The members of the Senate (other than those members specified in the repealed Acts as *ex-officio* members) holding office immediately prior to the commencement of this Act shall continue as members of the Senate up to and including the twenty-eighth day of February, 1966, and those members together with the *ex-officio* members aforesaid shall be and be deemed to be the members of the Senate under and within the meaning of this Act up to and including that date.

**8. Appointment and term of office of members of the Senate.** The appointed members of the Senate shall, subject to this Act, hold office for a term of three years.

The first term of office for appointed members of the Senate shall commence on the first day of March, 1966, and shall terminate on the thirty-first day of December, 1968.

The second term of office for appointed members of the Senate shall commence on the first day of January, 1969.

The bodies or persons required to appoint a person or persons to be a member or members of the Senate pursuant to section six of this Act shall notify the Vice-Chancellor of such appointment by such date as shall from time to time be determined by the Senate.

- 9. (1) Disqualifications from office.** A person who—
- (a) is not of the full age of twenty-one years; or
  - (b) is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankruptcy; or
  - (c) has been convicted in Queensland of an indictable offence or has been convicted elsewhere than in Queensland in respect of an act or omission which if done or made by him in Queensland would have constituted an indictable offence; or
  - (d) is a patient within the meaning of "*The Mental Health Acts, 1962 to 1964*",

shall not be capable of being or continuing to be a member of the Senate.

(2) **Vacation of office.** An appointed member shall be deemed to have vacated his office as an appointed member if he—

- (a) dies; or
- (b) is absent from every meeting of the Senate, of which due notice has been given to him, in any period of six months without leave granted by the Senate; or
- (c) resigns such office by writing under his hand delivered to the Chancellor; or
- (d) becomes an *ex-officio* member.

**10. Casual appointments to Senate.** (1) If from any cause, other than expiration of the term of office, a vacancy occurs in the office of an appointed member of the Senate (other than an appointed member appointed in pursuance of subsection (2) of section six of this Act), the Senate shall appoint a date on or before which a person is to be appointed to fill such casual vacancy.

The appointment of a person to fill such a casual vacancy shall be made on or before the date so appointed.

(2) If the body or person required by this Act to appoint a person or number of persons to be a member or members of the Senate fails to appoint a sufficient number of such persons on or before the date appointed by the Senate the Minister may appoint a sufficient number of persons who shall be deemed to have been appointed by the body or person who should have appointed him or them.

(3) The person appointed to fill a casual vacancy in the membership of the Senate shall hold office thereon for the remainder of the term of office of his predecessor and shall, if qualified, be eligible for re-appointment.

**11. Powers of the Senate.** The Senate shall be the governing body of the University.

Subject to this Act and the Statutes, the Senate shall have full power and authority from time to time to appoint and dismiss all deans, professors, readers, lecturers, examiners and other officers and servants of the University, and shall have the entire management and control of the affairs, concerns, and property of the University and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests and purposes of the University.

**12. Election of Chancellor and Deputy Chancellor.** (1) At its first meeting held in every year the Senate shall elect two of its members to be Chancellor and Deputy Chancellor respectively, each of whom shall, subject to this Act, hold office until the first meeting of the Senate held in the year next following.

The office of Chancellor or Deputy Chancellor shall become vacant immediately upon the holder thereof ceasing to be a member of the Senate.

(2) If from any cause, other than expiration of the term of office, a vacancy occurs in the office of Chancellor or Deputy Chancellor, the Senate shall elect another of its members to be Chancellor or Deputy Chancellor, as the case may be, and, subject to this Act, he shall hold office as such until the first meeting of the Senate in the year next following.

(3) The Deputy Chancellor may act in the office of Chancellor during such time as the Chancellor is prevented by absence, illness or other cause whatever from performing the duties of his office or during such time as a vacancy exists in the office of Chancellor and while so acting he shall have and may exercise all the powers, functions, and authorities of, and shall perform all the duties of, the Chancellor.

**13. Chairmanship of Senate.** (1) The Chancellor shall preside at all meetings of the Senate at which he is present.

(2) At any meeting of the Senate at which the Chancellor is not present—

(a) the Deputy Chancellor; or

(b) (where the Deputy Chancellor is not present) a member of the Senate elected by and from the members present,

shall preside.

**14. Appointment of Vice-Chancellor and Deputy Vice-Chancellors.**

(1) There shall be a Vice-Chancellor, who shall be the chief administrative officer of the University.

Subject to this section, the Senate shall appoint the Vice-Chancellor on such terms and conditions as it may determine and the Vice-Chancellor shall hold his office subject to this Act and to the terms and conditions on which he was appointed.

(2) Subject to this section, the Senate may from time to time appoint one or more Deputy Vice-Chancellors, each of whom shall perform such functions as the Senate may from time to time determine.

(3) The Governor in Council may confirm or refuse to confirm an appointment made under this section or any term and condition in respect of such appointment.

No appointment made under this section nor any term and condition in respect of any such appointment shall have any force and effect unless and until confirmed by the Governor in Council.

*Division 3—Convocation*

**15. Constitution of Convocation.** (1) There shall be a Convocation of the University consisting of—

(a) all members and past members of the Senate;

(b) all persons who have been admitted to a Degree in the University;

(c) all full time members of the academic staff of the University, not being graduates of the University, and such other members of the academic staff, not being graduates of the University, as the Senate may from time to time determine;

(d) the Head of each college or other University institution established under and in accordance with section twenty-seven of this Act;

(e) such superior officers of the University as the Senate may from time to time determine;

(f) all individual persons who have made any gift or donation to the University amounting in money or value to not less than five hundred pounds or, upon the Governor in Council

determining otherwise, such amount, being an amount in excess of five hundred pounds, as may from time to time be determined by the Governor in Council by Order in Council:

(g) all persons not qualified to be members of Convocation under the foregoing provisions of this section who, immediately before the commencement of this Act, were members of the Council constituted under the provisions of the repealed Acts.

(2) A member of Convocation who is—

(a) undergoing imprisonment in any prison; or

(b) a patient within the meaning of "The Mental Health Acts, 1962 to 1964,"

shall not be capable of exercising the rights and privileges of a member of Convocation, including the right to vote with respect to the appointment of members of the Senate.

**16. Functions of Convocation.** (1) The members of Convocation shall be entitled to appoint, in the manner as provided by the Statutes, such members of the Senate as are prescribed by this Act.

(2) The members of Convocation may at meetings held by them in accordance with the Statutes (if any) consider any matters relating to the University and its affairs and administration and may make recommendations to the Senate in respect of any such consideration.

**17. Warden of Convocation.** (1) At its first meeting held in every year Convocation shall elect one of its members to be its Warden, who shall, subject to this Act, hold office until the first meeting of Convocation held in the year next following.

(2) The office of Warden shall become vacant if he—

(a) dies; or

(b) becomes incapable of exercising the rights and privileges of a member of Convocation; or

(c) resigns such office by writing under his hand delivered to the Chancellor.

(3) If from any cause, other than expiration of the term of office a vacancy occurs in the office of Warden, Convocation shall elect another of its members to be its Warden and, subject to this Act, he shall hold office as such until the first meeting of the Senate in the year next following.

**18. Chairmanship of Convocation.** (1) The Warden shall preside at all meetings of Convocation at which he is present.

(2) At any meeting of Convocation at which the Warden is not present a member of Convocation elected by and from the members present shall preside.

#### *Division 4—Matters Relating to the Senate and Convocation Generally*

**19. Re-election or re-appointment.** Nothing contained in this Act shall prevent any person from being immediately, or at any time, re-appointed or re-elected to any office or place under this Act if he is otherwise capable for the time being, of holding that office or place.

**20. Validity of proceedings.** No proceedings of the Senate or Convocation, or of any committee thereof, and no act done by the Chancellor, Deputy Chancellor or Warden or any person acting pursuant to and in accordance with the Statutes as Chancellor or Warden shall be invalidated by reason of—

- (a) any defect in the appointment or election of, or of any disqualification of, any member of the Senate or Convocation or of any person aforesaid; or
- (b) any defect in the convening or conduct of any meeting of the Senate or Convocation or any committee thereof; or
- (c) there being any vacancy in the number of members of the Senate or any committee thereof or of any committee of Convocation; or
- (d) the fact that a person purporting to be a member of the Senate or Convocation or any committee thereof by virtue of an office held by him did not hold that office; or
- (e) the fact that a person purporting to be a member of the Senate or Convocation or any committee thereof was not such a member.

#### PART III—FACULTIES AND GRANTING OF DEGREES, ETC.

**21. Faculties.** (1) Within the University there shall be maintained and instruction shall be given in the following faculties:—

- (a) Faculty of Arts;
- (b) Faculty of Science;
- (c) Faculty of Engineering;
- (d) Faculty of Commerce and Economics;
- (e) Faculty of Agriculture;
- (f) Faculty of Law;
- (g) Faculty of Dentistry;
- (h) Faculty of Veterinary Science;
- (i) Faculty of Medicine;
- (j) Faculty of Education;
- (k) Faculty of Architecture.

(2) The Senate may by Statute from time to time modify subsection (1) of this section by—

- (a) abolishing any of the faculties mentioned therein;
- (b) abolishing any of the faculties mentioned therein and inserting a faculty in its place; or
- (c) adding a faculty to the list of faculties mentioned therein,

and the said subsection as so modified shall become and be subsection (1) of this section for the time being.

**22. Schools and departments of learning.** The Senate may by Statute from time to time establish such schools or other departments of learning within the University as it thinks fit.

**23. Instruction in and granting of degrees and other awards.** (1) Subject to this Act and the Statutes, the Senate may cause instruction to be given to students, whether matriculated or not, and may grant degrees, diplomas, and certificates in any branch of knowledge, and may also confer honorary degrees or other distinctions on approved persons.



All degrees and other distinctions shall be conferred and held subject to any provisions which may be made from time to time in reference thereto by the Statutes.

(2) Instruction shall be given in the evening in such of the courses of study as in the opinion of the Senate can properly be pursued by students unable to attend day time courses.

(3) Instruction shall be given by means of correspondence tuition, local tutors, vacation schools or otherwise in such of the courses of study as in the opinion of the Senate can properly be pursued by students unable to attend classes at the University.

(4) The Senate may from time to time specify the classes of persons who shall be entitled to receive instruction pursuant to subsections (2) and (3) of this section and may make such provision in relation thereto as it considers convenient or desirable.

**24. Concession to persons training for teaching positions.** The Senate shall allow the attendance without payment at the courses of instruction for degrees and diplomas by any person who is training for the position of a teacher and who—

(a) is one of a class of such persons approved by the Governor in Council or is otherwise approved by the Governor in Council; and

(b) has previously fulfilled the entrance requirements prescribed by the Senate in relation to the course of instruction to be undertaken by him.

The Governor in Council may define a class of persons approved by him pursuant to this section in such manner as he thinks fit.

**25. Public examinations.** Subject to this Act and the Statutes, the Senate may cause public examinations to be held in respect of any branch or branches of knowledge, for the purpose of testing the proficiency of such candidates as may present themselves for examination, and may grant certificates of proficiency to candidates who successfully pass such examinations.

**26. Senate to hold certain examinations.** Where any public authority is empowered to require any person to submit to an examination as to his proficiency in any branch or branches of knowledge, or to produce evidence of such proficiency as a condition of obtaining any appointment, scholarship, or other reward of merit, or of being admitted to any profession, calling, or office, the Governor in Council may require the Senate to undertake the examinations of persons desiring to submit themselves for examination in such branch or branches of knowledge, and the Senate shall cause such examination to be held accordingly.

#### PART IV—ESTABLISHMENT OF COLLEGES

**27. Establishment of university colleges.** (1) The Governor in Council on the recommendation of the Senate, may from time to time by Order in Council establish colleges or other university institutions (each of which is in this section called a "college").

(2) The Governor in Council may in the Order in Council establishing a college or by another Order in Council—

(a) assign to that college such name or title as he thinks appropriate;



- (b) declare at what place that college shall be situated;
- (c) specify the terms and conditions to be observed by all persons in relation to that college which terms and conditions may include—
  - (i) the powers, authorities, duties and functions which the Senate may exercise and perform in respect of the college;
  - (ii) the general arrangements for the local management, supervision, and control of the college including if necessary the constitution of an advisory council in respect thereof and the membership of such council;
  - (iii) the financial arrangements for or in respect of the establishment or maintenance of or both the establishment and maintenance of, the college; and
  - (iv) generally such other matters or things that may be necessary or desirable in order to carry out the provisions of this section.

The power to make an Order in Council under this section shall include power to make (with respect to all or any of the matters specified in this subsection) such and so many Orders in Council, either at the same time or from time to time, as the Governor in Council shall deem necessary or expedient in the circumstances.

(3) A college shall be and shall function as part of the University of Queensland.

(4) This subsection shall be interpreted as being in aid of and not in derogation of subsection (3) of this section.

Subject as otherwise may be provided by Order in Council made under this section or by Statute, the Senate may exercise in relation to a college all the powers conferred on the Senate by this Act or the Statutes in relation to the University and shall have the entire management of and superintendence over the affairs and concerns of the college and of any property held by the University upon trust for the purpose of the college, and in all cases unprovided for by this Act the Senate may in relation to the college and to any such property act in such manner as appears to it best calculated to promote the interests or purposes of the college.

(5) An advisory council constituted for a college may, subject to this Act—

- (a) exercise and perform such powers, authorities, duties, and functions as may be prescribed by Statute; and
- (b) exercise and perform such of the powers, authorities, duties, and functions conferred or imposed on the Senate by this section as are delegated from time to time to the advisory council by the Senate (which is hereby empowered to so delegate).

(6) The University shall have power to acquire by gift, devise or bequest any property upon trust to apply the same or the proceeds thereof or the income therefrom for the benefit of a college.

Any gift, devise, or bequest of any property made or purporting to be made to a college shall be deemed to be a gift, devise, or bequest, as the case may be, to the University upon trust to apply the same to the purposes of the college in accordance with the terms of the gift, devise, or bequest; and where there

has been a gift, devise, or bequest to trustees upon trust for a college, any act which might have been performed by the college if it had been an independent corporate body may be performed by the University, and any such act by the University shall have the same validity and effect in law as it would have had if the college had been an independent corporate body and had performed the act.

If before the establishment of a college under this section any property has been vested in or acquired by any person upon trust for the purposes for which the college is established such person may after the college is established and notwithstanding anything contained in the terms of the trust convey or transfer the property to the University upon trust to apply the same or the proceeds thereof or the income therefrom for the benefit of the college, and the acceptance of the property by the University shall be a complete discharge to such person.

#### PART V—PROPERTY AND FINANCE

**28. Variation of terms of Trusts and Gifts.** (1) Where any property is held by the University either at the date of the commencement of this Act or at any time thereafter on terms requiring such property or the income therefrom to be applied for a purpose or purposes and—

- (a) such purpose or all or any of such purposes has or have been effected;
- (b) such purpose or all or any of such purposes has or have ceased to exist;
- (c) such purpose or all or any of such purposes has or have been adequately provided for by other means;
- (d) such purpose is or all or any of such purposes are uncertain or cannot be identified or is or are not sufficiently defined;
- (e) it becomes impossible or impracticable or inexpedient to carry out the purpose or all or any of such purposes; or
- (f) the property or income derived therefrom proves inadequate to carry out such purpose or all or any of such purposes,

then subject to the provisions of this section the Senate may cause to be prepared a scheme by which that property or any part or residue thereof shall be held on terms requiring such property, part or residue or the income therefrom to be applied for the purpose or purposes designated in the scheme.

(2) A scheme prepared pursuant to subsection (1) of this section shall be submitted by the Senate to the Governor in Council.

Upon receipt of a scheme, the Governor in Council may—

- (a) approve the scheme; or
- (b) approve the scheme with such modifications as he thinks fit; or
- (c) refuse to approve the scheme.

A scheme approved by the Governor in Council (with or without modifications) is, in this section, in relation to the property or part or residue thereof concerned, called the "approved scheme" and shall be published in the *Gazette*.

(3) Where in relation to any property or part or residue thereof held by the University there is in existence for the time being, an approved scheme, such property, part or residue thereof shall in accordance with

the approved scheme be diverted from the purpose or purposes for which it was held and shall be held for the purpose or purposes as designated in the approved scheme.

(4) If the Senate desires from time to time to amend an approved scheme it shall submit its amendment or amendments to the Governor in Council.

The Governor in Council may—

- (a) approve the amendment or amendments; or
- (b) approve the amendment or amendments with such modifications as he thinks fit; or
- (c) refuse to approve the amendments.

An amendment or amendments to an approved scheme approved by the Governor in Council shall be published in the *Gazette* and thereupon the approved scheme in relation to which such amendment has or amendments have been approved shall be amended in accordance with such approval and as so amended shall be the approved scheme for the time being in relation to the property the subject of such approval.

(5) Where property the subject of an approved scheme consists (wholly or in part) of land, the University shall within fourteen days after the publication in the *Gazette* of the approved scheme and within fourteen days of the publication in the *Gazette* of every amendment thereof, notify the authority charged in law with the registration of dealings relating to the said land of such approval or, as the case may be, amendment.

(6) In selecting a purpose for an approved scheme or for any amendment of an approved scheme the Senate shall have a preference for a purpose which, in its opinion, is as nearly similar to the purpose or purposes for which the property concerned is, for the time being, held by the University as is consistent with useful and convenient achievement:

Provided that an approved scheme or an approved amendment to such a scheme shall not be invalidated or otherwise prejudiced by reason of the fact that another purpose may have more properly been selected by the Senate in accordance with this subsection.

(7) Upon its publication in the *Gazette* judicial notice shall be taken of an approved scheme and of any amendment thereof.

(8) This section shall not apply to or in respect of any property where the amount or value thereof exceeds five thousand pounds or, upon the Governor in Council determining otherwise, such amount, being an amount in excess of five thousand pounds, as may from time to time be determined by the Governor in Council by Order in Council.

(9) The powers conferred by this section are in addition to any other powers or rights exercisable in law in respect of property held by the University upon trust.

**29. Endowment.** There shall be paid to the Senate each year out of the Consolidated Revenue of the State such sums as are appropriated by Parliament for the purpose.

**30. Application of revenue by University.** All fees and all other moneys received by the Senate under this Act or otherwise shall subject to section twenty-eight of this Act be applied by the Senate solely for the purposes of the University.

For the purposes of this section, the application from time to time of moneys by the Senate for the purpose of—

- (a) enabling a member or former member of the University to pursue study or research at the University or elsewhere than at the University;
- (b) the advancement of learning generally; or
- (c) assisting any institution declared by Statute to be affiliated or associated with the University,

shall be deemed to be an application of those moneys for the purposes of the University.

**31. Temporary financial accommodation.** (1) For the purpose of providing temporary financial accommodation for enabling the University to exercise and perform its functions, the Senate, in the name of and on behalf of the University, may and is hereby authorized, with the prior approval of the Governor in Council, to obtain from time to time advances—

- (a) by way of loan from the Treasurer;
- (b) by way of loan or overdraft from any bank; or
- (c) by way of loan from any other person, upon, at and subject to such security, rate of interest and other terms and conditions as the Senate, subject to the approval of the Governor in Council, thinks fit.

(2) Before entering into negotiations with respect to the obtaining of any advance by way of loan or overdraft from any bank or other person the Senate shall obtain the sanction of the Treasurer authorizing it to enter into such negotiations and for the purpose of obtaining that sanction the Senate shall submit to the Treasurer such information as the Treasurer may require.

(3) (a) Repayment of the amount of any advance by way of loan or overdraft obtained by the Senate from any bank or other person pursuant to this section, together with interest thereon at the approved rate, shall be deemed to be guaranteed by the Treasurer on behalf of the Government of Queensland.

(b) All moneys payable by the Treasurer pursuant to this subsection shall be paid out of moneys to be from time to time appropriated by Parliament for the purpose.

(c) The University shall be a "local body" under and within the meaning of "*The Local Bodies' Loans Guarantee Acts, 1923 to 1957*," the provisions whereof shall, subject to such modifications as the Governor in Council may prescribe (either generally or in respect of a particular loan or advance) apply and extend accordingly.

#### PART VI—OFFENCES

**32. Restriction on conferring and using certain awards.** A person who confers or undertakes to confer or holds himself out as competent to confer any award which is called by a name or is in a form which is likely or is intended by such person to induce any person to believe that such award is an award of a tertiary educational institution commits an offence against this Act unless such person is authorized by an Act or the Minister to confer such award.

Penalty: One hundred pounds.

A person who sends, exhibits, prints or publishes or causes to be sent, exhibited, printed or published any document or writing which is likely or is intended by such person to induce the belief that a person—

- (i) will confer; or
- (ii) undertakes to confer; or
- (iii) holds himself out as competent to confer,

in Queensland or elsewhere, any award of a tertiary educational institution commits an offence against this Act unless such lastmentioned person is authorized by an Act or the Minister to confer such award.

Penalty: One hundred pounds.

A person who, with a view to obtaining for himself a benefit or advantage (whether through the medium of a contract or otherwise),—

- (i) uses; or
- (ii) holds himself out as possessing; or
- (iii) induces or attempts to induce the belief that he possesses,

an award of a tertiary educational institution commits an offence against this Act unless that award has been conferred upon him by a person who is authorized by an Act or the Minister to confer such award.

Penalty: One hundred pounds.

In this section—

- (a) the term "award" includes a degree, diploma, certificate, status, title, or description of bachelor, master, or doctor, or the right to use any title or description (whether denoted by words or by abbreviation of words or by letters);
- (b) the term "tertiary educational institution" means the University of Queensland and any college, school or institution which provides education at a level above the level of education provided at secondary schools, and includes The Queensland Conservatorium of Music and any other college, school or institution from time to time determined by the Governor in Council by Order in Council.

**33. Proceedings for offences.** All offences against this Act may be prosecuted in a summary way under "*The Justices Acts, 1886 to 1964.*"

#### PART VII—STATUTES AND REGULATIONS

**34. Statutes.** (1) The Senate may from time to time make Statutes not inconsistent with this Act for the carrying into effect of the several provisions, intentions, and objects of the Act, and generally for the control, management, good government, and discipline of the University, and may by Statute repeal, rescind, revoke, alter, vary, amend, or otherwise modify any Statute or any part of a Statute.

Without limiting the powers of the Senate in that behalf, the Senate may make Statutes with respect to all or any of the following matters, that is to say:—

- (i) The use and custody of the common seal;
- (ii) The method of election of members of the Senate by Convocation;
- (iii) The manner of time of convening, holding, and adjourning the meetings of the Senate and of Convocation; the quorum of and voting at such meetings; the powers and duties of the

- person acting as chairman thereof; the conduct and record of the business; the appointment of committees of the Senate and of Convocation, and the quorum, powers, and duties of such committees;
- (iv) The resignation of members of the Senate, the Chancellor, the Deputy Chancellor, and the Warden of Convocation;
  - (v) The appointment of a person to act for the Deputy Chancellor or the Warden during the illness or absence of such officer;
  - (vi) The number, appointment, termination of appointment, discipline (including the dismissal, suspension, and imposition of disciplinary punishments other than dismissal or suspension), and, subject to applicable awards or industrial agreements, the stipends or salaries or wages of professors, deans, readers, lecturers, examiners, and other officers and servants of the University;
  - (vii) The matriculation of students;
  - (viii) The promotion and extension of University teaching and research;
  - (ix) The granting of degrees, diplomas, certificates, and honours;
  - (x) The conditions upon which degrees, diplomas, certificates, and honours may be granted to non-resident students;
  - (xi) The granting of fellowships, scholarships, exhibitions, bursaries, and prizes;
  - (xii) The admission of students of other Universities to any corresponding status or of graduates of other Universities to any corresponding degrees or diplomas without examination;
  - (xiii) The fees to be paid for examinations, for the granting of degrees, diplomas, and certificates, for attendance at the lectures and classes of the University, and for the use of University facilities;
  - (xiv) The establishment, management, and control of libraries and museums in connection with the University;
  - (xv) The licensing and supervision of boarding-houses intended for the reception of students, and the suspension or revocation of such licenses;
  - (xvi) The affiliation, association, or connection with the University of any educational establishment wheresoever situated, to which the governing body of such educational establishment may consent;
  - (xvii) The control and investment of the property of the University;
  - (xviii) The protection of the property of or under the control of the University from trespass or damage or misuse;
  - (xix) The regulation and control of access to and the use of land and buildings the property of or under the control of the University and of the conduct of persons thereon.

(2) A Statute may authorize the Senate to make rules for the carrying into effect of all or any of the provisions and objects of the Statute.

(3) A Statute may impose a penalty not exceeding fifty pounds for breach of any provision or provisions thereof.

(4) Every penalty imposed by Statute may be recovered or enforced by complaint in a summary way under "*The Justices Acts, 1886 to 1964.*"

**35. Statutes to be approved by Governor in Council.** (1) Every Statute made by the Senate shall be sealed with the common seal of the University, and shall be transmitted to the Minister for Education to be dealt with in accordance with this section.

(2) The Minister of Education shall submit every Statute to the Governor in Council.

(3) The Governor in Council may in his discretion approve any Statute.

(4) A Statute shall have no force and effect unless and until approved by the Governor in Council.

**36. Regulations.** (1) The Governor in Council may from time to time make regulations, not inconsistent with this Act, providing for all or any purposes, whether general or to meet particular cases, that may be convenient for the administration of this Act or that may be necessary or expedient to carry out the objects and purposes of this Act.

(2) The Statutes made pursuant to this Act shall be read subject to the regulations made under this Act to the extent that where there is an inconsistency between a Statute and a regulation the latter shall prevail.

#### PART VIII—MISCELLANEOUS

**37. Senate to report annually to Governor in Council.** The Senate shall in every year transmit to the Governor in Council a report of the proceedings of the University during the previous year, and such report shall contain a true and detailed account of the income and expenditure of the University during such period, audited in such manner as the Governor in Council may direct.

A copy of every such report shall be laid before the Legislative Assembly.

**38. Publication of Orders in Council, regulations and Statutes.** (1) Every Order in Council and regulation made under this Act and every Statute approved by the Governor in Council under this Act shall—

- (a) be published in the *Gazette*;
- (b) upon its publication in the *Gazette*, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
- (c) take effect from the date of such publication unless, in the case of any such regulation or Statute, a later date is specified in that or any other such regulation or Statute for its commencement when in such event it shall take effect from that later date; and
- (d) be laid before the Legislative Assembly within fourteen sitting days after such publication, if the Legislative Assembly is in session, and if not, then within fourteen sitting days after the commencement of the next session.

(2) If the Legislative Assembly passes a resolution of which notice has been given at any time within fourteen sitting days after any such Order in Council, regulation or Statute has been laid before it disallowing the same or part thereof, that Order in Council, regulation, Statute or part shall thereupon cease to have effect, but without prejudice to the validity of anything done in the meantime or to the making of a further Order in Council, regulation or Statute.

[Section 3 (1)]

## SCHEDULE

Number of Act	Title of Act	Extent of Repeal
9 Edw. VII No. 7	“ <i>The University of Queensland Act of 1909</i> ”	The whole Act
13 Geo. V No. 18	“ <i>The University of Queensland Act Amendment Act of 1922</i> ”	The whole Act
22 Geo. V No. 1	“ <i>The Financial Emergency Act of 1931</i> ”	Paragraph (i) of section twenty-four
5 Geo. VI No. 6	“ <i>The National Education Co-ordination and the University of Queensland Acts Amendment Act of 1941</i> ”	The whole Act
6 Eliz. II No. 8	“ <i>The University of Queensland Acts Amendment Act of 1957</i> ”	The whole Act
6 Eliz. II No. 30	“ <i>The University of Queensland Acts Amendment Act of 1957</i> ” (No. 2)	The whole Act
9 Eliz. II No. 11	“ <i>The University of Queensland Acts Amendment Act of 1960</i> ”	The whole Act