

Queensland



**GRIFFITH UNIVERSITY
BILL 1997**

Queensland



GRIFFITH UNIVERSITY BILL 1997

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	8
2	Commencement	8
3	Definitions	8
PART 2—THE UNIVERSITY AND ITS COUNCIL		
<i>Division 1—University establishment and general functions and powers</i>		
4	Establishment of university	9
5	Functions of university	9
6	General powers of university	10
<i>Division 2—Council establishment and general functions and powers</i>		
7	Establishment of council	10
8	Functions of council	10
9	Powers of council	11
10	Council to promote university’s interests	11
11	Delegation	11
<i>Division 3—Council membership</i>		
12	Membership of council	11
13	Official members	12
14	Appointed members	12
15	Elected members	12
16	Additional members	13
17	When council is taken to be properly constituted	13
18	Appointed member’s term of office	13

19	Elected member's term of office	14
20	Additional member's term of office	14
21	Failure to elect or appoint elected members	14
22	Casual vacancies	14
23	Ineligibility for membership of council	15
24	Vacation of office	15
25	Discretion where appointed member convicted of indictable offence	16
26	Discretion where elected or additional member convicted of indictable offence	16
<i>Division 4—Meetings of the council</i>		
27	Who is to preside at meetings	17
28	Quorum	17
29	Conduct of meetings	17
PART 3—CERTAIN OFFICERS OF THE UNIVERSITY		
30	Chancellor	18
31	Deputy chancellor	18
32	Vice-chancellor	18
PART 4—BODIES CONNECTED WITH THE UNIVERSITY		
<i>Division 1—Convocation</i>		
33	Establishment of convocation	19
<i>Division 2—University student council</i>		
34	Establishment of university student council	19
35	Composition	20
36	Role	20
37	General powers	20
38	Constitution	20
<i>Division 3—Colleges</i>		
39	Establishment of colleges	21
40	College student body for a college	21
41	Composition of college student body	21
42	Role of college student body	22
43	General powers of college student body	22
44	Constitution of college student body	22

PART 5—PROPERTY AND FINANCE

Division 1—Property held on trust or conditions

45	Definition for div 1	22
46	Amendment of terms of trusts and gifts	23
47	Selection of designated purpose	23
48	Property to be held for designated purpose	24
49	Certain persons to be given notice of scheme	24
50	Amendment of scheme	24
51	University’s powers under other laws not limited	24
52	University may carry out conditions of gift etc.	24

Division 2—Dealing with State land by council

53	Application of Land Act 1994	24
----	--	----

Division 3—Finance

54	University is statutory body under the Financial Administration and Audit Act 1977	25
55	University is statutory body under the Statutory Bodies Financial Arrangements Act 1982	25
56	Trust funds	25
57	Investment common fund	25
58	Application of revenue	26
59	Financial review	26
60	University’s financial year	27

PART 6—UNIVERSITY STATUTES

61	Making of university statutes	27
62	University statute’s status	28
63	University statutes affecting university student council or college student body	28
64	University rules	29

PART 7—MISCELLANEOUS

65	Forming and taking part in corporations	29
66	Use of facilities and staff	30
67	Control of traffic and conduct on university land	30
68	Regulation-making power	30

69	Repealed Act references	30
----	-----------------------------------	----

PART 8—REPEAL AND TRANSITIONAL

70	Definitions for pt 8	31
71	Repeal	32
72	Continuation of university and university student council	32
73	Establishment of Gold Coast college and Gold Coast SRG	32
74	Assets and liabilities	32
75	Contracts	32
76	Proceedings	33
77	Offices held under repealed Act	33
78	Membership of council	33
79	Staff’s rights and entitlements	34
80	University statutes and rules	34
81	Convocation	34
82	Gold Coast SRG’s constitution	35
83	University student council’s constitution	35
84	References to university, university student council or Gold Coast SRC . .	35
85	Expiry	35

	SCHEDULE 1	36
--	-----------------------------	-----------

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

PART 1—AUTHORISED PERSONS

1	Appointment	36
2	Limitation of authorised person’s powers	36
3	Terms of appointment	36
4	Identity cards	37
5	Proof of authority	37

PART 2—TRAFFIC CONTROL

6	Persons authorised to control traffic on university’s land	38
7	Regulatory notice	38
8	Information notices	39
9	Removal and detention of illegally parked or abandoned vehicles	39
10	Disposal of unclaimed vehicles	40

11	Application of proceeds of sale	41
PART 3—CONDUCT ON UNIVERSITY LAND		
12	Conduct causing a public nuisance	41
13	Power to deal with persons causing a public nuisance	42
SCHEDULE 2		43
DICTIONARY		

1997

A BILL

FOR

An Act about the Griffith University

The Parliament of Queensland enacts—

1

PART 1—PRELIMINARY

2

Short title

3

1. This Act may be cited as the *Griffith University Act 1997*.

4

Commencement

5

2. This Act commences on a day to be fixed by proclamation.

6

Definitions

7

3. The dictionary in schedule 2 defines particular words used in this Act.¹

8

¹ In some Acts, definitions are contained in a dictionary that appears as the last schedule and forms part of the Act—*Acts Interpretation Act 1954*, section 14(4). Words defined elsewhere in the Act are generally signposted by entries in the dictionary. However, if a section has a definition applying only to the section, or a part of the section, it is generally not signposted by an entry in the dictionary and is generally set out in the last subsection of the section. Signpost definitions in the dictionary alert the reader to the terms defined elsewhere in the Act and tell the reader where the definitions can be found. For example, the definition ‘**“designated purpose”** see section 46.’ tells the reader there is a definition of designated purpose in the section.

PART 2—THE UNIVERSITY AND ITS COUNCIL	1
<i>Division 1—University establishment and general functions and powers</i>	2
Establishment of university	3
4.(1) The Griffith University is established.	4
(2) The university—	5
(a) is a body corporate; and	6
(b) has a seal; and	7
(c) may sue and be sued in its corporate name.	8
Functions of university	9
5. The university’s functions are—	10
(a) to provide education at university standard; and	11
(b) to provide facilities for, and encourage, study and research; and	12
(c) to encourage the advancement and development of knowledge, and its application to government, industry, commerce and the community; and	13 14 15
(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	16 17 18
(e) to confer higher education awards; and	19
(f) to disseminate knowledge and promote scholarship; and	20
(g) to provide facilities and resources for the wellbeing of the university’s staff, students and other persons undertaking courses at the university; and	21 22 23
(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	24 25 26 27 28

(i) to perform other functions given to the university under this or another Act.	1 2
General powers of university	3
6.(1) The university has all the powers of an individual, and may, for example—	4 5
(a) enter into contracts; and	6
(b) acquire, hold, dispose of, and deal with property; and	7
(c) appoint agents and attorneys; and	8
(d) engage consultants; and	9
(e) fix charges, and other terms, for services and other facilities it supplies; and	10 11
(f) do anything else necessary or convenient to be done for, or in connection with, its functions.	12 13
(2) Without limiting subsection (1), the university has the powers given to it under this or another Act.	14 15
(3) The university may exercise its powers inside or outside Queensland.	16
(4) Without limiting subsection (3), the university may exercise its powers outside Australia.	17 18
 <i>Division 2—Council establishment and general functions and powers</i>	 19
 Establishment of council	 20
7. There is a council of the university.	21
 Functions of council	 22
8.(1) The council is the university’s governing body.	23
(2) The council has the functions conferred on it under this or another Act.	24 25

Powers of council	1
9.(1) The council may do anything necessary or convenient to be done for, or in connection with, its functions.	2 3
(2) Without limiting subsection (1), the council has the powers given to it under this or another Act and, in particular—	4 5
(a) to appoint the university’s staff; and	6
(b) to manage and control the university’s affairs and property; and	7
(c) to manage and control the university’s finances.	8
Council to promote university’s interests	9
10. The council must act in the way that appears to it most likely to promote the university’s interests.	10 11
Delegation	12
11.(1) The council may delegate its powers under this Act to—	13
(a) an appropriately qualified member of the council; or	14
(b) an appropriately qualified committee that includes 1 or more members of the council; or	15 16
(c) an appropriately qualified member of the university’s staff.	17
(2) However, the council may not delegate its power—	18
(a) to make university statutes or rules; or	19
(b) to adopt the university’s annual budget; or	20
(c) to approve spending of funds available to the university by way of bequest, donation or special grant.	21 22
<i>Division 3—Council membership</i>	23
Membership of council	24
12.(1) The council consists of official members, appointed members and	25

elected members.	1
(2) The council may also include additional members.	2
Official members	3
13.(1) There are 3 official members.	4
(2) The official members are—	5
(a) the chancellor; and	6
(b) the vice-chancellor; and	7
(c) the chief executive of the department or the chief executive's nominee.	8 9
Appointed members	10
14.(1) There are 6 appointed members.	11
(2) The Governor in Council is to appoint the appointed members.	12
Elected members	13
15.(1) There are 14 elected members.	14
(2) The elected members are—	15
(a) 4 members of the academic staff; and	16
(b) 2 members of the general staff; and	17
(c) 3 students (1 of whom must be a part-time undergraduate student); and	18 19
(d) 3 persons (other than persons eligible for membership under paragraph (a), (b), (c) or (e)); and	20 21
(e) 2 members of the Gold Coast college's advisory council.	22
(3) Each elected member mentioned in subsection (2)(a) to (d) is to be elected by a ballot at which—	23 24
(a) for an elected member mentioned in subsection (2)(a)—all the members of the academic staff may vote; or	25 26

-
- (b) for an elected member mentioned in subsection (2)(b)—all the members of the general staff may vote; or 1
2
 - (c) for an elected member mentioned in subsection (2)(c)—all the students may vote; or 3
4
 - (d) for an elected member mentioned in subsection (2)(d)—all the members of the convocation may vote. 5
6
- (4) The elected members mentioned in subsection (2)(e) are to be appointed by the Gold Coast college’s advisory council. 7
8
- (5) However, staff working, and students studying, at the Gold Coast college may not— 9
10
- (a) vote in an election to elect an elected member; or 11
 - (b) be elected as an elected member mentioned in subsection (2)(a) to (d). 12
13

Additional members 14

- 16.(1)** There may be 2 additional members. 15
- (2) The council may appoint the additional members. 16
- (3) An additional member must not be— 17
- (a) a member of the academic or general staff; or 18
 - (b) a student. 19

When council is taken to be properly constituted 20

17. The council is taken to be properly constituted when it has 15 or more members, whether they be additional, appointed, elected or official members. 21
22
23

Appointed member’s term of office 24

18. An appointed member is to be appointed for a term of not more than 3 years. 25
26

Elected member's term of office

19.(1) An elected member mentioned in section 15(2)(a) to (c) holds office for 2 years.

(2) An elected member mentioned in section 15(2)(d) or (e) holds office for 3 years.

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

(a) if the member is re-elected or reappointed—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 15.²

(2) A person appointed under subsection (1) is taken to have been elected or appointed by the entity under section 15.

(3) This section applies to the periodic election or appointment 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 a

² Section 15 (Elected members)

member is appointed or elected for the balance of the term of office of the person's predecessor. 1
2

Ineligibility for membership of council 3

23.(1) A person is not eligible to become an elected, appointed or additional member if— 4
5

(a) the person is bankrupt or is taking advantage of the laws in force about bankruptcy; or 6
7

(b) the person has been found guilty of an indictable offence. 8

(2) Subsection (1) has effect subject to sections 25 and 26.³ 9

Vacation of office 10

24.(1) The office of an elected, appointed or additional member becomes vacant if— 11
12

(a) the member dies; or 13

(b) for an elected or additional member—the member ceases to be an eligible person for the entity that elected or appointed the person; or 14
15
16

(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 17
18
19

(d) the member becomes an official member; or 20

(e) the member resigns from office by signed notice— 21

(i) if the member is an appointed member—given to the Minister; or 22
23

(ii) if the member is an elected or additional member—given to the vice-chancellor; or 24
25

(f) the person becomes bankrupt or takes advantage of the laws in 26

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

force about bankruptcy; or	1
(g) the person is convicted of an indictable offence.	2
(2) Subsection (1) has effect subject to sections 25 and 26.	3
(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.	4 5 6
(4) In this section—	7
“eligible person”, for an entity, means a person whom the entity may elect or appoint as a member.	8 9
Discretion where appointed member convicted of indictable offence	10
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—	11 12 13
(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	14 15 16 17
(b) otherwise—give written approval for the person to become an appointed member despite the conviction.	18 19
(2) On the day the chancellor receives a notice under subsection (1)(a)—	20
(a) the person is restored as an appointed member; and	21
(b) if another person has been appointed to fill the vacancy—the other person’s appointment ends.	22 23
(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.	24 25 26
Discretion where elected or additional member convicted of indictable offence	27 28
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	29 30

-
- convicted, the council may— 1
- (a) if the person was an elected or additional member when 2
convicted—give written notice to the person that the person is 3
restored as an elected or additional member, and may be 4
subsequently re-elected or reappointed, despite the conviction; or 5
 - (b) otherwise—give written approval for the person to become an 6
elected or additional member despite the conviction. 7
- (2) On the day the person receives a notice under subsection (1)(a)— 8
- (a) the person is restored as an elected or additional member; and 9
 - (b) if another person has been elected or appointed to fill the 10
vacancy—the other person’s membership of the council ends. 11
- (3) If a person is restored as an elected or additional member under 12
subsection (2), the person’s term of office as a member ends when it would 13
have ended if the person had not been convicted of the offence. 14

Division 4—Meetings of the council 15

Who is to preside at meetings 16

27.(1) The chancellor must preside at meetings of the council. 17

(2) However, if the chancellor and deputy chancellor are both absent 18
from a meeting of the council or the offices are vacant, the members present 19
must elect a member to preside at the meeting. 20

Quorum 21

28. A quorum exists at a meeting of the council if at least half its 22
members are present. 23

Conduct of meetings 24

29. The council may otherwise regulate its proceedings as it considers 25
appropriate. 26

PART 3—CERTAIN OFFICERS OF THE UNIVERSITY

Chancellor

30.(1) There is 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 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 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 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.

1
2
3

PART 4—BODIES CONNECTED WITH THE UNIVERSITY

4
5

Division 1—Convocation

6

Establishment of convocation

7

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

8

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

9
10

(3) The council is to decide—

11

(a) how meetings of the convocation are to be called; and

12

(b) how the convocation is to conduct its proceedings; and

13

(c) the quorum of a meeting of the convocation; and

14

(d) the powers and functions of the convocation.

15

Division 2—University student council

16

Establishment of university student council

17

34.(1) The Griffith University Student Representative Council is established.

18
19

(2) The university student council—

20

(a) is a body corporate with perpetual succession; and

21

(b) has a common seal; and

22

(c) may sue and be sued in its corporate name.

23

Composition	1
35. The persons who are eligible to be members of the university student council are—	2 3
(a) students, other than students who are eligible for membership of a college student body; ⁴ and	4 5
(b) persons eligible for membership under the university student council’s constitution.	6 7
Role	8
36.(1) The university student council has the role and powers stated in its constitution.	9 10
(2) The university student council also has the role and powers decided by the council of the university.	11 12
(3) However, the university student council is not the employee or agent of the council of the university.	13 14
General powers	15
37. Without limiting section 36, the university student council has all the powers of an individual, including, for example, the power to acquire, hold, dispose of, and deal with, property.	16 17 18
Constitution	19
38.(1) The university student council must have a written constitution.	20
(2) The university student council’s constitution, and each amendment of the constitution, must be submitted to the council of the university for its approval.	21 22 23
(3) The constitution or amendment has no effect until approved by the council of the university.	24 25

⁴ See section 41 (Composition of college student body).

<i>Division 3—Colleges</i>	1
Establishment of colleges	2
39.(1) The council may establish colleges of the university by university statute.	3 4
(2) The Governor in Council must approve the establishment of the college before the council makes the university statute establishing it.	5 6
(3) The council may establish an advisory council for each college and decide its membership and functions.	7 8
(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.	9 10
(5) The council must manage and supervise the college and property held on trust by the university for the college.	11 12
College student body for a college	13
40.(1) The council may, by university statute, establish a college student body for a college.	14 15
(2) A college student body—	16
(a) is a body corporate with perpetual succession; and	17
(b) has a common seal; and	18
(c) may sue and be sued in its corporate name.	19
Composition of college student body	20
41. The persons who are eligible to be members of a college student body are—	21 22
(a) students studying at the college concerned; and	23
(b) persons eligible for membership under the college student body’s constitution.	24 25

Role of college student body	1
42.(1) A college student body has the role and powers stated in its constitution.	2 3
(2) A college student body also has the role and powers decided by the council.	4 5
(3) However, a college student body is not the employee or agent of the council.	6 7
General powers of college student body	8
43. Without limiting section 42, a college student body has all the powers of an individual, including, for example, the power to acquire, hold, dispose of, and deal with, property.	9 10 11
Constitution of college student body	12
44.(1) A college student body must have a written constitution.	13
(2) A college student body’s constitution, and each amendment of the constitution, must be submitted to the council for its approval.	14 15
(3) The constitution or amendment has no effect until approved by the council.	16 17
PART 5—PROPERTY AND FINANCE	18
<i>Division 1—Property held on trust or conditions</i>	19
Definition for div 1	20
45. In this division—	21
“property” includes income from property and a part or residue of the property.	22 23

Amendment of terms of trusts and gifts

46.(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 set up and maintain a scheme for the use of the property for another purpose (the “**designated purpose**”).

(3) The scheme must be in writing.

(4) The university must without charge give a copy of the scheme to anyone who asks for it.

Selection of designated purpose

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

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

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

Property to be held for designated purpose	1
48. Property to which the scheme applies is to be held by the university for the property's designated purpose instead of the donor's purpose.	2 3
Certain persons to be given notice of scheme	4
49. If the 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.	5 6 7
Amendment of scheme	8
50.(1) The council may amend the scheme.	9
(2) Sections 46 to 49 apply to the amendment of a scheme as if a reference to the donor's purpose is a reference to the designated purpose of the scheme that is to be amended.	10 11 12
University's powers under other laws not limited	13
51. This division does not limit the university's powers and rights under any other law about property held on trust by the university.	14 15
University may carry out conditions of gift etc.	16
52. The university may agree to and carry out any conditions of a gift, grant, bequest or devise of property to the university.	17 18
<i>Division 2—Dealing with State land by council</i>	
Application of Land Act 1994	20
53.(1) State land is held and may be disposed of under the <i>Land Act 1994</i> .	21 22
(2) However, the university may grant an interest in State land only by way of lease.	23 24
(3) Also, the lease must not be for more than 25 years.	25

<i>Division 3—Finance</i>	1
University is statutory body under the Financial Administration and Audit Act 1977	2 3
54. To remove any doubt, it is declared that the university is a statutory body under the <i>Financial Administration and Audit Act 1977</i> .	4 5
University is statutory body under the Statutory Bodies Financial Arrangements Act 1982	6 7
55.(1) Under the <i>Statutory Bodies Financial Arrangements Act 1982</i> , the university is a statutory body.	8 9
(2) The <i>Statutory Bodies Financial Arrangements Act 1982</i> , part 2B ⁵ sets out the way in which the university’s powers under this Act are affected by the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	10 11 12
Trust funds	13
56. The university may establish or administer trust funds.	14
Investment common fund	15
57.(1) The university may establish an investment common fund for the collective investment of trust funds or other amounts held by it.	16 17
(2) The university may add amounts to or withdraw amounts from the investment common fund, without incurring any liability for breach of trust.	18 19
(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.	20 21 22 23
(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	24 25

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

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. 1
2
3
4

(5) Also, despite subsection (3), the university may— 5

(a) add a part of the income of the investment common fund to the fund's capital; or 6
7

(b) use a part of the income to establish or augment another fund to make provision against capital depreciation or reduction of income. 8
9
10

Application of revenue 11

58.(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. 12
13

(2) To remove any doubt, each of the following purposes is a university purpose— 14
15

(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; 16
17
18

(b) the advancement of learning generally; 19

(c) helping a body affiliated or associated with the university. 20

Financial review 21

59.(1) The council must, in each year, adopt a budget for the university for the next year. 22
23

(2) In framing the budget the council need not take account of amounts mentioned in subsection (4). 24
25

(3) The council must control its spending as nearly as possible within the limits of the approved budget. 26
27

(4) The council must undertake an annual review of— 28

(a) amounts available, or expected to be available, to the university by 29

way of bequest, donation or special grant; and	1
(b) the spending of the amounts.	2
University's financial year	3
60. The university's financial year is a calendar year.	4
PART 6—UNIVERSITY STATUTES	5
Making of university statutes	6
61.(1) The council may make university statutes.	7
(2) A university statute may only be made about the following matters—	8
(a) the admission and enrolment of students;	9
(b) the entitlement to degrees and other awards;	10
(c) the disciplining of students and other persons undertaking courses at the university;	11 12
(d) the fees to be paid—	13
(i) for examinations; or	14
(ii) for attendance at lectures and classes of the university; or	15
(iii) for the use of the university's facilities;	16
(e) the membership of the convocation;	17
(f) the conduct of a ballot for the election of elected members;	18
(g) the establishment of colleges;	19
(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;	20 21 22
(i) making and notifying university rules;	23
(j) a direction, indication or requirement for a regulatory notice.	24

(3) Without limiting subsection (2)(c), a university statute may—	1
(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	2 3 4
(b) provide for its recovery and enforcement.	5
University statute's status	6
62. A university statute—	7
(a) is subordinate legislation; and	8
(b) is an exempt instrument under the <i>Legislative Standards Act 1992</i> .	9 10
University statutes affecting university student council or college student body	11 12
63.(1) A university statute affecting the university student council's, or a college student body's, role or powers may be made only if the council—	13 14
(a) has given the university student council or college student body a copy of the proposed statute at least 28 days before making it; and	15 16
(b) has considered any comments given to it by the university student council or college student body under subsection (2).	17 18
(2) The university student council or college student body may give the council written comments about the proposed university statute within 14 days after receiving the copy.	19 20 21
(3) The council may amend the proposed university statute to take account of any of the comments.	22 23
(4) If the council amends the proposed university statute to take account of any of the comments, it does not have to give the university student council or college student body a copy of the proposed statute before making it.	24 25 26 27

University rules	1
64.(1) The council may make university rules under a university statute.	2
(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 4
(3) A university rule—	5
(a) must be notified in the way required by university statute; and	6
(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.	7 8
(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.	9 10 11 12
(5) Failure to comply with subsection (4) does not affect the validity of the notification under subsection (3)(a).	13 14

PART 7—MISCELLANEOUS

Forming and taking part in corporations	16
65.(1) The university may be a member of, form, take part in forming or manage a corporation whose objects include the following—	17 18
(a) making available facilities for study, research or education;	19
(b) providing teaching, research, development, consultancy or other services for public or private entities;	20 21
(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;	22 23 24
(d) preparing, publishing, distributing or licensing the use of literary or artistic work, audio or audiovisual material or computer software;	25 26 27
(e) exploiting commercially a facility or resource of the university,	28

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;	1 2 3 4
(f) seeking or encouraging gifts to the university or for the university's purposes;	5 6
(g) another object, consistent with this Act, that the council considers is appropriate in the circumstances.	7 8
(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.	9 10 11 12
Use of facilities and staff	13
66. 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.	14 15 16
Control of traffic and conduct on university land	17
67. Schedule 1 has effect.	18
Regulation-making power	19
68. The Governor in Council may make regulations under this Act.	20
Repealed Act references	21
69. In an Act or document, a reference to the <i>Griffith University Act 1971</i> may, if the context permits, be taken to be a reference to this Act.	22 23

PART 8—REPEAL AND TRANSITIONAL

Definitions for pt 8

70. In this part—

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

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

- (a) for the university established under the repealed Act—the university established under section 4; or
- (b) for the university student council established under the repealed Act—the university student council established under section 34; or
- (c) for Gold Coast SRC—Gold Coast SRG.

“**continuing member**” means a person who, immediately before the commencing day, was an appointed member, under the repealed Act, of the council.

“**existing Gold Coast college**” means the Gold Coast University College of Griffith University, established by order in council published in the gazette on 23 June 1990 at page 1088.

“**former corporation**” means—

- (a) the university or university student council established under the repealed Act; or
- (b) Gold Coast SRC.

“**Gold Coast SRC**” means the Gold Coast University College of Griffith University Student Representative Council, established, for the existing Gold Coast college, by the *Griffith University (Gold Coast University College Student Representative Council) Order 1992*.

“**Gold Coast SRG**” means the Gold Coast University College of Griffith University Student Representative Guild, established under section 73.

“**repealed Act**” means the *Griffith University Act 1971*.

Repeal	1
71. The <i>Griffith University Act 1971</i> is repealed.	2
Continuation of university and university student council	3
72.(1) The university established under the repealed Act is continued as the university established under section 4.	4 5
(2) The university student council established under the repealed Act is continued as the university student council established under section 34.	6 7
Establishment of Gold Coast college and Gold Coast SRG	8
73. The council must establish, on the commencing day, the following entities—	9 10
(a) Gold Coast University College of Griffith University;	11
(b) Gold Coast University College of Griffith University Student Representative Guild. ⁶	12 13
Assets and liabilities	14
74. On the commencing day—	15
(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	16 17 18
(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.	19 20 21 22
Contracts	23
75. 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	24 25

⁶ See section 39 (Establishment of colleges) and section 40 (College student body for a college).

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 accordingly. 1
2
3
4

Proceedings 5

76. 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. 6
7
8
9

Offices held under repealed Act 10

77. A person holding office as the chancellor, deputy chancellor or vice-chancellor under the repealed Act immediately before the commencing day holds office until the end of the person's term of office or earlier vacating office. 11
12
13
14

Membership of council 15

78.(1) A continuing member holds office as a member of the council until the end of the member's term of office or earlier vacating office. 16
17

(2) If the continuing member— 18

(a) was elected under section 8(1)(d), (e) or (f) of the repealed Act—the member is taken to be an elected member; or 19
20

(b) was appointed under section 8(1)(fa) of the repealed Act—the member is taken to be an elected member; or 21
22

(c) was appointed under section 8(1)(g) of the repealed Act—the member is taken to be an appointed member; or 23
24

(d) was appointed or elected under section 8(1)(h) of the repealed Act—the member is taken to be an elected member; or 25
26

(e) was appointed under section 8(3) of the repealed Act—the member is taken to be an additional member. 27
28

Staff's rights and entitlements	1
79.(1) This section applies to a person who immediately before the commencing day was a staff member of a former corporation.	2 3
(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.	4 5 6
(3) In addition, the person—	7
(a) keeps all rights accrued or accruing to the person as a staff member of the former corporation; and	8 9
(b) is entitled to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as a staff member of the former corporation.	10 11 12
(4) Also, if the person is a member of the superannuation scheme under the <i>Superannuation (State Public Sector) Act 1990</i> —	13 14
(a) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and	15 16
(b) the person's membership of the scheme is not affected.	17
 University statutes and rules	 18
80.(1) An existing instrument (to the extent that it is consistent with this Act) continues in force under this Act.	19 20
(2) However, the instrument expires 1 year after the commencing day, unless sooner repealed.	21 22
(3) In this section—	23
“existing instrument” means a university statute or rule made under the repealed Act and in force immediately before the commencing day.	24 25
 Convocation	 26
81. 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.	27 28 29

Gold Coast SRG's constitution

1

82. The Gold Coast SRC's constitution in force immediately before the commencing day continues in force as the Gold Coast SRG's constitution under this Act.

2

3

4

University student council's constitution

5

83. The constitution of the university student council established under the repealed Act in force immediately before the commencing day continues in force as the university student council's constitution under this Act.

6

7

8

References to university, university student council or Gold Coast SRC

9

10

84. A reference in an Act or document in existence immediately before the commencing day to a former corporation is a reference to the continuing corporation for the former corporation.

11

12

13

Expiry

14

85. This part expires 1 year after it commences.

15

16

SCHEDULE 1**CONTROL OF TRAFFIC AND CONDUCT ON
UNIVERSITY LAND**

section 67

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	1
4.(1) The vice-chancellor must issue an identity card to each authorised person.	2 3
(2) The identity card must—	4
(a) contain a recent photograph of the authorised person; and	5
(b) be in a form approved by the vice-chancellor; and	6
(c) be signed by the authorised person.	7
(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.	8 9 10
Maximum penalty for subsection (3)—10 penalty units.	11
 Proof of authority	 12
5.(1) An authorised person may exercise a power under this Act in relation to someone else only if the authorised person—	13 14
(a) first produces his or her identity card for inspection by the other person; or	15 16
(b) has his or her identity card displayed so that it is clearly visible.	17
(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.	18 19 20
(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).	21 22 23

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 the 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

SCHEDULE 1 (continued)

mentioned in subsection (1) is evidence that the notice was erected or displayed by the university. 1
2

(6) A regulatory notice erected or displayed under this section must be easily visible to passers by. 3
4

Information notices 5

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. 6
7
8

(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. 9
10
11
12
13

(3) An information notice may contain any other information the vice-chancellor considers appropriate. 14
15

(4) An information notice erected or displayed under this section must be easily visible to passers by. 16
17

(5) In this section— 18
“regulatory notice” does not include an official traffic sign. 19

Removal and detention of illegally parked or abandoned vehicles 20

9.(1) An authorised person may seize, remove and hold, a vehicle that the authorised person believes on reasonable grounds— 21
22

(a) is parked in contravention of a regulatory notice; or 23

(b) is abandoned. 24

(2) The vehicle must be held at a safe place. 25

(3) An authorised person may exercise the powers given under subsection (1)(a) only if— 26
27

SCHEDULE 1 (continued)

- (a) the authorised person believes on reasonable grounds that it is necessary or desirable to seize and remove the vehicle having regard to the safety and convenience of traffic on the university’s land; and 1
2
3
4
- (b) the authorised person— 5
- (i) can not immediately locate the driver of the vehicle; or 6
- (ii) believes on reasonable grounds that the driver of the vehicle is not willing or able to remove the vehicle immediately. 7
8
- (4) 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. 9
10
11
- (5) 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. 12
13
14
- (6) 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. 15
16
17
- (7) In this section— 18
- “**vehicle**” includes a part of the vehicle and anything attached to, or contained in, the vehicle. 19
20
- Disposal of unclaimed vehicles** 21
- 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(4) or (5). 22
23
24
- (2) After publishing a notice in a newspaper circulating generally in the State, the university may sell the vehicle by public auction. 25
26
- (3) The notice must— 27
- (a) identify the vehicle; and 28
- (b) state that the vehicle is to be sold by auction; and 29

SCHEDULE 1 (continued)

- (c) state how the owner may recover the vehicle before the auction; 1
and 2
- (d) state the time and place of the auction. 3
- (4) Compensation is not recoverable against the university for the sale of 4
a vehicle under this section. 5
- (5) In this section— 6
- “vehicle” includes a part of the vehicle and anything attached to, or 7
contained in, the vehicle. 8
- Application of proceeds of sale** 9
- 11.(1)** The proceeds of the sale must be applied in the following order— 10
- (a) in payment of the reasonable expenses incurred in the sale; 11
- (b) in payment of the reasonable cost of seizing, removing and 12
holding the vehicle; 13
- (c) in payment of any balance to the owner. 14
- (2) Compensation is not recoverable against the university for a payment 15
under this section. 16

PART 3—CONDUCT ON UNIVERSITY LAND 17

Conduct causing a public nuisance 18

- 12.** A person must not be disorderly or create a disturbance on the 19
university’s land. 20
- Maximum penalty—20 penalty units. 21

SCHEDULE 1 (continued)

Power to deal with persons causing a public nuisance	1
13.(1) This section applies if an authorised person—	2
(a) finds a person contravening section 12; or	3
(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	4 5 6
(c) has information that leads the authorised person to suspect on reasonable grounds that a person has just contravened section 12; or	7 8 9
(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	10 11 12
(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 land; or	13 14 15
(f) reasonably believes that a person is on the land without lawful justification or excuse.	16 17
(2) The authorised person may direct the person to leave the university’s land or a part of the university’s land.	18 19
(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.	20 21 22
Maximum penalty—10 penalty units.	23 24

SCHEDULE 2	1
DICTIONARY	2
section 3	3
“academic staff” , of the university, means—	4
(a) the university’s teaching and research staff, other than research assistants; and	5 6
(b) staff of the university whose instrument of appointment by the council states they are members of the academic staff.	7 8
“additional member” means a member of the council appointed under section 16.	9 10
“appointed member” means a member of the council appointed under section 14.	11 12
“appropriately qualified” , for a delegate for a power, includes having the qualifications, experience or standing appropriate to exercise the power.	13 14 15
“authorised person” means a person holding office as an authorised person because of an appointment under schedule 1, section 1.	16 17
“chancellor” means the chancellor of the university.	18
“college” means a college established under section 39.	19
“college student body” , for a college, means a college student body established under section 40.	20 21
“convocation” means the convocation of the university.	22
“council” means the council of the university.	23
“deputy chancellor” means the deputy chancellor of the university.	24
“designated purpose” see section 46.	25
“donor’s purpose” see section 46.	26
“elected member” means a member of the council elected or appointed	27

 SCHEDULE 2 (continued)

under section 15.	1
“general staff” , of the university, means staff of the university, other than academic staff.	2 3
“Gold Coast college” means the Gold Coast University College of Griffith University.	4 5
“higher education award” has the meaning given by the <i>Higher Education (General Provisions) Act 1993</i> .	6 7
“land” , of the university, means land and buildings owned by or under the control of the university.	8 9
“member” means a member of the council.	10
“official member” means a person who is an official member of the council under section 13.	11 12
“official traffic sign” has the meaning given by the <i>Traffic Act 1949</i> .	13
“owner” , of a vehicle, includes the person registered as the owner of the vehicle under—	14 15
(a) the <i>Transport Infrastructure (Roads) Act 1991</i> ; or	16
(b) the corresponding law of another State or a Territory.	17
“regulatory notice” see schedule 1, section 7.	18
“requirement” , of a regulatory notice, includes—	19
(a) a direction on a regulatory notice; and	20
(b) a direction, indication or requirement, declared by university statute as being a requirement of the notice.	21 22
“State land” means land—	23
(a) granted in trust, or reserved and set apart for a purpose, under the <i>Land Act 1994</i> ; and	24 25
(b) vested in or placed under the control of the university.	26
“student” means a student enrolled in the university.	27
“university” means the Griffith University.	28

SCHEDULE 2 (continued)

“ university rule ” means a university rule made under section 64.	1
“ university statute ” means a university statute made under section 61.	2
“ university student council ” means the Griffith University Student Representative Council.	3 4
“ vehicle ” has the meaning given by the <i>Traffic Act 1949</i> .	5
“ vice-chancellor ” means the vice-chancellor of the university.	6 7