

Queensland



# **UNIVERSITY OF THE SUNSHINE COAST ACT 1998**

**Act No. 47 of 1998**



# Queensland



## UNIVERSITY OF THE SUNSHINE COAST ACT 1998

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**DICTIONARY**





Queensland



## **University of the Sunshine Coast Act 1998**

### **Act No. 47 of 1998**

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**An Act to establish the University of the Sunshine Coast, and for other purposes**

*[Assented to 27 November 1998]*

**The Parliament of Queensland enacts—**

## **PART 1—PRELIMINARY**

### **Short title**

**1.** This Act may be cited as the *University of the Sunshine Coast Act 1998*.

### **Commencement**

**2.** This Act (other than parts 9 and 10) commences on a day to be fixed by proclamation.

### **Definitions**

**3.** The dictionary in schedule 2 defines particular words used in this Act.

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

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

#### **Establishment of university**

**4.(1)** The University of the Sunshine Coast is established.

**(2)** The university—

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

**Functions of university**

5. The university's functions are—

- (a) to provide education at university standard; and
- (b) to provide facilities for, and encourage, study and research; and
- (c) to encourage the advancement and development of knowledge, and its application 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 community; 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 university's staff, students and other persons undertaking courses at the university; and
- (h) to exploit commercially, for the university's benefit, a facility or resource of the university, including, for example, study, research or knowledge, or the practical application of study, research or knowledge, belonging to the university, whether alone or with someone else; and
- (i) to perform other functions given to the university under this Act or another Act.

**General powers of university**

6.(1) The university 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 its functions.

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

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

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

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

#### **Establishment of council**

7. The council of the university is established.

#### **Functions of council**

8.(1) The council is the university's governing body.

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

#### **Powers of council**

9.(1) The council may do anything necessary or convenient to be done for its functions.

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

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

**Council to promote university's interests**

**10.** The council must act in the way that appears to it most likely to promote the university's interests.

**Delegation**

**11.(1)** The university may delegate its powers under this Act to—

- (a) an appropriately qualified member of the council; or
- (b) an appropriately qualified committee that includes 1 or more members of the council; or
- (c) an appropriately qualified member of the university's staff.

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

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

***Division 3—Council membership*****Membership of council**

**12.(1)** The council consists of official members, appointed members and elected members.

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

**Official members**

**13.** The official members are—

- (a) the chancellor; and
- (b) the vice-chancellor; and
- (c) the chief executive or the chief executive's nominee; and

- (d) the chairperson of the academic board; and
- (e) the president of the student guild or the president's nominee.

### **Appointed members**

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

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

### **Elected members**

**15.(1)** There are 7 elected members.

**(2)** The elected members are—

- (a) 3 members of the university's academic staff; and
- (b) 1 member of the university's general staff; and
- (c) 1 student, other than a person eligible for membership under paragraph (a) or (b); and
- (d) 2 members of the convocation, other than persons eligible for membership under paragraph (a), (b) or (c).

**(3)** Each elected member is to be elected by a ballot at which—

- (a) for an elected member mentioned in subsection (2)(a)—all the members of the academic staff may vote; or
- (b) for an elected member mentioned in subsection (2)(b)—all the members of the general staff may vote; or
- (c) for an elected member mentioned in subsection (2)(c)—all the students may vote; or
- (d) for an elected member mentioned in subsection (2)(d)—all the members of the convocation may vote.

**(4)** Despite subsection (3), if the office of an elected member mentioned in subsection (2)(c) becomes vacant under section 24,<sup>1</sup> the council may authorise the board of the student guild, at a meeting of the board at which a quorum is present, to appoint a student to fill the vacancy.

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<sup>1</sup> Section 24 (Vacation of office)

(5) Also, despite subsection (3), if the office of an elected member mentioned in subsection (2)(d) becomes vacant under section 24, the council may authorise the convocation, at a meeting of the convocation at which a quorum is present, to appoint a member of the convocation to fill the vacancy.

### **Additional members**

**16.(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 university's academic or general staff; or
- (b) a student.

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

**17.** The council is taken to be properly constituted when it has 12 or more members, whether they be additional, appointed, elected or official members.

### **Appointed member's term of office**

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

### **Elected member's term of office**

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

(2) An elected member's term of office starts—

- (a) if the member is re-elected—the day after the day when 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 member's term of office**

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

**Failure to elect or appoint elected members**

21.(1) If an entity permitted to elect or appoint elected members does not 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 comply with section 15.<sup>2</sup>

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

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

**Casual vacancies**

22. A person appointed or elected to fill a vacancy in the office of an elected member is appointed or elected for the balance of the term of office of the person's predecessor.

**Ineligibility for membership of council**

23.(1) A person is not eligible to become an additional, appointed or elected member if—

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

(2) Also, a person is not, without the Minister's approval—

- (a) eligible to become an additional member, if the person has served 2 consecutive terms of office as an additional member; or
- (b) eligible to become an elected member, if the person has served

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<sup>2</sup> Section 15 (Elected members)



2 consecutive terms of office as an elected member of the same type.

(3) Subsection (1)(b) is subject to sections 25 and 26.<sup>3</sup>

### **Vacation of office**

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

- (a) the member dies; or
- (b) for an additional or elected member—the member ceases to be an eligible person for the entity that elected or appointed the person; 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; or
- (f) the person becomes bankrupt or takes advantage of the laws in force about bankruptcy; or
- (g) the person is convicted on an indictable offence.

(2) Subsection (1)(g) has effect subject to sections 25 and 26.

(3) 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 stated in the notice, the later day.

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<sup>3</sup> Sections 25 (Discretion where appointed member convicted of indictable offence) and 26 (Discretion where additional or elected member convicted of indictable offence)

(4) In this section—

“**eligible person**”, for an entity, means a person whom the entity may elect or appoint as a member.

### **Discretion where appointed member convicted of indictable offence**

**25.(1)** If the Minister considers it would be reasonable, having regard to the circumstances of the indictable offence of which a person has been convicted, the Minister may—

- (a) if the person was an appointed member when convicted—give written notice to the chancellor and the person that the person is restored as an appointed member, and may be subsequently reappointed, despite the conviction; or
- (b) otherwise—give written approval for the person to become an appointed member despite the conviction.

(2) On the day the chancellor receives a notice under subsection (1)(a)—

- (a) the person is restored as an appointed member; and
- (b) if another person has been appointed to fill the vacancy—the other person’s appointment ends.

(3) If a person is restored as an appointed member under subsection (2), the person’s term of office as a member ends when it would have ended if the person had not been convicted of the offence.

### **Discretion where additional or elected member convicted of indictable offence**

**26.(1)** If the council considers it would be reasonable, having regard to the circumstances of the indictable offence of which a person has been convicted, the council may—

- (a) if the person was an additional or elected member when convicted—give written notice to the person that the person is restored as an additional or elected member, and may be subsequently reappointed or re-elected, despite the conviction; or
- (b) otherwise—give written approval for the person to become an additional or elected member despite the conviction.

(2) On the day the person receives the notice under subsection (1)(a)—

- (a) the person is restored as an additional or elected member; and
- (b) if another person has been appointed or elected to fill the vacancy—the other person’s membership of the council ends.

(3) If a person is restored as an additional or elected member under subsection (2), the person’s term of office as a member ends when it would have ended if the person had not been convicted of the offence.

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

#### **Who is to preside at meetings**

27.(1) The chancellor must preside at meetings of the council.

(2) However, if the chancellor and deputy chancellor<sup>4</sup> 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**

28. A quorum exists at a meeting of the council if at least half its members are present.

#### **Conduct of meetings**

29. The council may otherwise regulate its proceedings as it considers appropriate.

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<sup>4</sup> Section 31(4) states when the deputy chancellor is to act as chancellor.

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

### **Chancellor**

**30.(1)** There is to be a chancellor of the university.

**(2)** The council must elect a chancellor whenever there is a vacancy in the office.

**(3)** The person elected need not be a member.

**(4)** The chancellor holds office for the term, not longer than 5 years, fixed by the council.

### **Deputy chancellor**

**31.(1)** There is to be a deputy chancellor of the university.

**(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 the term, not longer than 3 years, fixed by the council.

**(4)** The deputy chancellor is to act as chancellor—

**(a)** when there is a vacancy in the office of chancellor; and

**(b)** while the chancellor is absent from the State or, for another reason, can not perform the functions of the office.

### **Vice-chancellor**

**32.(1)** There is to be a vice-chancellor of the university.

**(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 vice-chancellor is the chief executive officer of the university and may exercise the powers and perform the functions conferred on the vice-chancellor by this Act or another Act or the council.

(5) The vice-chancellor may delegate powers of the vice-chancellor under this or another Act to an appropriately qualified member of the university's staff.

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

### *Division 1—Convocation*

#### **Establishment of convocation**

**33.(1)** A convocation of the university is established.

(2) The council must decide the membership of the convocation by university statute.

(3) The council must decide—

- (a) how meetings of the convocation are to be called; and
- (b) how the convocation is to conduct its proceedings; and
- (c) the quorum of a meeting of the convocation; and
- (d) the powers and functions of the convocation.

### *Division 2—Student guild*

#### **Establishment of student guild**

**34.(1)** The University of the Sunshine Coast Student Guild is established.

(2) The student guild—

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

**Composition**

**35.** The persons who are eligible to be members of the student guild are—

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

**Functions and powers**

**36.(1)** The student guild has the functions and powers stated in its constitution.

**(2)** The student guild also has the functions and powers decided by the council.

**(3)** However, the student guild is not the employee or agent of the council.

**General powers**

**37.** Without limiting section 36, the student guild has all the powers of an individual, including, for example, the power to acquire, hold, dispose of, and deal with, property.

**Constitution**

**38.(1)** The student guild must have a written constitution.

**(2)** The student guild'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.

***Division 3—Colleges*****Establishment of colleges**

**39.(1)** The council may establish colleges of the university by university statute.

**(2)** The Governor in Council must approve the establishment of the college before the council makes the university statute establishing it.

**(3)** The council may establish an advisory council for each college and decide its membership and functions.

**(4)** On the establishment of a college, property vested in or acquired by a person on trust for the college vests in the university on trust for the college.

**(5)** The council must manage and supervise the college and property held on trust by the university for the college.

***Division 4—Academic board*****Establishment of academic board**

**40.(1)** An academic board of the university is established.

**(2)** The council must decide the membership of the academic board.

**(3)** The academic board must—

- (a)** advise the council about teaching, scholarship and research matters concerning the university; and
- (b)** formulate proposals for the academic policies of the university; and
- (c)** monitor the academic activities of the university's faculties; and
- (d)** promote and encourage scholarship and research at the university.

## PART 5—PROPERTY AND FINANCE

### *Division 1—Property held on trust or conditions*

#### **Definition for div 1**

41. In this division—

“**property**” includes income from property and a part or residue of the property.

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

42. The university may agree to and carry out any conditions of a gift, grant, bequest or devise of property to the university.

#### **Amendment of terms of trusts and gifts**

43.(1) This section applies if—

- (a) property is held by the university on terms requiring the property to be used for a particular purpose (the “**donor’s purpose**”); and
- (b) the council is satisfied—
  - (i) 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, can not be identified, or is insufficiently defined; or
    - (E) becomes impossible, impractical or inexpedient to carry out; or
  - (ii) the property is inadequate for the donor’s purpose.

(2) The council may prepare a scheme (the “**proposed scheme**”) for the use of the property for another purpose (the “**designated purpose**”).



**Selection of designated purpose**

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

- (a) is as 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**

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

**(3)** So far as is practicable, the university must give a copy of the approved scheme to the donor of the property the subject of the scheme.

**(4)** Also, the university must without charge give a copy of the approved scheme to anyone else who asks for it.

**Property to be held for designated purpose**

**46.** Property to which the approved scheme applies is to be held by the university for the property's designated purpose instead of the donor's purpose.

**Certain persons to be given notice of scheme**

**47.** If the approved scheme applies to land, the university must, as soon as practicable after the scheme is set up, give a copy of the scheme to the registrar of titles.

**Amendment of scheme**

**48.(1)** The council may amend the approved scheme.

**(2)** Sections 43 to 47 apply to the amendment of the approved scheme as

if a reference to the donor's purpose were a reference to the designated purpose of the approved scheme that is to be amended.

### **University's powers under other laws not limited**

**49.** This division does not limit the university's powers and rights under any other law about property held on trust by the university.

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

#### **Application of Land Act 1994**

**50.(1)** State land is held and may be disposed of under the *Land Act 1994*.

**(2)** However, the university may grant an interest in State land only by way of lease.

**(3)** Also, the lease must not be for more than 25 years.

### ***Division 3—Finance***

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

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

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

**52.(1)** Under the *Statutory Bodies Financial Arrangements Act 1982*, the university is a statutory body.

**(2)** The *Statutory Bodies Financial Arrangements Act 1982*, part 2B<sup>5</sup>

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<sup>5</sup> *Statutory Bodies Financial Arrangements Act 1982*, part 2B (Powers under this Act and relationship with other Acts)

sets out the way in which the university's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

### **Trust funds**

**53.** The university may establish or administer trust funds.

### **Investment common fund**

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

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

**(3)** The university 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 can not 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 university if the income is not needed immediately for the stated purpose.

**(5)** Also, despite subsection (3), the university 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.

### **Application of revenue**

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

**(2)** To remove doubt, it is declared that each of the following is a

university purpose—

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

### **Financial review**

**56.(1)** The council must, in each year, adopt a budget for the university 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 adopted budget.

**(4)** The council must undertake an annual review of—

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

### **University's financial year**

**57.** The university's financial year is a calendar year.

## **PART 6—UNIVERSITY STATUTES**

### **Making of university statutes**

**58.(1)** The council may make university statutes.

**(2)** Subject to section 59, a university statute may only be made about the following matters—

- (a) the admission and enrolment of students;

- (b) the entitlement to degrees and other awards;
  - (c) the disciplining of students and other persons undertaking courses at the university;
  - (d) the fees to be paid—
    - (i) for examinations; or
    - (ii) for attendance at lectures and classes of the university; or
    - (iii) for the use of the university's facilities;
  - (e) the membership of the convocation;
  - (f) the conduct of a ballot for the election of elected members;
  - (g) the establishment of colleges;
  - (h) the ownership and exploitation of intellectual property brought into existence by the university's staff or as a result of using the university's facilities;
  - (i) making and notifying university rules;
  - (j) a direction, indication or requirement for a regulatory notice.
- (3) Without limiting subsection (2)(c), a university statute may—
- (a) authorise the council to impose a penalty of not more than 10 penalty units for a breach of a university statute about the disciplining of persons mentioned in subsection (2)(c); and
  - (b) provide for its recovery and enforcement.

(4) If a university statute provides for the imposition of a penalty mentioned in subsection (3)(a), the statute must provide for review of the imposition and the amount of the penalty.

### **University statute must provide for review of decisions under sch 1, s 9(7)**

**59.(1)** The council must make a statute providing for review of a decision of the university to demand a payment under schedule 1, section 9(7) and the amount demanded.

- (2) The statute must provide for the review to be carried out by 2 persons

who hold office as justices of the peace (qualified) under the *Justices of the Peace and Commissioners for Declarations Act 1991*, section 15.<sup>6</sup>

### University statute's status

**60.** A university statute—

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

### University statutes affecting student guild

**61.(1)** A university statute affecting the student guild's functions or powers may be made only if the council—

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

**(2)** The student guild may give the council written comments about the proposed university statute within 14 days after receiving the copy.

**(3)** The council may amend the proposed university statute to take account of any of the comments.

**(4)** If the council amends the proposed university statute to take account of any of the comments, it does not have to give the student guild a copy of the proposed statute before making it.

**(5)** However, if the council does give the student guild a copy of the proposed statute, amended to take account of any comments, the council is not obliged to take account of any further comments given to it by the student guild about the proposed statute.

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<sup>6</sup> Section 15 (Appointments of justices of the peace and commissioners for declarations)

**University rules**

**62.(1)** The council may make university rules under a university statute.

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

**(3)** A university rule—

- (a) must be notified in the way required by university 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 university 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, stated in the notice.

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

## **PART 7—MISCELLANEOUS**

**Forming and taking part in corporations**

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

- (a) making available facilities for study, research or education;
- (b) providing teaching, research, development, consultancy or other services for public or private entities;
- (c) helping or engaging in the development or promotion of the university'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 audiovisual material or computer software;
- (e) exploiting commercially a facility or resource of the university,

including, for example, study, research or knowledge, or the practical application of study, research or knowledge, developed by or belonging to the university, whether alone or with someone else;

- (f) seeking or encouraging gifts to the university or for the university's purposes;
- (g) another object, consistent with this Act, that the council considers is appropriate in the circumstances.

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

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

64. The university may enter into a contract or other arrangement with an entity for the use of the university's facilities and the provision of services by the university's staff.

### **Control of traffic and conduct on university land**

65. Schedule 1 has effect.

### **Proceedings for certain offences**

66. A proceeding for an offence against schedule 1, section 4(3), 6(2), 7(2), 12 or 13(3) may be taken in a summary way under the *Justices Act 1886*.

### **Regulation-making power**

67. The Governor in Council may make regulations under this Act.



## PART 8—REPEAL AND TRANSITIONAL

### Definitions for pt 8

68. In this part—

**“additional member”** means a member of the previous council appointed under section 18(2) of the repealed Act.

**“appointed member”** means an appointed member, under the repealed Act, of the previous council.

**“commencing day”** means the day on which this part commences.

**“continuing corporation”**, for a former corporation, means—

(a) for the university college—the university established under section 4; or

(b) for the union—the student guild established under section 34.

**“elected member”** means an elected member, under the repealed Act, of the previous council.

**“former corporation”** means the university college or union.

**“official member”** means an official member, under the repealed Act, of the previous council.

**“previous council”** means the council of the university college under the repealed Act.

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

**“repealed Act”** means the *Sunshine Coast University College Act 1994*.

**“union”** means the Sunshine Coast University College Student Union established under the repealed Act.

**“university college”** means the Sunshine Coast University College established under the repealed Act.

### Repeal

69. The *Sunshine Coast University College Act 1994* is repealed.

**Continuation of university college and union**

**70.(1)** The university college is continued as the university established under section 4.

**(2)** The union is continued as the student guild established under section 34.

**Assets and liabilities**

**71.** On the commencing day—

- (a) the assets and liabilities of a former corporation continue to be the assets and liabilities of the continuing corporation for the former corporation; and
- (b) any property that, immediately before the commencing day, was held in trust by a former corporation continues to be held by the continuing corporation for the former corporation on the same trusts.

**Contracts**

**72.** Any contracts entered into by or on behalf of a former corporation and all guarantees, undertakings and securities given by or on behalf of or to a former corporation, in force immediately before the commencing day, are taken to have been entered into or given by or to the continuing corporation for the former corporation and may be enforced against or by the continuing corporation.

**Proceedings**

**73.** A proceeding that could have been started or continued by or against a former corporation before the commencing day may be started or continued by or against the continuing corporation for the former corporation.

**Chancellor, deputy chancellor and vice-chancellor**

**74.(1)** This section applies to a person who, immediately before the commencing day, held office as the chancellor, deputy chancellor or

vice-chancellor of the university college.

(2) On the commencing day, the person is taken to hold office as chancellor, deputy chancellor or vice-chancellor of the university until the end of the person's term of office or earlier vacating office.

### **Membership of council**

**75.(1)** The council consists of—

- (a) the official members; and
- (b) the additional, appointed and elected members holding office immediately before the commencing day.

(2) An additional, appointed or elected member holds office as a member of the council until 30 June 1999 or earlier vacating office.

(3) For subsections (1) and (2), part 2, division 3 (other than section 22) of the repealed Act (the “**provisions**”),<sup>7</sup> and any definitions relevant to the provisions, continue to have effect.

(4) This section has effect despite the repeal of the repealed Act.

(5) This section ceases to have effect on 30 June 1999.

### **Staff's rights and entitlements**

**76.(1)** This section applies to a person who immediately before the commencing day was a staff member of a former corporation.

(2) On the commencing day, the person is taken to be employed by the continuing corporation for the former corporation on the same conditions on which the person was employed by the former corporation.

(3) In addition, the person—

- (a) keeps all rights accrued or accruing to the person as a staff member of the former corporation; and
- (b) is entitled to receive long service, recreation and sick leave and

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<sup>7</sup> Part 2, division 3 of the repealed Act deals with the constitution of, and disqualification from office and vacancies of members of, the council.

any similar entitlements accrued or accruing to the person as a staff member of the former corporation.

### **University college statutes and rules**

**77.(1)** An existing instrument (to the extent that it is consistent with this Act) continues in force under this Act.

**(2)** However, the instrument expires 1 year after the commencing day, unless sooner repealed.

**(3)** In this section—

**“existing instrument”** means a university college statute or rule made under the repealed Act and in force immediately before the commencing day.

### **Convocation**

**78.** The convocation established under the repealed Act and in existence immediately before the commencing day is taken to be the convocation established under this Act.

### **Union’s constitution**

**79.** The union’s constitution in force immediately before the commencing day continues in force as the student guild’s constitution under this Act.

### **Affiliation with QUT**

**80.(1)** On the commencing day, the affiliation agreement entered into under the repealed Act between the university college and QUT is terminated.

**(2)** The university is not affiliated with QUT.

### **Funding arrangements**

**81.(1)** This section applies to an amount received by QUT from the

Commonwealth, after the commencing day but before 1 July 1999, for operating, capital and research purposes.

(2) QUT must pay to the university the proportion of the amount agreed between QUT and the university.

(3) If, within 3 months after QUT receives the amount from the Commonwealth, QUT and the university can not agree on the proportion, the Minister may decide the proportion.

(4) If the Minister acts under subsection (3), QUT must pay the proportion of the amount decided by the Minister to the university.

### References to repealed Act or former corporation

**82.(1)** In an Act or document, a reference to the *Sunshine Coast University College Act 1994* may, if the context permits, be taken to be a reference to this Act.

(2) A reference in an Act or document to a former corporation may, if the context permits, be taken to be a reference to the continuing corporation for the former corporation.

## PART 9—AMENDMENT OF CENTRAL QUEENSLAND UNIVERSITY ACT 1998

### Act amended in pt 9

**83.** This part amends the *Central Queensland University Act 1998*.

### Amendment of s 66 (Definitions for pt 8)

**84.(1)** Section 66, definitions “**appointed member**” and “**ex-officio member**”—

*omit.*

(2) Section 66—

*insert—*

‘**“previous council”** means the council of the university established under the repealed Act.’.

### **Replacement of ss 72 and 73**

**85.** Sections 72 and 73—

*omit, insert—*

#### **‘Chancellor, deputy chancellor and vice-chancellor**

**‘72.(1)** This section applies to a person who, immediately before the commencing day, held office as the chancellor, deputy chancellor or vice-chancellor of the university established under the repealed Act.

**‘(2)** On the commencing day, the person is taken to hold office as chancellor, deputy chancellor or vice-chancellor of the university until the end of the person’s term of office or earlier vacating office.

#### **‘Appointed members of council**

**‘73.(1)** This section applies to a person who, immediately before the commencing day, held office as a member of the previous council under section 8(1)(h) of the repealed Act.

**‘(2)** On the commencing day, the person is taken to be a member of the council under section 14(1).<sup>8</sup>

**‘(3)** A member of the council mentioned in this section holds office until 11 June 2001 or earlier vacating office.

#### **‘Elected members of council**

**‘73A.(1)** This section applies to a person who, immediately before the commencing day, held office as a member of the previous council under section 8(1)(d), (e), (f) or (g) of the repealed Act.

**‘(2)** On the commencing day—

- (a) a person who held office under section 8(1)(d) of the repealed Act is taken to be a member of the council under section 15(2)(a); and

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<sup>8</sup> Section 14 (Appointed members)

- (b) the person who held office under section 8(1)(e) of the repealed Act is taken to be the member of the council under section 15(2)(b); and
- (c) the person, not being the president of the union, who held office under section 8(1)(f)<sup>9</sup> of the repealed Act is taken to be the member of the council under section 15(2)(c); and
- (d) a person who held office under section 8(1)(g) of the repealed Act is taken to be a member of the council under section 15(2)(d).

‘(3) A member mentioned in subsection (2) holds office as a member of the council until 11 June 2001 or earlier vacating office.

‘(4) Subsection (3) applies despite section 19.<sup>10</sup>

### ‘President of union

‘73B.(1) This section applies to the person who, immediately before the commencing day, held office as the president of the union.

‘(2) On the commencing day, the person is taken to hold office as president of the student association until the end of the person’s term of office or earlier vacating office.’.

### Omission of s 79 (Expiry)

86. Section 79—

*omit.*

<sup>9</sup> Section 8(1)(f) of the repealed Act provided as follows—

‘(f) 2 members, each of whom is an enrolled student of the university, elected or appointed in the manner prescribed by the statutes;’.

Under the university’s statutes made under the repealed Act, the 2 members of the council who were enrolled students of the university consisted of the president of the union who was appointed to the council and another student elected to the council. This section provides a transitional arrangement for the student elected to the council. See sections 13(2)(e) and 73B which provide for the president of the student association to be a member of the council.

<sup>10</sup> Section 19 (Elected member’s term of office)

## PART 10—AMENDMENT OF UNIVERSITY OF SOUTHERN QUEENSLAND ACT 1998

### Act amended in pt 10

87. This part amends the *University of Southern Queensland Act 1998*.

### Amendment of s 65 (Definitions for pt 8)

88.(1) Section 65, definitions “**appointed member**” and “**ex-officio member**”—

*omit.*

(2) Section 65—

*insert—*

‘**“previous council”** means the council of the university established under the repealed Act.’.

### Replacement of ss 71 and 72

89. Sections 71 and 72—

*omit, insert—*

#### ‘**Chancellor, deputy chancellor and vice-chancellor**

‘71.(1) This section applies to a person who, immediately before the commencing day, held office as the chancellor, deputy chancellor or vice-chancellor of the university established under the repealed Act.

‘(2) On the commencing day, the person is taken to hold office as chancellor, deputy chancellor or vice-chancellor of the university until the end of the person’s term of office or earlier vacating office.

#### ‘**Appointed members of council**

‘72.(1) This section applies to a person who, immediately before the commencing day, held office as a member of the previous council under section 8(1)(h) of the repealed Act.



‘(2) On the commencing day, the person is taken to be a member of the council under section 14(1).<sup>11</sup>

‘(3) A member of the council mentioned in this section holds office until 9 July 2001 or earlier vacating office.

### **‘Elected members of council**

‘72A.(1) This section applies to a person who, immediately before the commencing day, held office as a member of the previous council under section 8(1)(d), (e) or (f) of the repealed Act.

‘(2) On the commencing day—

- (a) a person who held office under section 8(1)(d) of the repealed Act is taken to be a member of the council under section 15(2)(a); and
- (b) the person who held office under section 8(1)(e) of the repealed Act is taken to be the member of the council under section 15(2)(b); and
- (c) the person, not being the president of the student association, who held office under section 8(1)(f)<sup>12</sup> of the repealed Act is taken to be the member of the council under section 15(2)(c).

‘(3) A member mentioned in subsection (2) holds office as a member of the council until 9 July 2001 or earlier vacating office.

### **‘Elected members representing alumni association**

‘72B.(1) This section applies to the 2 members of the alumni association

<sup>11</sup> Section 14 (Appointed members)

<sup>12</sup> Section 8(1)(f) of the repealed Act provides as follows—

‘(f) 2 members, each of whom is an enrolled student of the university, elected or appointed in the manner prescribed by the statutes;’.

Under the university’s statutes made under the repealed Act, the 2 members of the council who were enrolled students of the university consisted of the president of the student association who was appointed to the council and another student elected to the council. This section provides a transitional arrangement for the student elected to the council. See sections 13(2)(e) and 72C which provide for the president of the student guild to be a member of the council.

mentioned in section 15(2)(d) who become members of the council under the first appointment made under section 15(4) after the commencing day.

‘(2) The members hold office as members of the council until 9 July 2001 or earlier vacating office.

‘(3) This section applies despite section 19.<sup>13</sup>

#### **‘President of student association**

‘72C.(1) This section applies to the person who, immediately before the commencing day, held office as the president of the student association.

‘(2) On the commencing day, the person is taken to hold office as president of the student guild until the end of the person’s term of office or earlier vacating office.’

#### **Omission of s 77 (Expiry)**

**90.** Section 77—

*omit.*

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<sup>13</sup> Section 19 (Elected member’s term of office)

## **SCHEDULE 1**

### **CONTROL OF TRAFFIC AND CONDUCT ON UNIVERSITY LAND**

section 65

#### **PART 1—AUTHORISED PERSONS**

##### **Appointment**

**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.

##### **Limitation of authorised person's powers**

**2.(1)** The powers of an authorised person may be limited—

- (a) under a condition of appointment; or
- (b) by written notice of the vice-chancellor given to the authorised person.

**(2)** Notice under subsection (1)(b) may be given orally, but must be confirmed in writing as soon as possible.

##### **Terms of appointment**

**3.(1)** An authorised person holds office on the conditions stated in the instrument of appointment.

**(2)** An authorised person—

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

## SCHEDULE 1 (continued)

**Identity cards**

**4.(1)** The vice-chancellor must give an identity card to each authorised person.

**(2)** The identity card must—

- (a) contain a recent photograph of the authorised person; and
- (b) be in a form approved by the vice-chancellor; and
- (c) be signed by the authorised person.

**(3)** A person who ceases to be an authorised person 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**

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

- (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 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, the exercise of a power in relation to someone else by the authorised person is not invalid merely because of subsection (1).

## SCHEDULE 1 (continued)

**PART 2—TRAFFIC CONTROL****Persons authorised to control traffic on university's land**

**6.(1)** An authorised person may control traffic on the university'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**

**7.(1)** The university may erect or display at or near any vehicular entrance to the university'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 university'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 state 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 university 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

## SCHEDULE 1 (continued)

displayed by the university.

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

**Information notices**

8.(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 university must erect or display at or near each vehicular entrance to the university'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**

9.(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

## SCHEDULE 1 (continued)

regard to the safety and convenience of traffic on the university's land; and

- (b) the authorised person—
  - (i) can not 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) The authorised person must, so far as is reasonably practicable, give the vehicle's driver notice of its seizure by displaying a notice in a prominent position in a reasonably secure way as close as possible to the place where the vehicle was seized.

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

(6) If the owner can not be ascertained 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.

(7) If the vehicle was parked in contravention of a regulatory notice, the owner of the vehicle must pay to the university the amount demanded by it for the cost of seizing, removing, holding and returning the vehicle.

(8) In this section—

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

### **Disposal of unclaimed vehicles**

**10.(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 9(5) or (6).

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

(3) The notice must—

- (a) identify the vehicle; and

## SCHEDULE 1 (continued)

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

(4) Compensation is not recoverable against the university 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**

**11.(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 university for a payment under this section.

**PART 3—CONDUCT ON UNIVERSITY LAND****Disorderly conduct or disturbance**

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

Maximum penalty—20 penalty units.



## SCHEDULE 1 (continued)

**Power to deal with particular persons**

**13.(1)** This section applies if an authorised person—

- (a) finds a person contravening section 12; or
- (b) finds a person in circumstances that leads the authorised person to suspect on reasonable grounds that the person has just contravened section 12; or
- (c) has information that leads the authorised person to suspect on reasonable grounds that a person has just contravened section 12; or
- (d) reasonably believes, having regard to the way a person is behaving, that the person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
- (e) has information that leads the authorised person to believe, on reasonable grounds, that a person's presence may pose a threat to the safety of someone else on, entering or leaving the university's land; or
- (f) reasonably believes that a person is on the university's land without lawful justification or excuse.

**(2)** The authorised person may direct the person to leave the university's land or a part of the university's land.

**(3)** A person must 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 for subsection (3)—10 penalty units.

## SCHEDULE 2

### DICTIONARY

section 3

**“academic board”** means the academic board of the university.

**“academic staff”**, of the university, means—

- (a) the university’s teaching and research staff, other than research assistants; and
- (b) staff of the university whose instrument of appointment by the council states they are members of the academic staff.

**“additional member”** means a member of the council appointed under section 16.

**“appointed member”** means a member of the council appointed under section 14.

**“appropriately qualified”**, for a delegate of a power, includes having the qualifications, experience or standing appropriate to exercise the power.

**“approved scheme”**, for the use of property, means a scheme approved under section 45.

**“authorised person”** means a person holding office as an authorised person because of an appointment under schedule 1, section 1.

**“chancellor”** means the chancellor of the university.

**“college”** means a college established under section 39.

**“convicted”**, of an indictable offence, includes a plea of guilty or a finding of guilt by a court even though a conviction is not recorded.

**“convocation”** means the convocation of the university.

**“council”** means the council of the university.

**“deputy chancellor”** means the deputy chancellor of the university.

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 SCHEDULE 2 (continued)

**“designated purpose”** see section 43(2).

**“donor’s purpose”** see section 43(1).

**“elected member”** means a member of the council elected or appointed under section 15.

**“general staff”**, of the university, means staff of the university, other than academic staff.

**“higher education award”** see *Higher Education (General Provisions) Act 1993*, section 3.<sup>14</sup>

**“land”**, of the university, means land and buildings owned by or under the control of the university.

**“member”** means a member of the council.

**“official member”** means a person who is an official member of the council under section 13.

**“official traffic sign”** see *Traffic Act 1949*, section 9.<sup>15</sup>

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

- (a) the *Transport Operations (Road Use Management) Act 1995*; or
- (b) the corresponding law of another State.

**“proposed scheme”** see section 43(2).

**“regulatory notice”** see schedule 1, section 7.

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<sup>14</sup> *Higher Education (General Provisions) Act 1993*, section 3—

**“higher education award”** means—

- (a) a degree, status, title or description of bachelor, master or doctor; or
- (b) an award of postgraduate diploma or graduate certificate; or
- (c) another award prescribed by regulation.

<sup>15</sup> *Traffic Act 1949*, section 9—

**“official traffic sign”** means any sign, signal, marking, light or device, not inconsistent with this Act, placed or erected for the purpose of regulating, warning or guiding traffic the design of which and methods, standards and procedures in relation to which—

- (a) are contained in the Manual of Uniform Traffic Control Devices; or
- (b) are approved by the chief executive.

## SCHEDULE 2 (continued)

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

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

**“State land”** means land—

- (a) granted in trust, or reserved and set apart for a purpose, under the *Land Act 1994*; and
- (b) vested in or placed under the control of the university.

**“student”** means a student enrolled in the university.

**“student guild”** means the University of the Sunshine Coast Student Guild.

**“university”** means the University of the Sunshine Coast.

**“university rule”** means a university rule made under section 62.

**“university statute”** means a university statute made under section 59.

**“vehicle”** see *Traffic Act 1949*, section 9.<sup>16</sup>

**“vice-chancellor”** means the vice-chancellor of the university.

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<sup>16</sup> *Traffic Act 1949*, section 9—

**“vehicle”** includes any articulated vehicle, barrow, cab, car, carriage, cart, dray, hand cart, lorry, motor vehicle, multi-wheeled vehicle, omnibus, tractor or traction engine, trailer, trolley vehicle, truck, van, velocipede, wagon, or other means of transport or conveyance whatsoever designed for movement upon wheels, whether or not such vehicle is or is not for the time being capable of being operated or used in a normal manner, but does not include a train, tram or wheelchair.