



Queensland

# University Legislation Amendment Bill 2005





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# University Legislation Amendment Bill 2005

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	16
<b>Part 2</b>	<b>Amendment of Central Queensland University Act 1998</b>	
2	Act amended in pt 2 . . . . .	16
3	Amendment of s 11 (Delegation) . . . . .	16
4	Replacement of ss 12 and 13. . . . .	17
	12 Membership of council . . . . .	17
	13 Official members . . . . .	17
5	Amendment of s 14 (Appointed members). . . . .	17
6	Amendment of s 15 (Elected members). . . . .	17
7	Replacement of s 16 (Additional members). . . . .	18
	16 Additional members . . . . .	18
8	Amendment of s 17 (When council is taken to be properly constituted) . . . . .	19
9	Amendment of s 18 (Appointed member's term of office) . . . . .	19
10	Amendment of s 19 (Elected member's term of office) . . . . .	19
11	Replacement of s 20 (Additional member's term of office). . . . .	19
	20 Additional member's term of office . . . . .	19
12	Amendment of s 20A (Dealing with casual vacancy in office of an elected member) . . . . .	20
13	Amendment of s 21 (Failure to elect or appoint elected members) . . . . .	20
14	Replacement of s 23 (Ineligibility for membership of council) . . . . .	20
	23 Ineligibility for membership of council. . . . .	20
15	Amendment of s 24 (Vacation of office) . . . . .	21
16	Insertion of new pt 2, divs 3A and 3B. . . . .	21
	Division 3A Members' function, and removing elected, appointed and additional members from office	

*University Legislation Amendment Bill 2005*


---

	26A	Member's function, and obligations about function . . .	22
	26B	Council may remove member from office . . . . .	22
	Division 3B	Extending terms of office	
	26C	Minister may extend terms of office . . . . .	23
17		Amendment of s 30 (Chancellor) . . . . .	24
18		Amendment of s 31 (Deputy chancellor) . . . . .	24
19		Omission of pt 4, div 1 (Convocation). . . . .	24
20		Insertion of new s 40AA . . . . .	24
	40AA	President of academic board . . . . .	24
21		Amendment of s 40A (Excluded matters for Corporations legislation) . . . . .	24
22		Insertion of new pt 4A. . . . .	25
	Part 4A	Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and president	
	40C	Disqualification from office . . . . .	25
	40D	Council may remove chancellor, vice-chancellor or president from office . . . . .	26
	40E	Particular matters about removal of vice-chancellor. .	27
	40F	Vacation of office . . . . .	27
23		Amendment of s 57 (Making of university statutes) . . . . .	27
24		Amendment of s 61 (Forming and taking part in corporations) . .	28
25		Insertion of new ss 62A–62C . . . . .	28
	62A	Protection from liability . . . . .	28
	62B	Report about person's criminal history . . . . .	28
	62C	Delegation by Minister . . . . .	29
26		Insertion of new pt 8, div 2 . . . . .	30
	Division 2	Transitional provisions for the University Legislation Amendment Act 2005	
	Subdivision 1	Preliminary	
	79	Definitions for div 2 . . . . .	30
	Subdivision 2	Provisions about council membership	
	80	Continuation of official members . . . . .	30
	81	Appointment of new appointed members. . . . .	30
	82	Continuation, and term of office, of appointed members . . . . .	31
	83	Continuation of elected members. . . . .	31
	84	Ballot, and term of office, for elected members . . . . .	31
	85	Appointment of new additional members . . . . .	32

*University Legislation Amendment Bill 2005*

	86	Continuation, and term of office, of additional members . . . . .	33
	87	Council need not include additional members . . . . .	33
	88	Dealing with casual vacancy in office of elected member . . . . .	33
		Subdivision 3 Constitution of council	
	89	Constitution of council . . . . .	33
27		Amendment of sch 2 (Dictionary) . . . . .	34
<b>Part 3</b>		<b>Amendment of Griffith University Act 1998</b>	
28		Act amended in pt 3 . . . . .	35
29		Replacement of ss 12 and 13. . . . .	35
	12	Membership of council . . . . .	35
	13	Official members . . . . .	35
30		Amendment of s 14 (Appointed members) . . . . .	36
31		Amendment of s 15 (Elected members) . . . . .	36
32		Replacement of s 16 (Additional members) . . . . .	37
	16	Additional members . . . . .	37
33		Amendment of s 17 (When council is taken to be properly constituted) . . . . .	37
34		Amendment of s 18 (Appointed member's term of office) . . . . .	37
35		Amendment of s 19 (Elected member's term of office) . . . . .	37
36		Replacement of s 20 (Additional member's term of office) . . . . .	38
	20	Additional member's term of office . . . . .	38
37		Replacement of s 23 (Ineligibility for membership of council) . . . . .	38
	23	Ineligibility for membership of council . . . . .	38
38		Amendment of s 24 (Vacation of office) . . . . .	38
39		Insertion of new pt 2, divs 3A and 3B. . . . .	39
		Division 3A Members' function, and removing elected, appointed and additional members from office	
	26A	Member's function, and obligations about function . . . . .	39
	26B	Council may remove member from office. . . . .	40
		Division 3B Extending terms of office	
	26C	Minister may extend terms of office . . . . .	40
40		Amendment of s 30 (Chancellor) . . . . .	41
41		Amendment of s 31 (Deputy chancellor) . . . . .	41
42		Insertion of new pt 3, div 2 . . . . .	41
		Division 2 Matters about disqualification or removal from office	

*University Legislation Amendment Bill 2005*

---

	32A	Disqualification from office . . . . .	42
	32B	Council may remove chancellor or vice-chancellor from office. . . . .	43
	32C	Particular matters about removal of vice-chancellor. .	43
	32D	Vacation of office . . . . .	44
43		Amendment of s 61 (Making of university statutes) . . . . .	44
44		Amendment of s 65 (Forming and taking part in corporations) . .	44
45		Insertion of new ss 66A–66C . . . . .	44
	66A	Protection from liability . . . . .	45
	66B	Report about person’s criminal history . . . . .	45
	66C	Delegation by Minister . . . . .	46
46		Amendment of pt 8 (Transitional provisions for Education (Miscellaneous Amendments) Act 2002) . . . . .	46
47		Insertion of new pt 8, div 2 . . . . .	47
	Division 2	Transitional provisions for the University Legislation Amendment Act 2005	
	Subdivision 1	Preliminary	
	81	Definitions for div 2 . . . . .	47
	Subdivision 2	Provisions about council membership	
	82	Continuation of official member . . . . .	47
	83	Appointment of new appointed members. . . . .	48
	84	Continuation, and term of office, of appointed members . . . . .	48
	85	Continuation of elected members. . . . .	48
	86	Ballot, and term of office, for elected members . . . . .	48
	87	Appointment of new additional members . . . . .	50
	88	Continuation, and term of office, of additional members . . . . .	50
	89	Council need not include additional members . . . . .	50
	90	Dealing with casual vacancy in office of elected member . . . . .	50
	Subdivision 3	Constitution of council	
	91	Constitution of council . . . . .	50
48		Amendment of sch 2 (Dictionary) . . . . .	51
<b>Part 4</b>		<b>Amendment of James Cook University Act 1997</b>	
49		Act amended in pt 4 . . . . .	52
50		Amendment of s 11 (Delegation) . . . . .	52
51		Replacement of ss 12 and 13. . . . .	52
	12	Membership of council . . . . .	53

*University Legislation Amendment Bill 2005*


---

	13	Official members . . . . .	53
52		Amendment of s 14 (Appointed members) . . . . .	53
53		Amendment of s 15 (Elected members) . . . . .	53
54		Replacement of s 16 (Additional members) . . . . .	54
	16	Additional member . . . . .	54
55		Amendment of s 17 (When council is taken to be properly constituted) . . . . .	54
56		Amendment of s 18 (Appointed member's term of office) . . . . .	54
57		Amendment of s 19 (Elected member's term of office) . . . . .	55
58		Replacement of s 20 (Additional member's term of office) . . . . .	55
	20	Additional member's term of office . . . . .	55
59		Amendment of s 20A (Dealing with casual vacancy in office of an elected member) . . . . .	55
60		Replacement of s 23 (Ineligibility for membership of council) . . . . .	55
	23	Ineligibility for membership of council . . . . .	55
61		Amendment of s 24 (Vacation of office) . . . . .	56
62		Insertion of new pt 2, divs 3A and 3B . . . . .	56
	Division 3A	Members' function, and removing elected, appointed and additional members from office	
	26A	Member's function, and obligations about function . . . . .	57
	26B	Council may remove member from office . . . . .	57
	Division 3B	Extending terms of office	
	26C	Minister may extend terms of office . . . . .	58
63		Amendment of s 30 (Chancellor) . . . . .	59
64		Amendment of s 31 (Deputy chancellor) . . . . .	59
65		Insertion of new s 40AA . . . . .	59
	40AA	Chairperson of academic board . . . . .	59
66		Insertion of new pt 4A . . . . .	59
	Part 4A	Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and chairperson	
	40C	Disqualification from office . . . . .	60
	40D	Council may remove chancellor, vice-chancellor or chairperson from office . . . . .	61
	40E	Particular matters about removal of vice-chancellor . . . . .	61
	40F	Vacation of office . . . . .	62
67		Amendment of s 57 (Making of university statutes) . . . . .	62
68		Amendment of s 61 (Forming and taking part in corporations) . . . . .	63
69		Insertion of new ss 62A–62C . . . . .	63

*University Legislation Amendment Bill 2005*

	62A	Protection from liability . . . . .	63
	62B	Report about person's criminal history . . . . .	63
	62C	Delegation by Minister . . . . .	64
70		Insertion of new pt 8, div 2 . . . . .	64
	Division 2	Transitional provisions for the University Legislation Amendment Act 2005	
	Subdivision 1	Preliminary	
	68	Definitions for div 2 . . . . .	65
	Subdivision 2	Provisions about council membership	
	69	Continuation of official members . . . . .	65
	70	Appointment of new appointed members . . . . .	65
	71	Continuation, and term of office, of appointed members . . . . .	66
	72	Continuation of elected members . . . . .	66
	73	Ballot, and term of office, for elected members . . . . .	66
	74	Appointment of new additional member . . . . .	67
	75	Continuation, and term of office, of additional members . . . . .	67
	76	Council need not include additional members . . . . .	68
	77	Dealing with casual vacancy in office of elected member . . . . .	68
	Subdivision 3	Constitution of council	
	78	Constitution of council . . . . .	68
71		Amendment of sch 2 (Dictionary) . . . . .	68
<b>Part 5</b>		<b>Amendment of Queensland University of Technology Act 1998</b>	
72		Act amended in pt 5 . . . . .	70
73		Amendment of s 11 (Delegation) . . . . .	70
74		Replacement of s 12 (Membership of council) . . . . .	70
	12	Membership of council . . . . .	70
75		Replacement of s 13 (Official members) . . . . .	70
	13	Official members . . . . .	70
76		Amendment of s 15 (Elected members) . . . . .	71
77		Replacement of s 16 (Additional members) . . . . .	71
	16	Additional members . . . . .	71
78		Amendment of s 18 (Appointed member's term of office) . . . . .	71
79		Amendment of s 19 (Elected member's term of office) . . . . .	71
80		Replacement of s 20 (Additional member's term of office) . . . . .	72



*University Legislation Amendment Bill 2005*


---

	20	Additional member's term of office . . . . .	72
81		Replacement of s 23 (Ineligibility for membership of council) . . .	72
	23	Ineligibility for membership of council. . . . .	72
82		Amendment of s 24 (Vacation of office) . . . . .	73
83		Insertion of new pt 2, divs 3A and 3B. . . . .	73
	Division 3A	Members' function, and removing elected, appointed and additional members from office	
	26A	Member's function, and obligations about function . .	73
	26B	Council may remove member from office. . . . .	74
	Division 3B	Extending terms of office	
	26C	Minister may extend terms of office . . . . .	75
84		Amendment of s 30 (Chancellor) . . . . .	75
85		Amendment of s 31 (Deputy chancellor) . . . . .	76
86		Insertion of new pt 4A. . . . .	76
	Part 4A	Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and chairperson	
	39B	Disqualification from office . . . . .	76
	39C	Council may remove chancellor, vice-chancellor or chairperson from office. . . . .	77
	39D	Particular matters about removal of vice-chancellor. .	78
	39E	Vacation of office . . . . .	78
87		Amendment of s 56 (Making of university statutes) . . . . .	79
88		Amendment of s 60 (Forming and taking part in corporations) . .	79
89		Insertion of new ss 61A–61C . . . . .	79
	61A	Protection from liability . . . . .	79
	61B	Report about person's criminal history. . . . .	79
	61C	Delegation by Minister . . . . .	80
90		Insertion of new pt 8. . . . .	81
	Part 8	Transitional provisions for the University Legislation Amendment Act 2005	
	Division 1	Preliminary	
	65	Definitions for pt 8. . . . .	81
	Division 2	Provisions about council membership	
	66	Appointed members . . . . .	81
	67	Elected members . . . . .	82
	68	Appointment of new additional members . . . . .	82
	69	Continuation, and term of office, of additional members . . . . .	82

	70	Council need not include additional members . . . . .	82
91		Amendment of sch 2 (Dictionary) . . . . .	82
<b>Part 6</b>		<b>Amendment of University of Queensland Act 1998</b>	
92		Act amended in pt 6 . . . . .	84
93		Amendment of s 11 (Delegation) . . . . .	84
94		Replacement of ss 12 and 13. . . . .	84
	12	Membership of senate . . . . .	84
	13	Official members . . . . .	84
95		Amendment of s 14 (Appointed members). . . . .	85
96		Amendment of s 15 (Elected members). . . . .	85
97		Replacement of s 16 (Additional members). . . . .	86
	16	Additional members . . . . .	86
98		Amendment of s 17 (When senate is taken to be properly constituted) . . . . .	87
99		Amendment of s 18 (Appointed member's term of office) . . . . .	87
100		Amendment of s 19 (Elected member's term of office) . . . . .	87
101		Replacement of s 20 (Additional member's term of office). . . . .	87
	20	Additional member's term of office . . . . .	87
102		Replacement of s 23 (Ineligibility for membership of senate). . . . .	88
	23	Ineligibility for membership of senate . . . . .	88
103		Amendment of s 24 (Vacation of office) . . . . .	88
104		Insertion of new pt 2, divs 3A and 3B. . . . .	89
	Division 3A	Members' function, and removing elected, appointed and additional members from office	
	26A	Member's function, and obligations about function . . . . .	89
	26B	Senate may remove member from office . . . . .	89
	Division 3B	Extending terms of office	
	26C	Minister may extend terms of office . . . . .	90
105		Replacement of s 30 (Chancellor) . . . . .	91
	30	Chancellor . . . . .	91
106		Amendment of s 31 (Deputy chancellor) . . . . .	91
107		Omission of pt 4, div 1 (Convocation). . . . .	91
108		Insertion of new s 35AA . . . . .	91
	35AA	President of academic board . . . . .	92
109		Amendment of s 35A (Excluded matters for Corporations legislation) . . . . .	92
110		Insertion of new pt 4A. . . . .	92

*University Legislation Amendment Bill 2005*

---

	Part 4A	Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and president	
	35C	Disqualification from office . . . . .	92
	35D	Senate may remove chancellor, vice-chancellor or president from office. . . . .	93
	35E	Particular matters about removal of vice-chancellor. . . . .	94
	35F	Vacation of office . . . . .	94
111		Amendment of s 52 (Making of university statutes) . . . . .	95
112		Amendment of s 55 (Forming and taking part in corporations) . . . . .	95
113		Insertion of new ss 56A–56C . . . . .	95
	56A	Protection from liability . . . . .	95
	56B	Report about person’s criminal history . . . . .	96
	56C	Delegation by Minister . . . . .	97
114		Insertion of new pt 8, div 2 . . . . .	97
	Division 2	Transitional provisions for the University Legislation Amendment Act 2005	
	Subdivision 1	Preliminary	
	61	Definitions for div 2 . . . . .	97
	Subdivision 2	Provisions about membership of senate	
	62	Continuation of official members . . . . .	97
	63	Appointment of new appointed members. . . . .	98
	64	Continuation of appointed members . . . . .	98
	65	Continuation of elected members. . . . .	98
	66	Ballot, and term of office, for elected members . . . . .	98
	67	Appointment of new additional members . . . . .	100
	68	Continuation of additional members. . . . .	100
	69	Senate need not include additional members . . . . .	100
	70	Dealing with casual vacancy in office of elected member . . . . .	100
	Subdivision 3	Constitution of senate	
	71	Constitution of senate. . . . .	100
115		Amendment of sch 2 (Dictionary) . . . . .	101
<b>Part 7</b>		<b>Amendment of University of Southern Queensland Act 1998</b>	
116		Act amended in pt 7 . . . . .	102
117		Amendment of s 11 (Delegation) . . . . .	102
118		Replacement of ss 12 and 13. . . . .	102
	12	Membership of council . . . . .	103
	13	Official members . . . . .	103

*University Legislation Amendment Bill 2005*


---

119	Amendment of s 14 (Appointed members) . . . . .	103
120	Amendment of s 15 (Elected members) . . . . .	103
121	Replacement of s 16 (Additional members) . . . . .	104
	16 Additional members . . . . .	104
122	Amendment of s 17 (When council is taken to be properly constituted) . . . . .	104
123	Amendment of s 18 (Appointed member's term of office) . . . . .	104
124	Amendment of s 19 (Elected member's term of office) . . . . .	104
125	Replacement of s 20 (Additional member's term of office) . . . . .	105
	20 Additional member's term of office . . . . .	105
126	Amendment of s 21 (Failure to elect or appoint elected members)	105
127	Replacement of s 23 (Ineligibility for membership of council) . . .	105
	23 Ineligibility for membership of council . . . . .	105
128	Amendment of s 24 (Vacation of office) . . . . .	106
129	Insertion of new pt 2, divs 3A and 3B . . . . .	106
	Division 3A Members' function, and removing elected, appointed and additional members from office	
	26A Member's function, and obligations about function . .	107
	26B Council may remove member from office . . . . .	107
	Division 3B Extending terms of office	
	26C Minister may extend terms of office . . . . .	108
130	Amendment of s 30 (Chancellor) . . . . .	109
131	Amendment of s 31 (Deputy chancellor) . . . . .	109
132	Insertion of new s 39AA . . . . .	109
	39AA Chairperson of academic board . . . . .	109
133	Insertion of new pt 4A . . . . .	109
	39C Disqualification from office . . . . .	110
	39D Council may remove chancellor, vice-chancellor or chairperson from office . . . . .	111
	39E Particular matters about removal of vice-chancellor . .	111
	39F Vacation of office . . . . .	112
134	Amendment of s 56 (Making of university statutes) . . . . .	112
135	Amendment of s 60 (Forming and taking part in corporations) . .	113
136	Insertion of new ss 61A–61C . . . . .	113
	61A Protection from liability . . . . .	113
	61B Report about person's criminal history . . . . .	113
	61C Delegation by Minister . . . . .	114
137	Insertion of new pt 8, div 2 . . . . .	114

	Division 2	Transitional provisions for the University Legislation Amendment Act 2005	
	Subdivision 1	Preliminary	
	77	Definitions for div 2 . . . . .	114
	Subdivision 2	Provisions about council membership	
	78	Continuation of official members . . . . .	115
	79	Appointment of new appointed members . . . . .	115
	80	Continuation, and term of office, of appointed members . . . . .	115
	81	Continuation of elected members . . . . .	116
	82	Ballot, and term of office, for elected members . . . . .	116
	83	Appointment of new additional members . . . . .	117
	84	Continuation, and term of office, of additional members . . . . .	117
	85	Council need not include additional members . . . . .	117
	86	Dealing with casual vacancy in office of elected member . . . . .	117
	Subdivision 3	Constitution of council	
	87	Constitution of council . . . . .	118
138		Amendment of sch 2 (Dictionary) . . . . .	118
<b>Part 8</b>		<b>Amendment of University of the Sunshine Coast Act 1998</b>	
139		Act amended in pt 8 . . . . .	119
140		Amendment of s 11 (Delegation) . . . . .	119
141		Replacement of ss 12 and 13. . . . .	120
	12	Membership of council . . . . .	120
	13	Official members . . . . .	120
142		Amendment of s 14 (Appointed members) . . . . .	120
143		Amendment of s 15 (Elected members) . . . . .	120
144		Replacement of s 16 (Additional members) . . . . .	121
	16	Additional members . . . . .	121
145		Amendment of s 17 (When council is taken to be properly constituted) . . . . .	121
146		Amendment of s 18 (Appointed member's term of office) . . . . .	122
147		Amendment of s 19 (Elected member's term of office) . . . . .	122
148		Replacement of s 20 (Additional member's term of office) . . . . .	122
	20	Additional member's term of office . . . . .	122
149		Amendment of s 20A (Dealing with casual vacancy in office of an elected member) . . . . .	122
150		Amendment of s 22 (Casual vacancies) . . . . .	123

*University Legislation Amendment Bill 2005*


---

151	Replacement of s 23 (Ineligibility for membership of council) . . .	123
	23 Ineligibility for membership of council. . . . .	123
152	Amendment of s 24 (Vacation of office) . . . . .	123
153	Insertion of new pt 2, divs 3A and 3B. . . . .	124
	Division 3A Members' function, and removing additional, appointed and elected members from office	
	26A Member's function, and obligations about function . .	124
	26B Council may remove member from office. . . . .	125
	Division 3B Extending terms of office	
	26C Minister may extend terms of office . . . . .	125
154	Amendment of s 30 (Chancellor) . . . . .	126
155	Amendment of s 31 (Deputy chancellor) . . . . .	126
156	Omission of pt 4, div 1 (Convocation). . . . .	126
157	Insertion of new s 40AA . . . . .	127
	40AA Chairperson of academic board. . . . .	127
158	Amendment of s 40A (Excluded matters for Corporations legislation) . . . . .	127
159	Insertion of new pt 4A. . . . .	127
	40C Disqualification from office . . . . .	127
	40D Council may remove chancellor, vice-chancellor or chairperson from office. . . . .	128
	40E Particular matters about removal of vice-chancellor. .	129
	40F Vacation of office . . . . .	129
160	Amendment of s 58 (Making of university statutes) . . . . .	130
161	Amendment of s 63 (Forming and taking part in corporations) . .	130
162	Insertion of new ss 64A–64C . . . . .	130
	64A Protection from liability . . . . .	131
	64B Report about person's criminal history. . . . .	131
	64C Delegation by Minister . . . . .	132
163	Insertion of new pt 8, div 2 . . . . .	132
	Division 2 Transitional provisions for the University Legislation Amendment Act 2005	
	Subdivision 1 Preliminary	
	83 Definitions for div 2. . . . .	132
	Subdivision 2 Provisions about council membership	
	84 Continuation of official members . . . . .	133
	85 Appointment of new appointed members. . . . .	133

---

86	Continuation, and term of office, of appointed members . . . . .	133
87	Continuation of elected members. . . . .	133
88	Ballot, and term of office, for elected members . . . . .	134
89	Appointment of new additional members . . . . .	135
90	Continuation, and term of office, of additional members . . . . .	135
91	Council need not include additional members . . . . .	135
92	Dealing with casual vacancy in office of elected member . . . . .	135
	Subdivision 3 Constitution of council	
93	Constitution of council . . . . .	136
164	Amendment of sch 2 (Dictionary). . . . .	136
<b>Part 9</b>	<b>Consequential and other amendments</b>	
165	Consequential and other amendments . . . . .	138
<b>Schedule</b>	<b>Consequential and other amendments . . . . .</b>	<b>139</b>
	Central Queensland University Act 1998 . . . . .	139
	Griffith University Act 1998. . . . .	140
	James Cook University Act 1997 . . . . .	141
	Queensland University of Technology Act 1998 . . . . .	142
	University of Queensland Act 1998 . . . . .	143
	University of Southern Queensland Act 1998 . . . . .	144
	University of the Sunshine Coast Act 1998 . . . . .	146





# 2005

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## A Bill

for

***An Act to amend the *Central Queensland University Act 1998*, *Griffith University Act 1998*, *James Cook University Act 1997*, *Queensland University of Technology Act 1998*, *University of Queensland Act 1998*, *University of Southern Queensland Act 1998* and *University of the Sunshine Coast Act 1998****

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	<b>The Parliament of Queensland enacts—</b>	1
	 <b>Part 1 Preliminary</b>	 2
<b>Clause 1</b>	<b>Short title</b>	3
	This Act may be cited as the <i>University Legislation Amendment Act 2005</i> .	4 5
	 <b>Part 2 Amendment of Central Queensland University Act 1998</b>	 6 7 8
<b>Clause 2</b>	<b>Act amended in pt 2</b>	9
	This part amends the <i>Central Queensland University Act 1998</i> .	10 11
<b>Clause 3</b>	<b>Amendment of s 11 (Delegation)</b>	12
	Section 11—	13
	<i>insert—</i>	14
	‘(3) Despite subsection (2)(c), the council may delegate its power to approve spending of funds available to the university by way of bequest, donation or special grant if—	15 16 17
	(a) the expenditure is for a matter funded by bequest, donation or special grant; and	18 19
	(b) the amount of expenditure for the matter is not more than \$100 000.’.	20 21

<b>Clause 4</b>	<b>Replacement of ss 12 and 13</b>	1
	Sections 12 and 13—	2
	<i>omit, insert—</i>	3
<b>'12</b>	<b>Membership of council</b>	4
	'The council consists of official members, appointed members, elected members and additional members.	5 6
<b>'13</b>	<b>Official members</b>	7
	'(1) There are 3 official members.	8
	'(2) The official members are—	9
	(a) the chancellor; and	10
	(b) the vice-chancellor; and	11
	(c) the president of the academic board.'	12
<b>Clause 5</b>	<b>Amendment of s 14 (Appointed members)</b>	13
	Section 14(1), '8'—	14
	<i>omit, insert—</i>	15
	'5'.	16
<b>Clause 6</b>	<b>Amendment of s 15 (Elected members)</b>	17
	(1) Section 15(1), '7'—	18
	<i>omit, insert—</i>	19
	'3'.	20
	(2) Section 15(2)(a) and (b)—	21
	<i>omit, insert—</i>	22
	'(a) 1 member of the full-time or part-time academic staff; and	23 24
	(b) 1 member of the full-time or part-time general staff; and'.	25 26
	(3) Section 15(2)(d)—	27
	<i>omit.</i>	28

*University Legislation Amendment Bill 2005*

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(4) Section 15(3)(a) and (b)—	1
<i>omit, insert—</i>	2
‘(a) for an elected member mentioned in subsection (2)(a)—	3
(i) all the members of the full-time academic staff, and those members of the part-time academic staff eligible under a university statute, may vote; or	4 5 6
(ii) if a statute under subparagraph (i) is not in force, all the members of the full-time and part-time academic staff may vote; or	7 8 9
(b) for an elected member mentioned in subsection (2)(b)—	10
(i) all the members of the full-time general staff, and those members of the part-time general staff eligible under a university statute, may vote; or	11 12 13
(ii) if a statute under subparagraph (i) is not in force, all the members of the full-time and part-time general staff may vote; or’.	14 15 16
(5) Section 15(3)(d)—	17
<i>omit.</i>	18
(6) Section 15(4)—	19
<i>omit, insert—</i>	20
‘(4) Despite subsection (3), the council may authorise the council of the student association to appoint the elected member mentioned in subsection (2)(c) at a meeting of the council of the student association.’.	21 22 23 24

<b>Clause 7</b>	<b>Replacement of s 16 (Additional members)</b>	25
	Section 16—	26
	<i>omit, insert—</i>	27
<b>‘16</b>	<b>Additional members</b>	28
	‘(1) There are 4 additional members.	29
	‘(2) The council must appoint the additional members.	30
	‘(3) The council must appoint at least 2 graduates of the university as additional members.	31 32

*University Legislation Amendment Bill 2005*

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	‘(4) An additional member must not be a student or a member of the university’s academic staff or general staff.’.	1 2
<b>Clause 8</b>	<b>Amendment of s 17 (When council is taken to be properly constituted)</b>	3 4
	Section 17, ‘12’—	5
	<i>omit, insert—</i>	6
	‘8’.	7
<b>Clause 9</b>	<b>Amendment of s 18 (Appointed member’s term of office)</b>	8
	Section 18, ‘3 years’—	9
	<i>omit, insert—</i>	10
	‘4 years’.	11
<b>Clause 10</b>	<b>Amendment of s 19 (Elected member’s term of office)</b>	12
	(1) Section 19(1)—	13
	<i>omit, insert—</i>	14
	‘(1) An elected member mentioned in section 15(2)(a) or (b) holds office for 4 years.	15 16
	‘(1A) An elected member mentioned in section 15(2)(c) holds office for 2 years.’.	17 18
	(2) Section 19(1A) and (2)—	19
	<i>renumber</i> as section 19(2) and (3).	20
<b>Clause 11</b>	<b>Replacement of s 20 (Additional member’s term of office)</b>	21
	Section 20—	22
	<i>omit, insert—</i>	23
<b>‘20</b>	<b>Additional member’s term of office</b>	24
	‘An additional member is to be appointed for a term of not more than 4 years decided by the council.’.	25 26

<b>Clause 12</b>	<b>Amendment of s 20A (Dealing with casual vacancy in office of an elected member)</b>	1 2
	(1) Section 20A(5)—	3
	<i>omit, insert—</i>	4
	‘(5) Despite subsection (4), the council may, if the elected member was a student, authorise the council of the student association to appoint a student to the office at a meeting of the council of the student association.’	5 6 7 8
	(2) Section 20A(7)—	9
	<i>omit.</i>	10
 <b>Clause 13</b>	 <b>Amendment of s 21 (Failure to elect or appoint elected members)</b>	 11 12
	Section 21(1)—	13
	<i>omit, insert—</i>	14
	‘(1) If an entity permitted to elect or appoint an elected member does not elect or appoint a person as the elected member by a day fixed by the council by notice given to the entity, the Minister may appoint a member of the entity as the elected member.’	15 16 17 18 19
 <b>Clause 14</b>	 <b>Replacement of s 23 (Ineligibility for membership of council)</b>	 20 21
	Section 23—	22
	<i>omit, insert—</i>	23
	<b>‘23 Ineligibility for membership of council</b>	24
	‘(1) A person is not eligible to become an elected, appointed or additional member if—	25 26
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; <sup>1</sup> or	27 28

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1 Corporations Act, part 2D.6 (Disqualification from managing corporations)

*University Legislation Amendment Bill 2005*

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(b) the person has a conviction for an indictable offence,  
 other than an offence in relation to which the person is  
 not eligible under paragraph (a). 1  
 2  
 3

‘(2) Also, a person is not eligible to be elected or appointed as an  
 elected, appointed or additional member if the person’s  
 election or appointment as the member would result in the  
 person being a member for 12 years or more, whether  
 continuously or not. 4  
 5  
 6  
 7  
 8

‘(3) Subsection (2) does not apply to a person if a majority of  
 members agree the person may be elected or appointed as an  
 elected, appointed or additional member. 9  
 10  
 11

‘(4) Subsection (1)(b) is subject to sections 25 and 26.’. 12

**Clause 15 Amendment of s 24 (Vacation of office) 13**

(1) Section 24(1)(f) and (g)— 14

*omit, insert—* 15

‘(f) the member is removed from office under section 26B;  
 or 16  
 17

(g) the member is disqualified from managing corporations  
 under the Corporations Act, part 2D.6; or 18  
 19

(h) the member is convicted of an indictable offence, other  
 than an offence in relation to which the member’s office  
 becomes vacant under paragraph (g).’. 20  
 21  
 22

(2) Section 24(2)— 23

*omit, insert—* 24

‘(2) Subsection (1)(h) is subject to sections 25 and 26.’. 25

**Clause 16 Insertion of new pt 2, divs 3A and 3B 26**

After section 26— 27

*insert—* 28

<b>‘Division 3A</b>	<b>Members’ function, and removing elected, appointed and additional members from office</b>	1 2 3
<b>‘26A</b>	<b>Member’s function, and obligations about function</b>	4
‘(1)	A member has the function of ensuring the council performs its functions and exercises its powers appropriately, effectively and efficiently.	5 6 7
‘(2)	In performing the function, a member—	8
(a)	must act honestly and in the best interests of the university; and	9 10
(b)	must exercise reasonable skill, care and diligence; and	11
(c)	must disclose to the council any conflict that may arise between the member’s personal interests and the interests of the university; and	12 13 14
(d)	must not make improper use of his or her position as a member, or of information acquired because of his or her position as a member, to gain, directly or indirectly, an advantage for the member or another person.	15 16 17 18
<b>‘26B</b>	<b>Council may remove member from office</b>	19
‘(1)	The council may remove an elected, appointed or additional member from office if at least 10 members are satisfied the member has not complied with—	20 21 22
(a)	section 26A(2); or	23
(b)	a conduct obligation.	24
‘(2)	If the council decides to remove a member from office under subsection (1), the council must as soon as practicable—	25 26
(a)	give the member notice of the decision and the reasons for it; and	27 28
(b)	if the member is an appointed member—give the Minister a copy of the notice.	29 30



‘(3) If the council gives a member a notice under subsection (2)(a), the member’s term of office ends on the later of the following—	1 2 3
(a) the day the member receives the notice;	4
(b) the day, if any, stated in the notice for that purpose.	5
‘(4) The council’s power to remove an appointed member from office under this section does not limit the Governor in Council’s powers under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (iii). <sup>2</sup>	6 7 8 9
<b>‘Division 3B            Extending terms of office</b>	10
<b>‘26C    Minister may extend terms of office</b>	11
‘(1) The Minister may, by notice given to the council, extend the terms of office of elected, appointed and additional members for not more than 1 year if the Minister is satisfied the extension—	12 13 14 15
(a) is in the best interests of the university; and	16
(b) is necessary for the council to perform its functions and exercise its powers appropriately, effectively and efficiently.	17 18 19
‘(2) If the Minister acts under subsection (1), the Minister must extend, by the same amount, the terms of office of all elected, appointed and additional members.	20 21 22
‘(3) The extension applies only to members holding office when the notice is given under subsection (1).	23 24
‘(4) This section—	25
(a) does not allow the Minister to extend the terms of office of the members for more than 1 year by again acting under subsection (1); and	26 27 28
(b) applies despite sections 18, 19(1) and (2) and 20.’.	29

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<sup>2</sup> *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

<b>Clause 17</b>	<b>Amendment of s 30 (Chancellor)</b>	1
	(1) Section 30(4)—	2
	<i>renumber</i> as section 30(5).	3
	(2) Section 30—	4
	<i>insert</i> —	5
	‘(4) The person elected must not be a student or a member of the university’s academic staff or general staff.’.	6
		7
<b>Clause 18</b>	<b>Amendment of s 31 (Deputy chancellor)</b>	8
	Section 31(3), ‘3 years’—	9
	<i>omit, insert</i> —	10
	‘4 years’.	11
<b>Clause 19</b>	<b>Omission of pt 4, div 1 (Convocation)</b>	12
	Part 4, division 1—	13
	<i>omit.</i>	14
<b>Clause 20</b>	<b>Insertion of new s 40AA</b>	15
	Part 4, division 4, after section 40—	16
	<i>insert</i> —	17
	<b>‘40AA President of academic board</b>	18
	‘(1) There is to be a president of the academic board.	19
	‘(2) The council must decide who is the president.	20
	‘(3) The president holds office for the term, not longer than 3 years, decided by the council.’.	21
		22
<b>Clause 21</b>	<b>Amendment of s 40A (Excluded matters for Corporations legislation)</b>	23
	(1) Section 40A(1)(a)—	24
	<i>omit.</i>	25
		26

- (2) Section 40A(1)(b) and (c)— 1  
*renumber* as section 40A(1)(a) and (b). 2

- Clause 22 Insertion of new pt 4A** 3  
 Before part 5— 4  
*insert*— 5

**‘Part 4A Matters relating to offices of** 6  
**chancellor, deputy chancellor,** 7  
**vice-chancellor and president** 8

**‘40C Disqualification from office** 9

- ‘(1) A person can not become, or continue as, the chancellor, 10  
 vice-chancellor or president if— 11
- (a) the person is disqualified from managing corporations 12  
 under the Corporations Act, part 2D.6; or 13
- (b) subject to subsections (2) to (4), the person has a 14  
 conviction for an indictable offence other than an 15  
 offence in relation to which the person is disqualified 16  
 from office under paragraph (a). 17
- ‘(2) If the council considers it would be reasonable, having regard 18  
 to the circumstances of the indictable offence mentioned in 19  
 subsection (1)(b) of which the person has been convicted, the 20  
 council may— 21
- (a) if the person was the chancellor, vice-chancellor or 22  
 president when convicted—give notice to the person 23  
 that the person— 24
- (i) is restored as the chancellor, vice-chancellor or 25  
 president; and 26
- (ii) may be later re-elected or reappointed, despite the 27  
 conviction; or 28
- (b) otherwise—give written approval for the person to 29  
 become the chancellor, vice-chancellor or president 30  
 despite the conviction. 31

‘(3) On the day the person receives a notice under subsection (2)(a)—	1 2
(a) the person is restored as the chancellor, vice-chancellor or president; and	3 4
(b) if another person has been elected or appointed to fill the vacancy—the other person’s term of office ends.	5 6
‘(4) If a person is restored as the chancellor, vice-chancellor or president under subsection (3), the person’s term of office as the chancellor, vice-chancellor or president ends when it would have ended if the person had not been convicted of the offence.	7 8 9 10 11
<b>‘40D Council may remove chancellor, vice-chancellor or president from office</b>	12 13
‘(1) The council may remove the chancellor, vice-chancellor or president from office if at least 10 members are satisfied the chancellor, vice-chancellor or president has not complied with—	14 15 16 17
(a) section 26A(2); <sup>3</sup> or	18
(b) a conduct obligation.	19
‘(2) If the council decides to remove the chancellor, vice-chancellor or president from office under subsection (1), the council must as soon as practicable give the chancellor, vice-chancellor or president notice of the decision and the reasons for it.	20 21 22 23 24
‘(3) The chancellor’s, vice-chancellor’s or president’s term of office ends on the later of the following—	25 26
(a) the day he or she receives the notice;	27
(b) the day, if any, stated in the notice for that purpose.	28

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3 Section 26A (Member’s function, and obligations about function)

<b>'40E</b>	<b>Particular matters about removal of vice-chancellor</b>	1
	'(1) The council may remove the vice-chancellor from office under section 40D despite the vice-chancellor's terms of appointment.	2 3 4
	'(2) If the council removes the vice-chancellor from office under section 40D—	5 6
	(a) the removal does not affect the vice-chancellor's right to claim compensation or other entitlements under his or her terms of appointment applying when the appointment ends; and	7 8 9 10
	(b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—	11 12 13
	(i) the appointment had been ended as permitted under the terms of appointment; or	14 15
	(ii) his or her term of office had ended.	16
<b>'40F</b>	<b>Vacation of office</b>	17
	'(1) The office of the chancellor, vice-chancellor or president becomes vacant if he or she—	18 19
	(a) can not continue as the chancellor, vice-chancellor or president under section 40C; or	20 21
	(b) is removed from office under section 40D.	22
	'(2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.'	23 24 25
<b>Clause 23</b>	<b>Amendment of s 57 (Making of university statutes)</b>	26
	(1) Section 57(2)(e)—	27
	<i>omit.</i>	28
	(2) Section 57(2)(f), after 'members'—	29
	<i>insert—</i>	30
	', including the voting rights of part-time academic staff and part-time general staff'.	31 32

	(3) Section 57(2)—	1
	<i>insert</i> —	2
	‘(fa) the process for removing a person from office under section 26B or 40D; <sup>4</sup>	3 4
	(fb) the spending of funds under a delegation under section 11(3);’.	5 6
	(4) Section 57(2)(f) to (j)—	7
	<i>renumber</i> as section 57(2)(e) to (k).	8
<b>Clause 24</b>	<b>Amendment of s 61 (Forming and taking part in corporations)</b>	9 10
	Section 61(1), ‘include’—	11
	<i>omit, insert</i> —	12
	‘include any of’.	13
<b>Clause 25</b>	<b>Insertion of new ss 62A–62C</b>	14
	After section 62—	15
	<i>insert</i> —	16
	<b>‘62A Protection from liability</b>	17
	‘(1) A member is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.	18 19 20
	‘(2) If subsection (1) prevents a civil liability attaching to a member, the liability attaches instead to the university.	21 22
	<b>‘62B Report about person’s criminal history</b>	23
	‘(1) To decide whether to recommend to the Governor in Council a person for appointment under section 14(2) as an appointed member, the Minister may ask the commissioner of the police service for—	24 25 26 27

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4 Section 26B (Council may remove member from office) or 40D (Council may remove chancellor, vice-chancellor or president from office)

*University Legislation Amendment Bill 2005*

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(a) a written report about the person’s criminal history; and	1
(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	2 3
‘(2) To decide whether a person is eligible to be the chancellor, vice-chancellor or president, or an elected or additional member, the council may ask the commissioner of the police service for—	4 5 6 7
(a) a written report about the person’s criminal history; and	8
(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	9 10
‘(3) The commissioner of the police service must comply with a request under subsection (1) or (2).	11 12
‘(4) However, the Minister or council may make a request about a person under subsection (1) or (2) only if the person has given the Minister or council written consent for the request.	13 14 15
‘(5) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access.	16 17 18 19
‘(6) The Minister or council must ensure that a report given to the Minister or council under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.	20 21 22 23
‘(7) In this section—	24
<i>criminal history</i> , of a person, means the person’s criminal history as defined under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than spent convictions.	25 26 27
<b>‘62C Delegation by Minister</b>	28
‘The Minister may delegate the Minister’s power under section 62B(1) to an appropriately qualified officer of the department.’.	29 30 31

<b>Clause 26</b>	<b>Insertion of new pt 8, div 2</b>	1
	Part 8, after section 78—	2
	<i>insert—</i>	3
<b>‘Division 2</b>	<b>Transitional provisions for the University Legislation Amendment Act 2005</b>	4 5 6
<b>‘Subdivision 1</b>	<b>Preliminary</b>	7
<b>‘79</b>	<b>Definitions for div 2</b>	8
	‘In this division—	9
	<i>commencement</i> means the commencement of the provision in which the term is used.	10 11
	<i>new additional members</i> see section 85.	12
	<i>new appointed members</i> see section 81(2).	13
	<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>University Legislation Amendment Act 2005</i> , part 2.	14 15 16
<b>‘Subdivision 2</b>	<b>Provisions about council membership</b>	17 18
<b>‘80</b>	<b>Continuation of official members</b>	19
	‘Despite section 13, a person who was an official member under section 13(2)(c) or (e) of the pre-amended Act continues as an official member until the new appointed members’ terms of office start.	20 21 22 23
<b>‘81</b>	<b>Appointment of new appointed members</b>	24
	‘(1) The Minister must, within 1 year after the commencement, recommend to the Governor in Council 5 persons for appointment, under section 14(2), as appointed members.	25 26 27



	‘(2) The Governor in Council may appoint the persons as appointed members (the <i>new appointed members</i> ).	1 2
<b>‘82</b>	<b>Continuation, and term of office, of appointed members</b>	3 4
	‘(1) This section applies to a person who was an appointed member immediately before the commencement.	5 6
	‘(2) Despite section 14(1), the person continues as an appointed member until—	7 8
	(a) the person’s term of office ends under subsection (3); or	9
	(b) the person’s office sooner becomes vacant.	10
	‘(3) Despite section 18, the person’s term of office ends when the new appointed members’ terms of office start.	11 12
<b>‘83</b>	<b>Continuation of elected members</b>	13
	‘(1) This section applies to a person who was an elected member immediately before the commencement.	14 15
	‘(2) Despite section 15(1) and (2), the person continues as an elected member until—	16 17
	(a) the person’s term of office ends under section 84; or	18
	(b) the person’s office sooner becomes vacant.	19
	‘(3) Despite section 19(1) and (2), the person’s term of office is 3 years.	20 21
<b>‘84</b>	<b>Ballot, and term of office, for elected members</b>	22
	‘(1) At least 14 days before the new appointed members are appointed, a ballot under section 15(3) of the post-amended Act must be conducted for elected members.	23 24 25
	‘(2) Subsection (3) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(a) of the pre-amended Act.	26 27 28
	‘(3) The person’s term of office ends when the elected member mentioned in section 15(2)(a) of the post-amended Act is elected under the ballot.	29 30 31

*University Legislation Amendment Bill 2005*

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- ‘(4) Subsection (5) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(b) of the pre-amended Act. 1  
2  
3
- ‘(5) The person’s term of office ends when the elected member mentioned in section 15(2)(b) of the post-amended Act is elected under the ballot. 4  
5  
6
- ‘(6) Subsection (7) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(c) of the pre-amended Act. 7  
8  
9
- ‘(7) The person’s term of office ends when the elected member mentioned in section 15(2)(c) of the post-amended Act is elected under the ballot. 10  
11  
12
- ‘(8) Subsection (9) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(d) of the pre-amended Act. 13  
14  
15
- ‘(9) The person’s term of office ends when the new additional members’ terms of office start. 16  
17
- ‘(10) A person is taken to be elected under the ballot when the new appointed members’ terms of office start. 18  
19
- ‘(11) Despite section 19(3), the term of office of a person elected under the ballot starts when the new appointed members’ terms of office start. 20  
21  
22
- ‘(12) Subsections (3), (5), (7) and (9) apply despite section 83(3). 23
- ‘(13) In this section— 24  
*post-amended Act* means this Act as in force after the commencement of the *University Legislation Amendment Act 2005*, part 2. 25  
26  
27
- ‘85 Appointment of new additional members 28**
- ‘The council must, within 1 year after the commencement, appoint 4 persons as additional members (the *new additional members*) under section 16. 29  
30  
31

<b>'86</b>	<b>Continuation, and term of office, of additional members</b>	1 2
	'(1) A person who was an additional member immediately before the commencement continues as an additional member until—	3 4 5
	(a) the person's term of office ends under subsection (2); or	6
	(b) the person's office sooner becomes vacant.	7
	'(2) Despite section 20, the person's term of office ends when the new additional members' terms of office start.	8 9
<b>'87</b>	<b>Council need not include additional members</b>	10
	'Despite section 12, the council need not include additional members before the new additional members' terms of office start.	11 12 13
<b>'88</b>	<b>Dealing with casual vacancy in office of elected member</b>	14 15
	'(1) This section applies if a casual vacancy arises in the office of an elected member after the commencement and before the ballot mentioned in section 84(1) is conducted.	16 17 18
	'(2) For appointing or electing a person to the office, the pre-amended Act continues to apply as if the <i>University Legislation Amendment Act 2005</i> , part 2, had not commenced.	19 20 21
<b>'Subdivision 3</b>	<b>Constitution of council</b>	22
<b>'89</b>	<b>Constitution of council</b>	23
	'(1) This section applies until the new appointed members' terms of office start.	24 25
	'(2) Despite section 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.'	26 27 28

<b>Clause 27</b>	<b>Amendment of sch 2 (Dictionary)</b>	1
	(1) Schedule 2, definition <i>indictable offence</i> —	2
	<i>omit.</i>	3
	(2) Schedule 2—	4
	<i>insert</i> —	5
	<i>‘commencement</i> , for part 8, division 2, see section 79.	6
	<i>commencing day</i> , for part 8, division 1, see section 66.	7
	<i>conduct obligation</i> , in relation to a member, means an obligation that—	8
		9
	(a) is stated in the university’s approved code of conduct under the <i>Public Sector Ethics Act 1994</i> ; and	10
		11
	(b) must be complied with by the member.	12
	<i>continuing corporation</i> , for part 8, division 1, see section 66.	13
	<i>conviction</i> means a conviction other than a spent conviction.	14
	<i>former corporation</i> , for part 8, division 1, see section 66.	15
	<i>indictable offence</i> includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, <sup>5</sup> applies to the indictable offence.	16
		17
		18
	<i>new additional members</i> , for part 8, division 2, see section 79.	19
		20
	<i>new appointed members</i> , for part 8, division 2, see section 79.	21
	<i>notice</i> means written notice.	22
	<i>pre-amended Act</i> , for part 8, division 2, see section 79.	23
	<i>president</i> means the president of the academic board.	24
	<i>previous council</i> , for part 8, division 1, see section 66.	25
	<i>repealed Act</i> , for part 8, division 1, see section 66.	26
	<i>spent conviction</i> means a conviction—	27

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5 Criminal Code, section 659 (Effect of summary conviction for indictable offences)

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11<sup>6</sup> of that Act.
- union*, for part 8, division 1, see section 66.’.

	<b>Part 3</b>	7
	<b>Amendment of Griffith University Act 1998</b>	8
<b>Clause 28</b>	<b>Act amended in pt 3</b>	9
	This part amends the <i>Griffith University Act 1998</i> .	10
<b>Clause 29</b>	<b>Replacement of ss 12 and 13</b>	11
	Sections 12 and 13—	12
	<i>omit, insert—</i>	13
<b>‘12</b>	<b>Membership of council</b>	14
	‘The council consists of official members, appointed members, elected members and additional members.	15 16
<b>‘13</b>	<b>Official members</b>	17
	‘(1) There are 2 official members.	18
	‘(2) The official members are—	19
	(a) the chancellor; and	20
	(b) the vice-chancellor.’.	21

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<sup>6</sup> *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)



<b>Clause 32</b>	<b>Replacement of s 16 (Additional members)</b>	1
	Section 16—	2
	<i>omit, insert—</i>	3
<b>'16</b>	<b>Additional members</b>	4
	'(1) There are 4 additional members.	5
	'(2) The council must appoint the additional members.	6
	'(3) The council must appoint at least 2 graduates of the university as additional members.	7 8
	'(4) An additional member must not be a student or a member of the university's academic staff or general staff.'	9 10
<b>Clause 33</b>	<b>Amendment of s 17 (When council is taken to be properly constituted)</b>	11 12
	Section 17, '15'—	13
	<i>omit, insert—</i>	14
	'11'.	15
<b>Clause 34</b>	<b>Amendment of s 18 (Appointed member's term of office)</b>	16
	Section 18, '3 years'—	17
	<i>omit, insert—</i>	18
	'4 years'.	19
<b>Clause 35</b>	<b>Amendment of s 19 (Elected member's term of office)</b>	20
	Section 19(1) and (2)—	21
	<i>omit, insert—</i>	22
	'(1) An elected member mentioned in section 15(2)(a) or (b) holds office for 4 years.	23 24
	'(2) An elected member mentioned in section 15(2)(c) or (d) holds office for 2 years.'	25 26

<b>Clause 36</b>	<b>Replacement of s 20 (Additional member's term of office)</b>	1
	Section 20—	2
	<i>omit, insert—</i>	3
<b>'20</b>	<b>Additional member's term of office</b>	4
	'An additional member is to be appointed for a term of not more than 4 years decided by the council.'	5 6
<b>Clause 37</b>	<b>Replacement of s 23 (Ineligibility for membership of council)</b>	7 8
	Section 23—	9
	<i>omit, insert—</i>	10
<b>'23</b>	<b>Ineligibility for membership of council</b>	11
	'(1) A person is not eligible to become an elected, appointed or additional member if—	12 13
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; <sup>7</sup> or	14 15
	(b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a).	16 17 18
	'(2) Also, a person is not eligible to be elected or appointed as an elected, appointed or additional member if the person's election or appointment as the member would result in the person being a member for 12 years or more, whether continuously or not.	19 20 21 22 23
	'(3) Subsection (2) does not apply to a person if a majority of members agree the person may be elected or appointed as an elected, appointed or additional member.	24 25 26
	'(4) Subsection (1)(b) is subject to sections 25 and 26.'	27
<b>Clause 38</b>	<b>Amendment of s 24 (Vacation of office)</b>	28
	(1) Section 24(1)(f) and (g)—	29
	<i>omit, insert—</i>	30

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<sup>7</sup> Corporations Act, part 2D.6 (Disqualification from managing corporations)



- ‘(f) the member is removed from office under section 26B;  
or
- (g) the member is disqualified from managing corporations  
under the Corporations Act, part 2D.6; or
- (h) the member is convicted of an indictable offence, other  
than an offence in relation to which the member’s office  
becomes vacant under paragraph (g).’.
- (2) Section 24(2)—  
*omit, insert—*
- ‘(2) Subsection (1)(h) is subject to sections 25 and 26.’.

**Clause 39 Insertion of new pt 2, divs 3A and 3B**

After section 26—  
*insert—*

**‘Division 3A Members’ function, and removing  
elected, appointed and additional  
members from office**

**‘26A Member’s function, and obligations about function**

- ‘(1) A member has the function of ensuring the council performs  
its functions and exercises its powers appropriately,  
effectively and efficiently.
- ‘(2) In performing the function, a member—
- (a) must act honestly and in the best interests of the  
university; and
- (b) must exercise reasonable skill, care and diligence; and
- (c) must disclose to the council any conflict that may arise  
between the member’s personal interests and the  
interests of the university; and
- (d) must not make improper use of his or her position as a  
member, or of information acquired because of his or  
her position as a member, to gain, directly or indirectly,  
an advantage for the member or another person.

<b>‘26B Council may remove member from office</b>	1
‘(1) The council may remove an elected, appointed or additional member from office if at least 12 members are satisfied the member has not complied with—	2 3 4
(a) section 26A(2); or	5
(b) a conduct obligation.	6
‘(2) If the council decides to remove a member from office under subsection (1), the council must as soon as practicable—	7 8
(a) give the member notice of the decision and the reasons for it; and	9 10
(b) if the member is an appointed member—give the Minister a copy of the notice.	11 12
‘(3) If the council gives a member a notice under subsection (2)(a), the member’s term of office ends on the later of the following—	13 14 15
(a) the day the member receives the notice;	16
(b) the day, if any, stated in the notice for that purpose.	17
‘(4) The council’s power to remove an appointed member from office under this section does not limit the Governor in Council’s powers under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (iii). <sup>8</sup>	18 19 20 21
<b>‘Division 3B Extending terms of office</b>	22
<b>‘26C Minister may extend terms of office</b>	23
‘(1) The Minister may, by notice given to the council, extend the terms of office of elected, appointed and additional members for not more than 1 year if the Minister is satisfied the extension—	24 25 26 27
(a) is in the best interests of the university; and	28

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8 *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

*University Legislation Amendment Bill 2005*

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- (b) is necessary for the council to perform its functions and  
exercise its powers appropriately, effectively and  
efficiently. 1  
2  
3
- ‘(2) If the Minister acts under subsection (1), the Minister must  
extend, by the same amount, the terms of office of all elected,  
appointed and additional members. 4  
5  
6
- ‘(3) The extension applies only to members holding office when  
the notice is given under subsection (1). 7  
8
- ‘(4) This section— 9
- (a) does not allow the Minister to extend the terms of office  
of the members for more than 1 year by again acting  
under subsection (1); and 10  
11  
12
- (b) applies despite sections 18, 19(1) and (2) and 20.’. 13

- Clause 40 Amendment of s 30 (Chancellor)** 14
- (1) Section 30(4)— 15  
*renumber* as section 30(5). 16
- (2) Section 30— 17  
*insert*— 18
- ‘(4) The person elected must not be a student or a member of the  
university’s academic staff or general staff.’. 19  
20

- Clause 41 Amendment of s 31 (Deputy chancellor)** 21
- Section 31(3), ‘3 years’— 22  
*omit, insert*— 23  
‘4 years’. 24

- Clause 42 Insertion of new pt 3, div 2** 25
- Part 3, after section 32— 26  
*insert*— 27

<b>‘Division 2</b>	<b>Matters about disqualification or removal from office</b>	1 2
<b>‘32A</b>	<b>Disqualification from office</b>	3
‘(1)	A person can not become, or continue as, the chancellor or vice-chancellor if—	4 5
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or	6 7
	(b) subject to subsections (2) to (4), the person has a conviction for an indictable offence other than an offence in relation to which the person is disqualified from office under paragraph (a).	8 9 10 11
‘(2)	If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in subsection (1)(b) of which the person has been convicted, the council may—	12 13 14 15
	(a) if the person was the chancellor or vice-chancellor when convicted—give notice to the person that the person—	16 17
	(i) is restored as the chancellor or vice-chancellor; and	18
	(ii) may be later re-elected or reappointed, despite the conviction; or	19 20
	(b) otherwise—give written approval for the person to become the chancellor or vice-chancellor despite the conviction.	21 22 23
‘(3)	On the day the person receives a notice under subsection (2)(a)—	24 25
	(a) the person is restored as the chancellor or vice-chancellor; and	26 27
	(b) if another person has been elected or appointed to fill the vacancy—the other person’s term of office ends.	28 29
‘(4)	If a person is restored as the chancellor or vice-chancellor under subsection (3), the person’s term of office as the chancellor or vice-chancellor ends when it would have ended if the person had not been convicted of the offence.	30 31 32 33

<b>‘32B Council may remove chancellor or vice-chancellor from office</b>	1
	2
‘(1) The council may remove the chancellor or vice-chancellor from office if at least 12 members are satisfied the chancellor or vice-chancellor has not complied with—	3
	4
	5
(a) section 26A(2); <sup>9</sup> or	6
(b) a conduct obligation.	7
‘(2) If the council decides to remove the chancellor or vice-chancellor from office under subsection (1), the council must as soon as practicable give the chancellor or vice-chancellor notice of the decision and the reasons for it.	8
	9
	10
	11
‘(3) The chancellor’s or vice-chancellor’s term of office ends on the later of the following—	12
	13
(a) the day he or she receives the notice;	14
(b) the day, if any, stated in the notice for that purpose.	15
<b>‘32C Particular matters about removal of vice-chancellor</b>	16
‘(1) The council may remove the vice-chancellor from office under section 32B despite the vice-chancellor’s terms of appointment.	17
	18
	19
‘(2) If the council removes the vice-chancellor from office under section 32B—	20
	21
(a) the removal does not affect the vice-chancellor’s right to claim compensation or other entitlements under his or her terms of appointment applying when the appointment ends; and	22
	23
	24
	25
(b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—	26
	27
	28
(i) the appointment had been ended as permitted under the terms of appointment; or	29
	30
(ii) his or her term of office had ended.	31

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9 Section 26A (Member’s function, and obligations about function)

<b>'32D</b>	<b>Vacation of office</b>	1
	'(1) The office of the chancellor or vice-chancellor becomes vacant if he or she—	2 3
	(a) can not continue as the chancellor or vice-chancellor under section 32A; or	4 5
	(b) is removed from office under section 32B.	6
	'(2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.'	7 8 9
<b>Clause 43</b>	<b>Amendment of s 61 (Making of university statutes)</b>	10
	(1) Section 61(2)(g) to (i)—	11
	<i>renumber</i> as section 61(2)(h) to (j).	12
	(2) Section 61(2)—	13
	<i>insert</i> —	14
	'(g) the process for removing a person from office under section 26B or 32B; <sup>10</sup> .'	15 16
<b>Clause 44</b>	<b>Amendment of s 65 (Forming and taking part in corporations)</b>	17 18
	Section 65(1), 'include'—	19
	<i>omit, insert</i> —	20
	'include any of'.	21
<b>Clause 45</b>	<b>Insertion of new ss 66A–66C</b>	22
	After section 66—	23
	<i>insert</i> —	24

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10 Section 26B (Council may remove member from office) or 32B (Council may remove chancellor or vice-chancellor from office)

<b>'66A</b>	<b>Protection from liability</b>	1
'(1)	A member is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.	2 3 4
'(2)	If subsection (1) prevents a civil liability attaching to a member, the liability attaches instead to the university.	5 6
<b>'66B</b>	<b>Report about person's criminal history</b>	7
'(1)	To decide whether to recommend to the Governor in Council a person for appointment under section 14(2) as an appointed member, the Minister may ask the commissioner of the police service for—	8 9 10 11
	(a) a written report about the person's criminal history; and	12
	(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	13 14
'(2)	To decide whether a person is eligible to be the chancellor or vice-chancellor, or an elected or additional member, the council may ask the commissioner of the police service for—	15 16 17
	(a) a written report about the person's criminal history; and	18
	(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	19 20
'(3)	The commissioner of the police service must comply with a request under subsection (1) or (2).	21 22
'(4)	However, the Minister or council may make a request about a person under subsection (1) or (2) only if the person has given the Minister or council written consent for the request.	23 24 25
'(5)	The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner's possession or to which the commissioner has access.	26 27 28 29
'(6)	The Minister or council must ensure that a report given to the Minister or council under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.	30 31 32 33

	‘(7) In this section—	1
	<i>criminal history</i> , of a person, means the person’s criminal history as defined under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than spent convictions.	2 3 4
	<b>‘66C Delegation by Minister</b>	5
	‘The Minister may delegate the Minister’s power under section 66B(1) to an appropriately qualified officer of the department.’.	6 7 8
<b>Clause 46</b>	<b>Amendment of pt 8 (Transitional provisions for Education (Miscellaneous Amendments) Act 2002)</b>	9 10
	(1) Part 8, heading—	11
	<i>omit, insert—</i>	12
	<b>‘Part 8 Transitional provisions’.</b>	13
	(2) Part 8, division 1, heading—	14
	<i>omit, insert—</i>	15
	<b>‘Division 1 Transitional provisions for the Education (Miscellaneous Amendments) Act 2002</b>	16 17 18
	<b>‘Subdivision 1 Preliminary’.</b>	19
	(3) Part 8, division 2, heading—	20
	<i>omit, insert—</i>	21
	<b>‘Subdivision 2 Provisions about the council’.</b>	22
	(4) Part 8, division 3, heading—	23
	<i>omit, insert—</i>	24
	<b>‘Subdivision 3 Provisions about Gold Coast student body’.</b>	25 26



	(5) Part 8, division 4, heading—	1
	<i>omit, insert—</i>	2
	<b>‘Subdivision 4 Provision about colleges’.</b>	3
<b>Clause 47</b>	<b>Insertion of new pt 8, div 2</b>	4
	Part 8, after section 80—	5
	<i>insert—</i>	6
	<b>‘Division 2 Transitional provisions for the University Legislation Amendment Act 2005</b>	7 8 9
	<b>‘Subdivision 1 Preliminary</b>	10
<b>‘81</b>	<b>Definitions for div 2</b>	11
	‘In this division—	12
	<i>commencement</i> means the commencement of the provision in which the term is used.	13 14
	<i>new additional members</i> see section 87.	15
	<i>new appointed members</i> see section 83(2).	16
	<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>University Legislation Amendment Act 2005</i> , part 3.	17 18 19
	<b>‘Subdivision 2 Provisions about council membership</b>	20 21
<b>‘82</b>	<b>Continuation of official member</b>	22
	‘Despite section 13, a person who was an official member under section 13(2)(c) of the pre-amended Act continues as an official member until the new appointed members’ terms of office start.	23 24 25 26

<b>'83</b>	<b>Appointment of new appointed members</b>	1
	'(1) The Minister must, within 1 year after the commencement,	2
	recommend to the Governor in Council 7 persons for	3
	appointment, under section 14(2), as appointed members.	4
	'(2) The Governor in Council may appoint the persons as	5
	appointed members (the <i>new appointed members</i> ).	6
<b>'84</b>	<b>Continuation, and term of office, of appointed members</b>	7
		8
	'(1) This section applies to a person who was an appointed	9
	member immediately before the commencement.	10
	'(2) Despite section 14(1), the person continues as an appointed	11
	member until—	12
	(a) the person's term of office ends under subsection (3); or	13
	(b) the person's office sooner becomes vacant.	14
	'(3) Despite section 18, the person's term of office ends when the	15
	new appointed members' terms of office start.	16
<b>'85</b>	<b>Continuation of elected members</b>	17
	'(1) This section applies to a person who was an elected member	18
	immediately before the commencement.	19
	'(2) Despite section 15(1) and (2), the person continues as an	20
	elected member until—	21
	(a) the person's term of office ends under section 86; or	22
	(b) the person's office sooner becomes vacant.	23
	'(3) Despite section 19(1) and (2), the person's term of office is	24
	3 years.	25
<b>'86</b>	<b>Ballot, and term of office, for elected members</b>	26
	'(1) At least 14 days before the new appointed members are	27
	appointed, a ballot under section 15(3) of the post-amended	28
	Act must be conducted for elected members.	29

*University Legislation Amendment Bill 2005*

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- ‘(2) Subsection (3) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(a) of the pre-amended Act. 1  
2  
3
- ‘(3) The person’s term of office ends when the elected members mentioned in section 15(2)(a) of the post-amended Act are elected under the ballot. 4  
5  
6
- ‘(4) Subsection (5) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(b) of the pre-amended Act. 7  
8  
9
- ‘(5) The person’s term of office ends when the elected member mentioned in section 15(2)(b) of the post-amended Act is elected under the ballot. 10  
11  
12
- ‘(6) Subsection (7) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(c) of the pre-amended Act. 13  
14  
15
- ‘(7) The person’s term of office ends when the elected member mentioned in section 15(2)(c) of the post-amended Act is elected under the ballot. 16  
17  
18
- ‘(8) Subsection (9) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(d) of the pre-amended Act. 19  
20  
21
- ‘(9) The person’s term of office ends when the new additional members’ terms of office start. 22  
23
- ‘(10) A person is taken to be elected under the ballot when the new appointed members’ terms of office start. 24  
25
- ‘(11) Despite section 19(3), the term of office of a person elected under the ballot starts when the new appointed members’ terms of office start. 26  
27  
28
- ‘(12) Subsections (3), (5), (7) and (9) apply despite section 85(3). 29
- ‘(13) In this section— 30
- post-amended Act* means this Act as in force after the commencement of the *University Legislation Amendment Act 2005*, part 3. 31  
32  
33

<b>'87</b>	<b>Appointment of new additional members</b>	1
	'The council must, within 1 year after the commencement,	2
	appoint 4 persons as additional members (the <i>new additional</i>	3
	<i>members</i> ) under section 16.	4
<b>'88</b>	<b>Continuation, and term of office, of additional members</b>	5
		6
	'(1) A person who was an additional member immediately before	7
	the commencement continues as an additional member	8
	until—	9
	(a) the person's term of office ends under subsection (2); or	10
	(b) the person's office sooner becomes vacant.	11
	'(2) Despite section 20, the person's term of office ends when the	12
	new additional members' terms of office start.	13
<b>'89</b>	<b>Council need not include additional members</b>	14
	'Despite section 12, the council need not include additional	15
	members before the new additional members' terms of office	16
	start.	17
<b>'90</b>	<b>Dealing with casual vacancy in office of elected member</b>	18
		19
	'(1) This section applies if a casual vacancy arises in the office of	20
	an elected member after the commencement and before the	21
	ballot mentioned in section 86(1) is conducted.	22
	'(2) For appointing or electing a person to the office, the	23
	pre-amended Act continues to apply as if the <i>University</i>	24
	<i>Legislation Amendment Act 2005</i> , part 3, had not commenced.	25
<b>'Subdivision 3</b>	<b>Constitution of council</b>	26
<b>'91</b>	<b>Constitution of council</b>	27
	'(1) This section applies until the new appointed members' terms	28
	of office start.	29

‘(2) Despite section 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.’.

<b>Clause 48</b>	<b>Amendment of sch 2 (Dictionary)</b>	4
	(1) Schedule 2, definition <i>indictable offence</i> —	5
	<i>omit.</i>	6
	(2) Schedule 2—	7
	<i>insert</i> —	8
	‘ <i>college</i> , for part 8, division 1, see section 70.	9
	<i>commencement</i> —	10
	(a) for part 8, division 1, see section 70; and	11
	(b) for part 8, division 2, see section 81.	12
	<i>conduct obligation</i> , in relation to a member, means an obligation that—	13
	(a) is stated in the university’s approved code of conduct under the <i>Public Sector Ethics Act 1994</i> ; and	15
	(b) must be complied with by the member.	17
	<i>conviction</i> means a conviction other than a spent conviction.	18
	<i>Gold Coast college</i> , for part 8, division 1, see section 70.	19
	<i>Gold Coast student body</i> , for part 8, division 1, see section 70.	20
	<i>indictable offence</i> includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, <sup>11</sup> applies to the indictable offence.	21
	<i>new additional members</i> , for part 8, division 2, see section 81.	24
	<i>new appointed members</i> , for part 8, division 2, see section 81.	26
	<i>notice</i> means written notice.	27
	<i>pre-amended Act</i> —	28
	(a) for part 8, division 1, see section 70; and	29

11 Criminal Code, section 659 (Effect of summary conviction for indictable offence)

- (b) for part 8, division 2, see section 81. 1
- spent conviction* means a conviction— 2
- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired 3  
under that Act; and 4  
5
- (b) that is not revived as prescribed by section 11<sup>12</sup> of that 6  
Act.’. 7

**Part 4** **Amendment of James Cook University Act 1997** 8  
9

**Clause 49 Act amended in pt 4** 10  
This part amends the *James Cook University Act 1997*. 11

**Clause 50 Amendment of s 11 (Delegation)** 12  
Section 11— 13  
*insert*— 14

‘(3) Despite subsection (2)(c), the council may delegate its power 15  
to approve spending of funds available to the university by 16  
way of bequest, donation or special grant if— 17

(a) the expenditure is for a matter funded by bequest, 18  
donation or special grant; and 19

(b) the amount of expenditure for the matter is not more 20  
than \$100 000.’. 21

**Clause 51 Replacement of ss 12 and 13** 22  
Sections 12 and 13— 23  
*omit, insert*— 24

12 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)

<b>'12</b>	<b>Membership of council</b>	1
	'The council consists of official members, appointed members, elected members and an additional member.'	2 3
<b>'13</b>	<b>Official members</b>	4
	'(1) There are 3 official members.'	5
	'(2) The official members are—	6
	(a) the chancellor; and	7
	(b) the vice-chancellor; and	8
	(c) the chairperson of the academic board.'	9
<b>Clause 52</b>	<b>Amendment of s 14 (Appointed members)</b>	10
	Section 14(1), '9'—	11
	<i>omit, insert—</i>	12
	'8'.	13
<b>Clause 53</b>	<b>Amendment of s 15 (Elected members)</b>	14
	(1) Section 15(2)(b) and (3)(b), 'full-time'—	15
	<i>omit.</i>	16
	(2) Section 15(2)(c) and (d)—	17
	<i>omit, insert—</i>	18
	'(c) 1 undergraduate student; and	19
	(d) 1 postgraduate student; and	20
	(e) 1 undergraduate or postgraduate student; and	21
	(f) 2 members of the convocation, other than persons eligible for membership under paragraph (a), (b), (c), (d) or (e).'	22 23 24
	(3) Section 15(3)(c) and (d)—	25
	<i>omit, insert—</i>	26
	'(c) for an elected member mentioned in subsection (2)(c), (d) or (e)—all the students may vote; or	27 28

*University Legislation Amendment Bill 2005*

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(d) for an elected member mentioned in subsection (2)(f)—all the members of the convocation may vote.’ 1  
2  
3

(4) Section 15(4)(a), ‘subsection (2)(c)’— 4  
*omit, insert—* 5  
‘subsection (2)(c), (d) or (e)’ 6

(5) Section 15(4)(b), ‘subsection (2)(d)’— 7  
*omit, insert—* 8  
‘subsection (2)(f)’ 9

**Clause 54 Replacement of s 16 (Additional members)** 10

Section 16— 11  
*omit, insert—* 12

**‘16 Additional member** 13

‘(1) There is 1 additional member. 14  
‘(2) The council must appoint the additional member. 15  
‘(3) The additional member must not be a student or a member of 16  
the university’s academic staff or general staff.’ 17

**Clause 55 Amendment of s 17 (When council is taken to be properly constituted)** 18  
19

Section 17, ‘15’— 20  
*omit, insert—* 21  
‘12’. 22

**Clause 56 Amendment of s 18 (Appointed member’s term of office)** 23

Section 18, ‘3 years’— 24  
*omit, insert—* 25  
‘4 years’. 26



<b>Clause 57</b>	<b>Amendment of s 19 (Elected member's term of office)</b>	1
	(1) Section 19(1)—	2
	<i>omit, insert—</i>	3
	'(1) An elected member mentioned in section 15(2)(a), (b) or (f) holds office for 4 years.	4
		5
	'(1A) An elected member mentioned in section 15(2)(c), (d) or (e) holds office for 2 years.'	6
		7
	(2) Section 19(1A) and (2)—	8
	<i>renumber</i> as section 19(2) and (3).	9
<b>Clause 58</b>	<b>Replacement of s 20 (Additional member's term of office)</b>	10
	Section 20—	11
	<i>omit, insert—</i>	12
<b>'20</b>	<b>Additional member's term of office</b>	13
	'The additional member is to be appointed for a term of not more than 4 years decided by the council.'	14
		15
<b>Clause 59</b>	<b>Amendment of s 20A (Dealing with casual vacancy in office of an elected member)</b>	16
		17
	Section 20A(7), definition <i>member of the convocation</i> , '(b) or (c)'—	18
		19
	<i>omit, insert—</i>	20
	'(b), (c), (d) or (e).'	21
<b>Clause 60</b>	<b>Replacement of s 23 (Ineligibility for membership of council)</b>	22
		23
	Section 23—	24
	<i>omit, insert—</i>	25
<b>'23</b>	<b>Ineligibility for membership of council</b>	26
	'(1) A person is not eligible to become an elected, appointed or additional member if—	27
		28

- (a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6;<sup>13</sup> or 1  
2
- (b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a). 3  
4  
5
- ‘(2) Also, a person is not eligible to be elected or appointed as an elected, appointed or additional member if the person’s election or appointment as the member would result in the person being a member for 12 years or more, whether continuously or not. 6  
7  
8  
9  
10
- ‘(3) Subsection (2) does not apply to a person if a majority of members agree the person may be elected or appointed as an elected, appointed or additional member. 11  
12  
13
- ‘(4) Subsection (1)(b) is subject to sections 25 and 26.’. 14

**Clause 61 Amendment of s 24 (Vacation of office) 15**

- (1) Section 24(1)(f) and (g)— 16  
*omit, insert—* 17
- ‘(f) the member is removed from office under section 26B; or 18  
19
- (g) the member is disqualified from managing corporations under the Corporations Act, part 2D.6; or 20  
21
- (h) the member is convicted of an indictable offence, other than an offence in relation to which the member’s office becomes vacant under paragraph (g).’ 22  
23  
24
- (2) Section 24(2)— 25  
*omit, insert—* 26
- ‘(2) Subsection (1)(h) is subject to sections 25 and 26.’. 27

**Clause 62 Insertion of new pt 2, divs 3A and 3B 28**

- After section 26— 29  
*insert—* 30

13 Corporations Act, part 2D.6 (Disqualification from managing corporations)

<b>‘Division 3A</b>	<b>Members’ function, and removing elected, appointed and additional members from office</b>	1 2 3
<b>‘26A</b>	<b>Member’s function, and obligations about function</b>	4
‘(1)	A member has the function of ensuring the council performs its functions and exercises its powers appropriately, effectively and efficiently.	5 6 7
‘(2)	In performing the function, a member—	8
(a)	must act honestly and in the best interests of the university; and	9 10
(b)	must exercise reasonable skill, care and diligence; and	11
(c)	must disclose to the council any conflict that may arise between the member’s personal interests and the interests of the university; and	12 13 14
(d)	must not make improper use of his or her position as a member, or of information acquired because of his or her position as a member, to gain, directly or indirectly, an advantage for the member or another person.	15 16 17 18
<b>‘26B</b>	<b>Council may remove member from office</b>	19
‘(1)	The council may remove an elected, appointed or additional member from office if at least 15 members are satisfied the member has not complied with—	20 21 22
(a)	section 26A(2); or	23
(b)	a conduct obligation.	24
‘(2)	If the council decides to remove a member from office under subsection (1), the council must as soon as practicable—	25 26
(a)	give the member notice of the decision and the reasons for it; and	27 28
(b)	if the member is an appointed member—give the Minister a copy of the notice.	29 30

‘(3) If the council gives a member a notice under subsection (2)(a), the member’s term of office ends on the later of the following—	1 2 3
(a) the day the member receives the notice;	4
(b) the day, if any, stated in the notice for that purpose.	5
‘(4) The council’s power to remove an appointed member from office under this section does not limit the Governor in Council’s powers under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (iii). <sup>14</sup>	6 7 8 9
<b>‘Division 3B            Extending terms of office</b>	10
<b>‘26C    Minister may extend terms of office</b>	11
‘(1) The Minister may, by notice given to the council, extend the terms of office of the elected, appointed and additional members for not more than 1 year if the Minister is satisfied the extension—	12 13 14 15
(a) is in the best interests of the university; and	16
(b) is necessary for the council to perform its functions and exercise its powers appropriately, effectively and efficiently.	17 18 19
‘(2) If the Minister acts under subsection (1), the Minister must extend, by the same amount, the terms of office of all elected, appointed and additional members.	20 21 22
‘(3) The extension applies only to members holding office when the notice is given under subsection (1).	23 24
‘(4) This section—	25
(a) does not allow the Minister to extend the terms of office of the members for more than 1 year by again acting under subsection (1); and	26 27 28
(b) applies despite sections 18, 19(1) and (2) and 20.’.	29

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14 *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

<b>Clause 63</b>	<b>Amendment of s 30 (Chancellor)</b>	1
	(1) Section 30(4)—	2
	<i>renumber</i> as section 30(5).	3
	(2) Section 30—	4
	<i>insert</i> —	5
	‘(4) The person elected must not be a student or a member of the university’s academic staff or general staff.’.	6
		7
<b>Clause 64</b>	<b>Amendment of s 31 (Deputy chancellor)</b>	8
	Section 31(3), ‘3 years’—	9
	<i>omit, insert</i> —	10
	‘4 years’.	11
<b>Clause 65</b>	<b>Insertion of new s 40AA</b>	12
	Part 4, division 4, after section 40—	13
	<i>insert</i> —	14
	<b>‘40AA Chairperson of academic board</b>	15
	‘(1) There is to be a chairperson of the academic board.	16
	‘(2) The council must decide who is the chairperson.	17
	‘(3) The chairperson holds office for the term, not longer than 2 years, decided by the council.’.	18
		19
<b>Clause 66</b>	<b>Insertion of new pt 4A</b>	20
	Before part 5—	21
	<i>insert</i> —	22

<b>'Part 4A</b>	<b>Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and chairperson</b>	1 2 3 4
<b>'40C</b>	<b>Disqualification from office</b>	5
'(1)	A person can not become, or continue as, the chancellor, vice-chancellor or chairperson if—	6 7
(a)	the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or	8 9
(b)	subject to subsections (2) to (4), the person has a conviction for an indictable offence other than an offence in relation to which the person is disqualified from office under paragraph (a).	10 11 12 13
'(2)	If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in subsection (1)(b) of which the person has been convicted, the council may—	14 15 16 17
(a)	if the person was the chancellor, vice-chancellor or chairperson when convicted—give notice to the person that the person—	18 19 20
(i)	is restored as the chancellor, vice-chancellor or chairperson; and	21 22
(ii)	may be later re-elected or reappointed, despite the conviction; or	23 24
(b)	otherwise—give written approval for the person to become the chancellor, vice-chancellor or chairperson despite the conviction.	25 26 27
'(3)	On the day the person receives a notice under subsection (2)(a)—	28 29
(a)	the person is restored as the chancellor, vice-chancellor or chairperson; and	30 31
(b)	if another person has been elected or appointed to fill the vacancy—the other person's term of office ends.	32 33

‘(4)	If a person is restored as the chancellor, vice-chancellor or chairperson under subsection (3), the person’s term of office as the chancellor, vice-chancellor or chairperson ends when it would have ended if the person had not been convicted of the offence.	1 2 3 4 5
<b>‘40D</b>	<b>Council may remove chancellor, vice-chancellor or chairperson from office</b>	6 7
‘(1)	The council may remove the chancellor, vice-chancellor or chairperson from office if at least 15 members are satisfied the chancellor, vice-chancellor or chairperson has not complied with—	8 9 10 11
	(a) section 26A(2); <sup>15</sup> or	12
	(b) a conduct obligation.	13
‘(2)	If the council decides to remove the chancellor, vice-chancellor or chairperson from office under subsection (1), the council must as soon as practicable give the chancellor, vice-chancellor or chairperson notice of the decision and the reasons for it.	14 15 16 17 18
‘(3)	The chancellor’s, vice-chancellor’s or chairperson’s term of office ends on the later of the following—	19 20
	(a) the day he or she receives the notice;	21
	(b) the day, if any, stated in the notice for that purpose.	22
<b>‘40E</b>	<b>Particular matters about removal of vice-chancellor</b>	23
‘(1)	The council may remove the vice-chancellor from office under section 40D despite the vice-chancellor’s terms of appointment.	24 25 26
‘(2)	If the council removes the vice-chancellor from office under section 40D—	27 28
	(a) the removal does not affect the vice-chancellor’s right to claim compensation or other entitlements under his or	29 30

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15 Section 26A (Member’s function, and obligations about function)

	her terms of appointment applying when the appointment ends; and	1 2
	(b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—	3 4 5
	(i) the appointment had been ended as permitted under the terms of appointment; or	6 7
	(ii) his or her term of office had ended.	8
<b>'40F</b>	<b>Vacation of office</b>	9
	'(1) The office of the chancellor, vice-chancellor or chairperson becomes vacant if he or she—	10 11
	(a) can not continue as the chancellor, vice-chancellor or chairperson under section 40C; or	12 13
	(b) is removed from office under section 40D.	14
	'(2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.'	15 16 17
<b>Clause 67</b>	<b>Amendment of s 57 (Making of university statutes)</b>	18
	(1) Section 57(2)—	19
	<i>insert—</i>	20
	'(ea) the process for removing a person from office under section 26B or 40D; <sup>16</sup>	21 22
	(eb) the spending of funds under a delegation under section 11(3);'	23 24
	(2) Section 57(2)(aa) to (i)—	25
	<i>renumber</i> as section 57(2)(b) to (l).	26

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16 Section 26B (Council may remove member from office) or 40D (Council may remove chancellor, vice-chancellor or chairperson from office)



- (3) Section 57(3), ‘(2)(b)’— 1  
     *omit, insert*— 2  
     ‘(2)(c)’. 3

- Clause 68 Amendment of s 61 (Forming and taking part in corporations)** 4  
     Section 61(1), ‘include’— 5  
     *omit, insert*— 6  
     ‘include any of’. 7  
     8

- Clause 69 Insertion of new ss 62A–62C** 9  
     After section 62— 10  
     *insert*— 11

- ‘62A Protection from liability** 12  
     ‘(1) A member is not civilly liable to someone for an act done, or 13  
     omission made, honestly and without negligence under this 14  
     Act. 15  
     ‘(2) If subsection (1) prevents a civil liability attaching to a 16  
     member, the liability attaches instead to the university. 17

- ‘62B Report about person’s criminal history** 18  
     ‘(1) To decide whether to recommend to the Governor in Council a 19  
     person for appointment under section 14(2) as an appointed 20  
     member, the Minister may ask the commissioner of the police 21  
     service for— 22  
     (a) a written report about the person’s criminal history; and 23  
     (b) a brief description of the circumstances of a conviction 24  
     mentioned in the criminal history. 25  
     ‘(2) To decide whether a person is eligible to be the chancellor, 26  
     vice-chancellor or chairperson, or an elected or additional 27  
     member, the council may ask the commissioner of the police 28  
     service for— 29  
     (a) a written report about the person’s criminal history; and 30

- (b) a brief description of the circumstances of a conviction mentioned in the criminal history. 1  
2
- ‘(3) The commissioner of the police service must comply with a request under subsection (1) or (2). 3  
4
- ‘(4) However, the Minister or council may make a request about a person under subsection (1) or (2) only if the person has given the Minister or council written consent for the request. 5  
6  
7
- ‘(5) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access. 8  
9  
10  
11
- ‘(6) The Minister or council must ensure that a report given to the Minister or council under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested. 12  
13  
14  
15
- ‘(7) In this section— 16
- criminal history*, of a person, means the person’s criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions. 17  
18  
19

**‘62C Delegation by Minister 20**

‘The Minister may delegate the Minister’s power under section 62B(1) to an appropriately qualified officer of the department.’. 21  
22  
23

**Clause 70 Insertion of new pt 8, div 2 24**

Part 8, after section 67— 25  
*insert*— 26

<b>‘Division 2</b>	<b>Transitional provisions for the University Legislation Amendment Act 2005</b>	1 2 3
<b>‘Subdivision 1</b>	<b>Preliminary</b>	4
<b>‘68</b>	<b>Definitions for div 2</b>	5
	‘In this division—	6
	<i>commencement</i> means the commencement of the provision in which the term is used.	7 8
	<i>new additional member</i> see section 74.	9
	<i>new appointed members</i> see section 70(2).	10
	<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>University Legislation Amendment Act 2005</i> , part 4.	11 12 13
<b>‘Subdivision 2</b>	<b>Provisions about council membership</b>	14 15
<b>‘69</b>	<b>Continuation of official members</b>	16
	‘Despite section 13, a person who was an official member under section 13(2)(c), (e) or (f) of the pre-amended Act continues as an official member until the new appointed members’ terms of office start.	17 18 19 20
<b>‘70</b>	<b>Appointment of new appointed members</b>	21
	‘(1) The Minister must, within 1 year after the commencement, recommend to the Governor in Council 8 persons for appointment, under section 14(2), as appointed members.	22 23 24
	‘(2) The Governor in Council may appoint the persons as appointed members (the <i>new appointed members</i> ).	25 26

<b>'71</b>	<b>Continuation, and term of office, of appointed members</b>	1 2
	'(1) This section applies to a person who was an appointed member immediately before the commencement.	3 4
	'(2) Despite section 14(1), the person continues as an appointed member until—	5 6
	(a) the person's term of office ends under subsection (3); or	7
	(b) the person's office sooner becomes vacant.	8
	'(3) Despite section 18, the person's term of office ends when the new appointed members' terms of office start.	9 10
<b>'72</b>	<b>Continuation of elected members</b>	11
	'(1) This section applies to a person who was an elected member immediately before the commencement.	12 13
	'(2) Despite section 15(1) and (2), the person continues as an elected member until—	14 15
	(a) the person's term of office ends under section 73; or	16
	(b) the person's office sooner becomes vacant.	17
	'(3) Despite section 19(1) and (2), the person's term of office is 3 years.	18 19
<b>'73</b>	<b>Ballot, and term of office, for elected members</b>	20
	'(1) At least 14 days before the new appointed members are appointed, a ballot under section 15(3) of the post-amended Act must be conducted for elected members.	21 22 23
	'(2) Subsection (3) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(a) of the pre-amended Act.	24 25 26
	'(3) The person's term of office ends when the person who is the member's successor is elected under the ballot.	27 28
	'(4) Subsection (5) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(b) of the pre-amended Act.	29 30 31

*University Legislation Amendment Bill 2005*

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- ‘(5) The person’s term of office ends when the elected members mentioned in section 15(2)(b) of the post-amended Act are elected under the ballot. 1  
2  
3
- ‘(6) Subsection (7) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(c) of the pre-amended Act. 4  
5  
6
- ‘(7) The person’s term of office ends when the elected member mentioned in section 15(2)(c) of the post-amended Act is elected under the ballot. 7  
8  
9
- ‘(8) Subsection (9) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(d) of the pre-amended Act. 10  
11  
12
- ‘(9) The person’s term of office ends when the elected members mentioned in section 15(2)(f) of the post-amended Act are elected under the ballot. 13  
14  
15
- ‘(10) A person is taken to be elected under the ballot when the new appointed members’ terms of office start. 16  
17
- ‘(11) Despite section 19(3), the term of office of a person elected under the ballot starts when the new appointed members’ terms of office start. 18  
19  
20
- ‘(12) Subsections (3), (5), (7) and (9) apply despite section 72(3). 21
- ‘(13) In this section— 22  
*post-amended Act* means this Act as in force after the commencement of the *University Legislation Amendment Act 2005*, part 4. 23  
24  
25
- ‘74 Appointment of new additional member 26**
- ‘The council must, within 1 year after the commencement, appoint a person as the additional member (the *new additional member*) under section 16. 27  
28  
29
- ‘75 Continuation, and term of office, of additional members 30  
31**
- ‘(1) A person who was an additional member immediately before the commencement continues as an additional member until— 32  
33  
34

	(a) the person's term of office ends under subsection (2); or	1
	(b) the person's office sooner becomes vacant.	2
	'(2) Despite section 20, the person's term of office ends when the new additional member's term of office starts.	3 4
<b>'76</b>	<b>Council need not include additional members</b>	5
	'Despite section 12, the council need not include an additional member before the new additional member's term of office starts.	6 7 8
<b>'77</b>	<b>Dealing with casual vacancy in office of elected member</b>	9 10
	'(1) This section applies if a casual vacancy arises in the office of an elected member after the commencement and before the ballot mentioned in section 73(1) is conducted.	11 12 13
	'(2) For appointing or electing a person to the office, the pre-amended Act continues to apply as if the <i>University Legislation Amendment Act 2005</i> , part 4, had not commenced.	14 15 16
<b>'Subdivision 3</b>	<b>Constitution of council</b>	17
<b>'78</b>	<b>Constitution of council</b>	18
	'(1) This section applies until the new appointed members' terms of office start.	19 20
	'(2) Despite section 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
<b>Clause 71</b>	<b>Amendment of sch 2 (Dictionary)</b>	24
	(1) Schedule 2, definition <i>indictable offence</i> — <i>omit.</i>	25 26

*University Legislation Amendment Bill 2005*

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(2) Schedule 2—	1
<i>insert</i> —	2
<i>‘chairperson</i> means the chairperson of the academic board.	3
<i>commencement</i> , for part 8, division 2, see section 68.	4
<i>conduct obligation</i> , in relation to a member, means an obligation that—	5 6
(a) is stated in the university’s approved code of conduct under the <i>Public Sector Ethics Act 1994</i> ; and	7 8
(b) must be complied with by the member.	9
<i>conviction</i> means a conviction other than a spent conviction.	10
<i>indictable offence</i> includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, <sup>17</sup> applies to the indictable offence.	11 12 13
<i>new additional member</i> , for part 8, division 2, see section 68.	14
<i>new appointed members</i> , for part 8, division 2, see section 68.	15
<i>notice</i> means written notice.	16
<i>pre-amended Act</i> , for part 8, division 2, see section 68.	17
<i>spent conviction</i> means a conviction—	18
(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	19 20 21
(b) that is not revived as prescribed by section 11 <sup>18</sup> of that Act.’.	22 23

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17 Criminal Code, section 659 (Effect of summary conviction for indictable offence)

18 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)

<b>Part 5</b>	<b>Amendment of Queensland University of Technology Act 1998</b>	1
		2
		3
<b>Clause 72</b>	<b>Act amended in pt 5</b>	4
	This part amends the <i>Queensland University of Technology Act 1998</i> .	5
		6
<b>Clause 73</b>	<b>Amendment of s 11 (Delegation)</b>	7
	Section 11—	8
	<i>insert—</i>	9
	‘(3) Despite subsection (2)(c), the council may delegate its power to approve spending of funds mentioned in that paragraph if the expenditure is for a scholarship or a prize funded by bequest, donation or special grant.’.	10
		11
		12
		13
<b>Clause 74</b>	<b>Replacement of s 12 (Membership of council)</b>	14
	Section 12—	15
	<i>omit, insert—</i>	16
<b>‘12</b>	<b>Membership of council</b>	17
	‘The council consists of official members, appointed members, elected members and additional members.’.	18
		19
<b>Clause 75</b>	<b>Replacement of s 13 (Official members)</b>	20
	Section 13—	21
	<i>omit, insert—</i>	22
<b>‘13</b>	<b>Official members</b>	23
	‘The official members are—	24
	(a) the chancellor; and	25
	(b) the vice-chancellor; and	26



- (c) if the chairperson of the academic committee is not the  
chancellor or vice-chancellor, or an elected, appointed  
or additional member—the chairperson.’ 1  
2  
3

<b>Clause 76</b>	<b>Amendment of s 15 (Elected members)</b>	4
	(1) Section 15(2)(b), ‘general’—	5
	<i>omit, insert—</i>	6
	‘professional’.	7
	(2) Section 15(3)(b), ‘general’—	8
	<i>omit, insert—</i>	9
	‘professional’.	10
<b>Clause 77</b>	<b>Replacement of s 16 (Additional members)</b>	11
	Section 16—	12
	<i>omit, insert—</i>	13
<b>‘16</b>	<b>Additional members</b>	14
	‘(1) There are 2 additional members.	15
	‘(2) The council must appoint the additional members.	16
	‘(3) An additional member must not be a student or a member of the university’s academic staff or professional staff.’.	17 18
<b>Clause 78</b>	<b>Amendment of s 18 (Appointed member’s term of office)</b>	19
	Section 18, ‘3 years’—	20
	<i>omit, insert—</i>	21
	‘4 years’.	22
<b>Clause 79</b>	<b>Amendment of s 19 (Elected member’s term of office)</b>	23
	(1) Section 19(1)—	24
	<i>omit, insert—</i>	25
	‘(1) An elected member mentioned in section 15(2)(a), (b) or (d) holds office for 4 years.	26 27

	‘(1A) An elected member mentioned in section 15(2)(c) holds office for 2 years.’.	1 2
	(2) Section 19(1A) and (2)— <i>renumber</i> as section 19(2) and (3).	3 4
<b>Clause 80</b>	<b>Replacement of s 20 (Additional member’s term of office)</b>	5
	Section 20—	6
	<i>omit, insert—</i>	7
<b>‘20</b>	<b>Additional member’s term of office</b>	8
	‘An additional member is to be appointed for a term of not more than 4 years decided by the council.’.	9 10
<b>Clause 81</b>	<b>Replacement of s 23 (Ineligibility for membership of council)</b>	11 12
	Section 23—	13
	<i>omit, insert—</i>	14
<b>‘23</b>	<b>Ineligibility for membership of council</b>	15
	‘(1) A person is not eligible to become an elected, appointed or additional member if—	16 17
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; <sup>19</sup> or	18 19
	(b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a).	20 21 22
	‘(2) Also, a person is not eligible to be elected or appointed as an elected, appointed or additional member if the person’s election or appointment as the member would result in the person being a member for 12 years or more, whether continuously or not.	23 24 25 26 27

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19 Corporations Act, part 2D.6 (Disqualification from managing corporations)

- ‘(3) Subsection (2) does not apply to a person if a majority of members agree the person may be elected or appointed as an elected, appointed or additional member. 1  
2  
3
- ‘(4) Subsection (1)(b) is subject to sections 25 and 26.’. 4
- Clause 82 Amendment of s 24 (Vacation of office) 5**
- (1) Section 24(1)(f) and (g)— 6  
*omit, insert—* 7
- ‘(f) the member is removed from office under section 26B; 8  
or 9
- (g) the member is disqualified from managing corporations 10  
under the Corporations Act, part 2D.6; or 11
- (h) the member is convicted of an indictable offence, other 12  
than an offence in relation to which the member’s office 13  
becomes vacant under paragraph (g).’ 14
- (2) Section 24(2)— 15  
*omit, insert—* 16
- ‘(2) Subsection (1)(h) is subject to sections 25 and 26.’. 17

- Clause 83 Insertion of new pt 2, divs 3A and 3B 18**
- After section 26— 19  
*insert—* 20

**‘Division 3A Members’ function, and removing 21  
elected, appointed and additional 22  
members from office 23**

- ‘26A Member’s function, and obligations about function 24**
- ‘(1) A member has the function of ensuring the council performs 25  
its functions and exercises its powers appropriately, 26  
effectively and efficiently. 27
- ‘(2) In performing the function, a member— 28
- (a) must act honestly and in the best interests of the 29  
university; and 30

- (b) must exercise reasonable skill, care and diligence; and 1
  - (c) must disclose to the council any conflict that may arise 2  
between the member's personal interests and the 3  
interests of the university; and 4
  - (d) must not make improper use of his or her position as a 5  
member, or of information acquired because of his or 6  
her position as a member, to gain, directly or indirectly, 7  
an advantage for the member or another person. 8
- '26B Council may remove member from office 9**
- '(1) The council may remove an elected, appointed or additional 10  
member from office if at least 15 members are satisfied the 11  
member has not complied with— 12
    - (a) section 26A(2); or 13
    - (b) a conduct obligation. 14
  - '(2) If the council decides to remove a member from office under 15  
subsection (1), the council must as soon as practicable— 16
    - (a) give the member notice of the decision and the reasons 17  
for it; and 18
    - (b) if the member is an appointed member—give the 19  
Minister a copy of the notice. 20
  - '(3) If the council gives a member a notice under subsection (2)(a), 21  
the member's term of office ends on the later of the 22  
following— 23
    - (a) the day the member receives the notice; 24
    - (b) the day, if any, stated in the notice for that purpose. 25
  - '(4) The council's power to remove an appointed member from 26  
office under this section does not limit the Governor in 27

Council's powers under the *Acts Interpretation Act 1954*,  
section 25(1)(b)(i) or (iii).<sup>20</sup> 1  
2

**'Division 3B            Extending terms of office' 3**

**'26C    Minister may extend terms of office' 4**

- '(1) The Minister may, by notice given to the council, extend the  
terms of office of the elected, appointed and additional  
members for not more than 1 year if the Minister is satisfied  
the extension— 5  
6  
7  
8
- (a) is in the best interests of the university; and 9
- (b) is necessary for the council to perform its functions and  
exercise its powers appropriately, effectively and  
efficiently. 10  
11  
12
- '(2) If the Minister acts under subsection (1), the Minister must  
extend, by the same amount, the terms of office of all elected,  
appointed and additional members. 13  
14  
15
- '(3) The extension applies only to members holding office when  
the notice is given under subsection (1). 16  
17
- '(4) This section— 18
- (a) does not allow the Minister to extend the terms of office  
of the members for more than 1 year by again acting  
under subsection (1); and 19  
20  
21
- (b) applies despite sections 18, 19(1) and (2) and 20.'. 22

**Clause 84            Amendment of s 30 (Chancellor) 23**

- (1) Section 30(4)— 24  
*renumber* as section 30(5). 25

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<sup>20</sup> *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

	(2) Section 30—	1
	<i>insert</i> —	2
	‘(4) The person elected must not be a student or a member of the university’s academic staff or professional staff.’.	3 4
<b>Clause 85</b>	<b>Amendment of s 31 (Deputy chancellor)</b>	5
	Section 31(3), ‘1 year’—	6
	<i>omit, insert</i> —	7
	‘2 years’.	8
<b>Clause 86</b>	<b>Insertion of new pt 4A</b>	9
	Before part 5—	10
	<i>insert</i> —	11
<b>‘Part 4A</b>	<b>Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and chairperson</b>	12 13 14 15
<b>‘39B</b>	<b>Disqualification from office</b>	16
	‘(1) A person can not become, or continue as, the chancellor, vice-chancellor or chairperson if—	17 18
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or	19 20
	(b) subject to subsections (2) to (4), the person has a conviction for an indictable offence other than an offence in relation to which the person is disqualified from office under paragraph (a).	21 22 23 24
	‘(2) If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in subsection (1)(b) of which the person has been convicted, the council may—	25 26 27 28

*University Legislation Amendment Bill 2005*

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(a) if the person was the chancellor, vice-chancellor or chairperson when convicted—give notice to the person that the person—	1 2 3
(i) is restored as the chancellor, vice-chancellor or chairperson; and	4 5
(ii) may be later re-elected or reappointed, despite the conviction; or	6 7
(b) otherwise—give written approval for the person to become the chancellor, vice-chancellor or chairperson despite the conviction.	8 9 10
‘(3) On the day the person receives a notice under subsection (2)(a)—	11 12
(a) the person is restored as the chancellor, vice-chancellor or chairperson; and	13 14
(b) if another person has been elected or appointed to fill the vacancy—the other person’s term of office ends.	15 16
‘(4) If a person is restored as the chancellor, vice-chancellor or chairperson under subsection (3), the person’s term of office as the chancellor, vice-chancellor or chairperson ends when it would have ended if the person had not been convicted of the offence.	17 18 19 20 21
<b>‘39C Council may remove chancellor, vice-chancellor or chairperson from office</b>	22 23
‘(1) The council may remove the chancellor, vice-chancellor or chairperson from office if at least 15 members are satisfied the chancellor, vice-chancellor or chairperson has not complied with—	24 25 26 27
(a) section 26A(2); <sup>21</sup> or	28
(b) a conduct obligation.	29
‘(2) If the council decides to remove the chancellor, vice-chancellor or chairperson from office under subsection (1), the council must as soon as practicable give	30 31 32

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21 Section 26A (Member’s function, and obligations about function)

the chancellor, vice-chancellor or chairperson notice of the decision and the reasons for it.	1 2
‘(3) The chancellor’s, vice-chancellor’s or chairperson’s term of office ends on the later of the following—	3 4
(a) the day he or she receives the notice;	5
(b) the day, if any, stated in the notice for that purpose.	6
<b>‘39D Particular matters about removal of vice-chancellor</b>	7
‘(1) The council may remove the vice-chancellor from office under section 39C despite the vice-chancellor’s terms of appointment.	8 9 10
‘(2) If the council removes the vice-chancellor from office under section 39C—	11 12
(a) the removal does not affect the vice-chancellor’s right to claim compensation or other entitlements under his or her terms of appointment applying when the appointment ends; and	13 14 15 16
(b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—	17 18 19
(i) the appointment had been ended as permitted under the terms of appointment; or	20 21
(ii) his or her term of office had ended.	22
<b>‘39E Vacation of office</b>	23
‘(1) The office of the chancellor, vice-chancellor or chairperson becomes vacant if he or she—	24 25
(a) can not continue as the chancellor, vice-chancellor or chairperson under section 39B; or	26 27
(b) is removed from office under section 39C.	28
‘(2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.’.	29 30 31





- member, the Minister may ask the commissioner of the police service for— 1  
2
- (a) a written report about the person’s criminal history; and 3
- (b) a brief description of the circumstances of a conviction mentioned in the criminal history. 4  
5
- ‘(2) To decide whether a person is eligible to be the chancellor, vice-chancellor or chairperson, or an elected or additional member, the council may ask the commissioner of the police service for— 6  
7  
8  
9
- (a) a written report about the person’s criminal history; and 10
- (b) a brief description of the circumstances of a conviction mentioned in the criminal history. 11  
12
- ‘(3) The commissioner of the police service must comply with a request under subsection (1) or (2). 13  
14
- ‘(4) However, the Minister or council may make a request about a person under subsection (1) or (2) only if the person has given the Minister or council written consent for the request. 15  
16  
17
- ‘(5) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access. 18  
19  
20  
21
- ‘(6) The Minister or council must ensure that a report given to the Minister or council under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested. 22  
23  
24  
25
- ‘(7) In this section— 26
- criminal history*, of a person, means the person’s criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions. 27  
28  
29

## ‘61C Delegation by Minister 30

- ‘The Minister may delegate the Minister’s power under section 61B(1) to an appropriately qualified officer of the department.’. 31  
32  
33

<b>Clause 90</b>	<b>Insertion of new pt 8</b>	1
	After section 64—	2
	<i>insert—</i>	3
<b>‘Part 8</b>	<b>Transitional provisions for the University Legislation Amendment Act 2005</b>	4 5 6
<b>‘Division 1</b>	<b>Preliminary</b>	7
<b>‘65</b>	<b>Definitions for pt 8</b>	8
	‘In this part—	9
	<i>commencement</i> means the commencement of the provision in which the term is used.	10 11
	<i>new additional members</i> see section 68.	12
	<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>University Legislation Amendment Act 2005</i> , part 5.	13 14 15
<b>‘Division 2</b>	<b>Provisions about council membership</b>	16 17
<b>‘66</b>	<b>Appointed members</b>	18
	‘(1) This section applies to a person who was an appointed member immediately before the commencement.	19 20
	‘(2) The person is taken to have been appointed as an appointed member for a term of 4 years, unless the person was appointed to fill a casual vacancy in the office of an appointed member.	21 22 23
	‘(3) If the person was appointed to fill a casual vacancy in the office of an appointed member, the term of office of the person’s predecessor is taken to be 4 years.	24 25 26
	‘(4) Subsections (2) and (3) apply despite section 18 of the pre-amended Act.	27 28

<b>'67</b>	<b>Elected members</b>	1
	‘A person who, immediately before the commencement, was an elected member mentioned in section 15(2)(b) of the pre-amended Act is taken to be an elected member mentioned in section 15(2)(b) of this Act as in force after the commencement.	2 3 4 5 6
<b>'68</b>	<b>Appointment of new additional members</b>	7
	‘The council must, within 1 year after the commencement, appoint 2 persons as additional members (the <i>new additional members</i> ) under section 16.	8 9 10
<b>'69</b>	<b>Continuation, and term of office, of additional members</b>	11 12
	‘(1) A person who was an additional member immediately before the commencement continues as an additional member until—	13 14 15
	(a) the person’s term of office ends under subsection (2); or	16
	(b) the person’s office sooner becomes vacant.	17
	‘(2) Despite section 20, the person’s term of office ends when the new additional members’ terms of office start.	18 19
<b>'70</b>	<b>Council need not include additional members</b>	20
	‘Despite section 12, the council need not include additional members before the new additional members’ terms of office start.’.	21 22 23
<b>Clause 91</b>	<b>Amendment of sch 2 (Dictionary)</b>	24
	(1) Schedule 2, definition <i>indictable offence</i> —	25
	<i>omit.</i>	26

*University Legislation Amendment Bill 2005*

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- (2) Schedule 2— 1
- insert*— 2
- ‘academic committee** means the committee of the council that 3  
is responsible for advising the council about the academic 4  
policies and activities of the university. 5
- chairperson** means the chairperson of the academic 6  
committee. 7
- commencement**, for part 8, see section 65. 8
- conduct obligation**, in relation to a member, means an 9  
obligation that— 10
- (a) is stated in the university’s approved code of conduct 11  
under the *Public Sector Ethics Act 1994*; and 12
- (b) must be complied with by the member. 13
- conviction** means a conviction other than a spent conviction. 14
- indictable offence** includes an indictable offence dealt with 15  
summarily, whether or not the Criminal Code, section 659,<sup>23</sup> 16  
applies to the indictable offence. 17
- new additional members**, for part 8, see section 65. 18
- notice** means written notice. 19
- pre-amended Act**, for part 8, see section 65. 20
- spent conviction** means a conviction— 21
- (a) for which the rehabilitation period under the *Criminal* 22  
*Law (Rehabilitation of Offenders) Act 1986* has expired 23  
under that Act; and 24
- (b) that is not revived as prescribed by section 11<sup>24</sup> of that 25  
Act.’. 26
- (3) Schedule 2, definition *general staff*, **‘general’**— 27
- omit, insert*— 28
- ‘professional’**. 29

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23 Criminal Code, section 659 (Effect of summary conviction for indictable offence)

24 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)

<b>Part 6</b>	<b>Amendment of University of Queensland Act 1998</b>	1
		2
<b>Clause 92</b>	<b>Act amended in pt 6</b>	3
	This part amends the <i>University of Queensland Act 1998</i> .	4
<b>Clause 93</b>	<b>Amendment of s 11 (Delegation)</b>	5
	Section 11—	6
	<i>insert—</i>	7
	‘(3) Despite subsection (2)(c), the senate may delegate its power to approve spending of funds mentioned in that paragraph if the expenditure is for a scholarship or a prize funded by bequest, donation or special grant.’.	8
		9
		10
		11
<b>Clause 94</b>	<b>Replacement of ss 12 and 13</b>	12
	Sections 12 and 13—	13
	<i>omit, insert—</i>	14
<b>‘12</b>	<b>Membership of senate</b>	15
	‘The senate consists of official members, appointed members, elected members and additional members.’.	16
		17
<b>‘13</b>	<b>Official members</b>	18
	‘(1) There are 3 official members.’.	19
	‘(2) The official members are—	20
	(a) the chancellor; and	21
	(b) the vice-chancellor; and	22
	(c) the president of the academic board.’.	23

*University Legislation Amendment Bill 2005*

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<b>Clause 95</b>	<b>Amendment of s 14 (Appointed members)</b>	1
	Section 14(1)—	2
	<i>omit, insert—</i>	3
	‘(1) There are 8 appointed members.’.	4
 <b>Clause 96</b>	 <b>Amendment of s 15 (Elected members)</b>	 5
	(1) Section 15(1), ‘15’—	6
	<i>omit, insert—</i>	7
	‘8’.	8
	(2) Section 15(2)(b) to (e)—	9
	<i>omit, insert—</i>	10
	‘(b) 1 member of the university’s full-time or part-time academic staff; and	11 12
	(c) 1 member of the university’s full-time or part-time general staff; and	13 14
	(d) 1 undergraduate student; and	15
	(e) 1 postgraduate student; and	16
	(f) 3 graduates of the university, other than persons eligible for membership under paragraph (a), (b), (c) (d) or (e).’.	17 18
	(3) Section 15(3)(b) and (c)—	19
	<i>omit, insert—</i>	20
	‘(b) for an elected member mentioned in subsection (2)(b)—	21
	(i) all the members of the full-time academic staff, and those members of the part-time academic staff eligible under a university statute, may vote; or	22 23 24
	(ii) if a statute under subparagraph (i) is not in force, all the members of the full-time and part-time academic staff may vote; or	25 26 27
	(c) for an elected member mentioned in subsection (2)(c)—	28
	(i) all the members of the full-time general staff, and those members of the part-time general staff eligible under a university statute, may vote; or	29 30 31

*University Legislation Amendment Bill 2005*

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(ii) if a statute under subparagraph (i) is not in force,	1
all the members of the full-time and part-time	2
general staff may vote; or’.	3
(4) Section 15(3)(d), before ‘students’—	4
<i>insert</i> —	5
‘undergraduate’.	6
(5) Section 15(3)(e)—	7
<i>omit, insert</i> —	8
‘(e) for an elected member mentioned in	9
subsection (2)(e)—all the postgraduate students may	10
vote; or	11
(f) for an elected member mentioned in	12
subsection (2)(f)—all the graduates of the university	13
eligible under a university statute may vote.’.	14
(6) Section 15—	15
<i>insert</i> —	16
‘(5) In this section—	17
<i>postgraduate student</i> means a student enrolled in a course or	18
program leading to the award of a postgraduate certificate or	19
diploma, or a master’s or doctoral degree, of the university.	20
<i>undergraduate student</i> means a student who is not a	21
postgraduate student.’.	22
<b>Clause 97 Replacement of s 16 (Additional members)</b>	23
Section 16—	24
<i>omit, insert</i> —	25
<b>‘16 Additional members</b>	26
‘(1) There are 3 additional members.	27
‘(2) The senate must appoint the additional members.	28
‘(3) An additional member must not be a student or a member of	29
the university’s academic staff or general staff.’.	30



<b>Clause 98</b>	<b>Amendment of s 17 (When senate is taken to be properly constituted)</b>	1 2
	Section 17, ‘20’—	3
	<i>omit, insert—</i>	4
	‘13’.	5
<b>Clause 99</b>	<b>Amendment of s 18 (Appointed member’s term of office)</b>	6
	Section 18, ‘3 years’—	7
	<i>omit, insert—</i>	8
	‘4 years’.	9
<b>Clause 100</b>	<b>Amendment of s 19 (Elected member’s term of office)</b>	10
	(1) Section 19(1)—	11
	<i>omit, insert—</i>	12
	‘(1) An elected member mentioned in section 15(2)(a), (b), (c) or (f) holds office for 4 years.	13 14
	‘(1A) An elected member mentioned in section 15(2)(d) or (e) holds office for 2 years.’.	15 16
	(2) Section 19(1A) and (2)—	17
	<i>renumber</i> as section 19(2) and (3).	18
<b>Clause 101</b>	<b>Replacement of s 20 (Additional member’s term of office)</b>	19
	Section 20—	20
	<i>omit, insert—</i>	21
<b>‘20</b>	<b>Additional member’s term of office</b>	22
	‘An additional member is to be appointed for a term of not more than 4 years decided by the senate.’.	23 24

<b>Clause 102</b>	<b>Replacement of s 23 (Ineligibility for membership of senate)</b>	1
	Section 23—	2
	<i>omit, insert—</i>	3
<b>‘23</b>	<b>Ineligibility for membership of senate</b>	4
	‘(1) A person is not eligible to become an elected, appointed or additional member if—	5
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; <sup>25</sup> or	6
	(b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a).	7
	‘(2) Also, a person is not eligible to be elected or appointed as an elected, appointed or additional member if the person’s election or appointment as the member would result in the person being a member for 12 years or more, whether continuously or not.	8
	‘(3) Subsection (2) does not apply to a person if a majority of members agree the person may be elected or appointed as an elected, appointed or additional member.	9
	‘(4) Subsection (1)(b) is subject to sections 25 and 26.’.	10
		11
		12
		13
		14
		15
		16
		17
		18
		19
		20
		21
<b>Clause 103</b>	<b>Amendment of s 24 (Vacation of office)</b>	22
	(1) Section 24(1)(f) and (g)—	23
	<i>omit, insert—</i>	24
	‘(f) the member is removed from office under section 26B; or	25
	(g) the member is disqualified from managing corporations under the Corporations Act, part 2D.6; or	26
	(h) the member is convicted of an indictable offence, other than an offence in relation to which the member’s office becomes vacant under paragraph (g).’.	27
		28
		29
		30
		31

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25 Corporations Act, part 2D.6 (Disqualification from managing corporations)

- (2) Section 24(2)— 1  
     *omit, insert—* 2  
 ‘(2) Subsection (1)(h) is subject to sections 25 and 26.’. 3

**Clause 104 Insertion of new pt 2, divs 3A and 3B** 4  
 After section 26— 5  
     *insert—* 6

**‘Division 3A Members’ function, and removing** 7  
**elected, appointed and additional** 8  
**members from office** 9

**‘26A Member’s function, and obligations about function** 10

- ‘(1) A member has the function of ensuring the senate performs its 11  
 functions and exercises its powers appropriately, effectively 12  
 and efficiently. 13
- ‘(2) In performing the function, a member— 14
- (a) must act honestly and in the best interests of the 15  
     university; and 16
- (b) must exercise reasonable skill, care and diligence; and 17
- (c) must disclose to the senate any conflict that may arise 18  
     between the member’s personal interests and the 19  
     interests of the university; and 20
- (d) must not make improper use of his or her position as a 21  
     member, or of information acquired because of his or 22  
     her position as a member, to gain, directly or indirectly, 23  
     an advantage for the member or another person. 24

**‘26B Senate may remove member from office** 25

- ‘(1) The senate may remove an elected, appointed or additional 26  
 member from office if at least 15 members are satisfied the 27  
 member has not complied with— 28
- (a) section 26A(2); or 29
- (b) a conduct obligation. 30

- 
- ‘(2) If the senate decides to remove a member from office under subsection (1), the senate must as soon as practicable—
- (a) give the member notice of the decision and the reasons for it; and
- (b) if the member is an appointed member—give the Minister a copy of the notice.
- ‘(3) If the senate gives a member a notice under subsection (2)(a), the member’s term of office ends on the later of the following—
- (a) the day the member receives the notice;
- (b) the day, if any, stated in the notice for that purpose.
- ‘(4) The senate’s power to remove an appointed member from office under this section does not limit the Governor in Council’s powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (iii).<sup>26</sup>

## ‘Division 3B Extending terms of office 16

### ‘26C Minister may extend terms of office 17

- ‘(1) The Minister may, by notice given to the senate, extend the terms of office of the elected, appointed and additional members for not more than 1 year if the Minister is satisfied the extension—
- (a) is in the best interests of the university; and
- (b) is necessary for the senate to perform its functions and exercise its powers appropriately, effectively and efficiently.
- ‘(2) If the Minister acts under subsection (1), the Minister must extend, by the same amount, the terms of office of all elected, appointed and additional members.
- ‘(3) The extension applies only to members holding office when the notice is given under subsection (1).

---

<sup>26</sup> *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

	‘(4) This section—	1
	(a) does not allow the Minister to extend the terms of office of the members for more than 1 year by again acting under subsection (1); and	2 3 4
	(b) applies despite sections 18, 19(1) and (2) and 20.’.	5
<b>Clause 105</b>	<b>Replacement of s 30 (Chancellor)</b>	6
	Section 30—	7
	<i>omit, insert—</i>	8
<b>‘30</b>	<b>Chancellor</b>	9
	‘(1) There is a chancellor of the university.	10
	‘(2) The senate must elect a chancellor whenever there is a vacancy in the office.	11 12
	‘(3) The person elected need not be a member.	13
	‘(4) The person elected must not be a student or a member of the university’s academic staff or general staff.	14 15
	‘(5) The chancellor holds office for the term, not longer than 5 years, fixed by the senate.’.	16 17
<b>Clause 106</b>	<b>Amendment of s 31 (Deputy chancellor)</b>	18
	Section 31(3), ‘3 years’—	19
	<i>omit, insert—</i>	20
	‘4 years’.	21
<b>Clause 107</b>	<b>Omission of pt 4, div 1 (Convocation)</b>	22
	Part 4, division 1—	23
	<i>omit.</i>	24
<b>Clause 108</b>	<b>Insertion of new s 35AA</b>	25
	Part 4, division 3, after section 35—	26
	<i>insert—</i>	27

	<b>‘35AA President of academic board</b>	1
	‘(1) There is to be a president of the academic board.	2
	‘(2) The senate must decide who is the president.	3
	‘(3) The president holds office for the term, not longer than 1 year, decided by the senate.’.	4 5
<b>Clause 109</b>	<b>Amendment of s 35A (Excluded matters for Corporations legislation)</b>	6 7
	(1) Section 35A(a)—	8
	<i>omit.</i>	9
	(2) Section 35A(b) and (c)—	10
	<i>renumber</i> as section 35A(a) and (b).	11
<b>Clause 110</b>	<b>Insertion of new pt 4A</b>	12
	Before part 5—	13
	<i>insert—</i>	14
	<b>‘Part 4A</b>	15
	<b>Matters relating to offices of</b>	16
	<b>chancellor, deputy chancellor,</b>	17
	<b>vice-chancellor and president</b>	17
	<b>‘35C Disqualification from office</b>	18
	‘(1) A person can not become, or continue as, the chancellor, vice-chancellor or president if—	19 20
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or	21 22
	(b) subject to subsections (2) to (4), the person has a conviction for an indictable offence other than an offence in relation to which the person is disqualified from office under paragraph (a).	23 24 25 26
	‘(2) If the senate considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in subsection (1)(b) of which the person has been convicted, the senate may—	27 28 29 30

*University Legislation Amendment Bill 2005*

(a)	if the person was the chancellor, vice-chancellor or president when convicted—give notice to the person that the person—	1 2 3
(i)	is restored as the chancellor, vice-chancellor or president; and	4 5
(ii)	may be later re-elected or reappointed, despite the conviction; or	6 7
(b)	otherwise—give written approval for the person to become the chancellor, vice-chancellor or president despite the conviction.	8 9 10
‘(3)	On the day the person receives a notice under subsection (2)(a)—	11 12
(a)	the person is restored as the chancellor, vice-chancellor or president; and	13 14
(b)	if another person has been elected or appointed to fill the vacancy—the other person’s term of office ends.	15 16
‘(4)	If a person is restored as the chancellor, vice-chancellor or president under subsection (3), the person’s term of office as the chancellor, vice-chancellor or president ends when it would have ended if the person had not been convicted of the offence.	17 18 19 20 21
<b>‘35D</b>	<b>Senate may remove chancellor, vice-chancellor or president from office</b>	22 23
‘(1)	The senate may remove the chancellor, vice-chancellor or president from office if at least 15 members are satisfied the chancellor, vice-chancellor or president has not complied with—	24 25 26 27
(a)	section 26A(2); <sup>27</sup> or	28
(b)	a conduct obligation.	29
‘(2)	If the senate decides to remove the chancellor, vice-chancellor or president from office under subsection (1), the senate must as soon as practicable give the chancellor, vice-chancellor or president notice of the decision and the reasons for it.	30 31 32 33

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27 Section 26A (Member’s function, and obligations about function)

- ‘(3) The chancellor’s, vice-chancellor’s or president’s term of office ends on the later of the following—
- (a) the day he or she receives the notice;
  - (b) the day, if any, stated in the notice for that purpose.
- ‘35E Particular matters about removal of vice-chancellor**
- ‘(1) The senate may remove the vice-chancellor from office under section 35D despite the vice-chancellor’s terms of appointment.
- ‘(2) If the senate removes the vice-chancellor from office under section 35D—
- (a) the removal does not affect the vice-chancellor’s right to claim compensation or other entitlements under his or her terms of appointment applying when the appointment ends; and
  - (b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—
    - (i) the appointment had been ended as permitted under the terms of appointment; or
    - (ii) his or her term of office had ended.
- ‘35F Vacation of office**
- ‘(1) The office of the chancellor, vice-chancellor or president becomes vacant if he or she—
- (a) can not continue as the chancellor, vice-chancellor or president under section 35C; or
  - (b) is removed from office under section 35D.
- ‘(2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.’.



<b>Clause 111</b>	<b>Amendment of s 52 (Making of university statutes)</b>	1
	(1) Section 52(2)(e)—	2
	<i>omit.</i>	3
	(2) Section 52(2)(f), after ‘members’—	4
	<i>insert—</i>	5
	‘, including the voting rights of graduates, part-time academic staff and part-time general staff of the university’.	6
		7
	(3) Section 52(2)—	8
	<i>insert—</i>	9
	‘(fa) the process for removing a person from office under section 26B or 35D; <sup>28</sup>	10
		11
	(fb) the spending of funds under a delegation under section 11(3);’.	12
		13
	(4) Section 52(2)(f) to (k)—	14
	<i>renumber</i> as section 52(2)(e) to (l).	15
<b>Clause 112</b>	<b>Amendment of s 55 (Forming and taking part in corporations)</b>	16
	Section 55(1), ‘include’—	17
	<i>omit, insert—</i>	18
		19
	‘include any of’.	20
<b>Clause 113</b>	<b>Insertion of new ss 56A–56C</b>	21
	After section 56—	22
	<i>insert—</i>	23
	<b>‘56A Protection from liability</b>	24
	‘(1) A member is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.	25
		26
		27

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28 Section 26B (Senate may remove member from office) or 35D (Senate may remove chancellor, vice-chancellor or president from office)

- 
- ‘(2) If subsection (1) prevents a civil liability attaching to a member, the liability attaches instead to the university. 1  
2
- ‘56B Report about person’s criminal history 3**
- ‘(1) To decide whether to recommend to the Governor in Council a person for appointment under section 14(2) as an appointed member, the Minister may ask the commissioner of the police service for— 4  
5  
6  
7
- (a) a written report about the person’s criminal history; and 8
- (b) a brief description of the circumstances of a conviction mentioned in the criminal history. 9  
10
- ‘(2) To decide whether a person is eligible to be the chancellor, vice-chancellor or president, or an elected or additional member, the senate may ask the commissioner of the police service for— 11  
12  
13  
14
- (a) a written report about the person’s criminal history; and 15
- (b) a brief description of the circumstances of a conviction mentioned in the criminal history. 16  
17
- ‘(3) The commissioner of the police service must comply with a request under subsection (1) or (2). 18  
19
- ‘(4) However, the Minister or senate may make a request about a person under subsection (1) or (2) only if the person has given the Minister or senate written consent for the request. 20  
21  
22
- ‘(5) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access. 23  
24  
25  
26
- ‘(6) The Minister or senate must ensure that a report given to the Minister or senate under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested. 27  
28  
29  
30
- ‘(7) In this section— 31
- criminal history***, of a person, means the person’s criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions. 32  
33  
34

<b>‘56C</b>	<b>Delegation by Minister</b>	1
	‘The Minister may delegate the Minister’s power under section 56B(1) to an appropriately qualified officer of the department.’.	2 3 4
<b>Clause 114</b>	<b>Insertion of new pt 8, div 2</b>	5
	After section 60—	6
	<i>insert—</i>	7
<b>‘Division 2</b>	<b>Transitional provisions for the University Legislation Amendment Act 2005</b>	8 9 10
<b>‘Subdivision 1</b>	<b>Preliminary</b>	11
<b>‘61</b>	<b>Definitions for div 2</b>	12
	‘In this division—	13
	<i>commencement</i> means the commencement of the provision in which the term is used.	14 15
	<i>new additional members</i> see section 67.	16
	<i>new appointed members</i> see section 63(2).	17
	<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>University Legislation Amendment Act 2005</i> , part 6.	18 19 20
<b>‘Subdivision 2</b>	<b>Provisions about membership of senate</b>	21 22
<b>‘62</b>	<b>Continuation of official members</b>	23
	‘Despite section 13, a person who was an official member under section 13(2)(b), (d), (e), (f) or (g) of the pre-amended Act continues as an official member until the new appointed members’ terms of office start.	24 25 26 27

<b>‘63</b>	<b>Appointment of new appointed members</b>	1
	‘(1) The Minister must, within 1 year after the commencement,	2
	recommend to the Governor in Council 8 persons for	3
	appointment, under section 14(2), as appointed members.	4
	‘(2) The Governor in Council may appoint the persons as	5
	appointed members (the <i>new appointed members</i> ).	6
<b>‘64</b>	<b>Continuation of appointed members</b>	7
	‘(1) This section applies to a person who was an appointed	8
	member immediately before the commencement.	9
	‘(2) Despite sections 14(1) and 60(2), the person continues as an	10
	appointed member until—	11
	(a) the new appointed members’ terms of office start; or	12
	(b) the person’s office sooner becomes vacant.	13
<b>‘65</b>	<b>Continuation of elected members</b>	14
	‘Despite section 15(1) and (2), a person who was an elected	15
	member immediately before the commencement continues as	16
	an elected member until—	17
	(a) the person’s term of office ends under section 66; or	18
	(b) the person’s office sooner becomes vacant.	19
<b>‘66</b>	<b>Ballot, and term of office, for elected members</b>	20
	‘(1) At least 14 days before the new appointed members are	21
	appointed, a ballot under section 15(3) of the post-amended	22
	Act must be conducted for elected members.	23
	‘(2) Subsection (3) applies to a person who, immediately before	24
	the ballot is conducted, is an elected member mentioned in	25
	section 15(2)(a) of the pre-amended Act.	26
	‘(3) The person’s term of office ends when the elected member	27
	who is the member’s successor is elected under the ballot.	28
	‘(4) Subsection (5) applies to a person who, immediately before	29
	the ballot is conducted, is an elected member mentioned in	30
	section 15(2)(b) of the pre-amended Act.	31

*University Legislation Amendment Bill 2005*

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- ‘(5) The person’s term of office ends when the elected member mentioned in section 15(2)(b) of the post-amended Act is elected under the ballot. 1  
2  
3
- ‘(6) Subsection (7) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(c) of the pre-amended Act. 4  
5  
6
- ‘(7) The person’s term of office ends when the elected member mentioned in section 15(2)(c) of the post-amended Act is elected under the ballot. 7  
8  
9
- ‘(8) Subsection (9) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(d) of the pre-amended Act. 10  
11  
12
- ‘(9) The person’s term of office ends when the elected member mentioned in section 15(2)(d) of the post-amended Act is elected under the ballot. 13  
14  
15
- ‘(10) Subsection (11) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(e) of the pre-amended Act. 16  
17  
18
- ‘(11) The person’s term of office ends when the elected members mentioned in section 15(2)(f) of the post-amended Act are elected under the ballot. 19  
20  
21
- ‘(12) A person is taken to be elected under the ballot when the new appointed members’ terms of office start. 22  
23
- ‘(13) Despite section 19(3), the term of office of a person elected under the ballot starts when the new appointed members’ terms of office start. 24  
25  
26
- ‘(14) Subsections (3), (5), (7), (9) and (11) apply despite sections 19(1) and (2) and 60(2). 27  
28
- ‘(15) In this section— 29
- post-amended Act* means this Act as in force after the commencement of the *University Legislation Amendment Act 2005*, part 6. 30  
31  
32

<b>'67</b>	<b>Appointment of new additional members</b>	1
	'The senate must, within 1 year after the commencement,	2
	appoint 3 persons as additional members (the <i>new additional</i>	3
	<i>members</i> ) under section 16.	4
<b>'68</b>	<b>Continuation of additional members</b>	5
	'(1) This section applies to a person who was an additional	6
	member immediately before the commencement.	7
	'(2) Despite section 60(2), the person continues as an additional	8
	member until—	9
	(a) the new additional members' terms of office start; or	10
	(b) the person's office sooner becomes vacant.	11
<b>'69</b>	<b>Senate need not include additional members</b>	12
	'Despite section 12, the senate need not include additional	13
	members before the new additional members' terms of office	14
	start.	15
<b>'70</b>	<b>Dealing with casual vacancy in office of elected member</b>	16
	'(1) This section applies if a casual vacancy arises in the office of	17
	an elected member after the commencement and before the	18
	ballot mentioned in section 66(1) is conducted.	19
	'(2) For appointing a person to the office, the pre-amended Act	20
	continues to apply as if the <i>University Legislation Amendment</i>	21
	<i>Act 2005</i> , part 6, had not commenced.	22
		23
<b>'Subdivision 3</b>	<b>Constitution of senate</b>	24
<b>'71</b>	<b>Constitution of senate</b>	25
	'(1) This section applies until the new appointed members' terms	26
	of office start.	27

- ‘(2) Despite section 17, the senate is taken to be properly constituted when it has 20 or more members, whether they be additional, appointed, elected or official members.’.

<b>Clause 115</b>	<b>Amendment of sch 2 (Dictionary)</b>	4
(1)	Schedule 2, definitions <i>convocation</i> , <i>graduate staff</i> and <i>indictable offence</i> —	5
	<i>omit</i> .	6
		7
(2)	Schedule 2—	8
	<i>insert</i> —	9
	‘ <i>commencement</i> , for part 8, division 2, see section 61.	10
	<i>conduct obligation</i> , in relation to a member, means an obligation that—	11
		12
	(a) is stated in the university’s approved code of conduct under the <i>Public Sector Ethics Act 1994</i> ; and	13
		14
	(b) must be complied with by the member.	15
	<i>conviction</i> means a conviction other than a spent conviction.	16
	<i>graduate</i> , of the university, means a person awarded a degree, diploma or certificate of the university or the former Queensland Agricultural College.	17
		18
		19
	<i>indictable offence</i> includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, <sup>29</sup> applies to the indictable offence.	20
		21
		22
	<i>new additional members</i> , for part 8, division 2, see section 61.	23
		24
	<i>new appointed members</i> , for part 8, division 2, see section 61.	25
	<i>notice</i> means written notice.	26
	<i>pre-amended Act</i> , for part 8, division 2, see section 61.	27
	<i>president</i> means the president of the academic board.	28
	<i>spent conviction</i> means a conviction—	29

<sup>29</sup> Criminal Code, section 659 (Effect of summary conviction for indictable offence)

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11<sup>30</sup> of that Act.’.

**Part 7** **Amendment of University of Southern Queensland Act 1998**

- Clause 116 Act amended in pt 7**
- This part amends the *University of Southern Queensland Act 1998*.
- Clause 117 Amendment of s 11 (Delegation)**
- Section 11—  
*insert—*
- ‘(3) Despite subsection (2)(c), the council may delegate its power to approve spending of funds available to the university by way of bequest, donation or special grant if—
- (a) the expenditure is for a matter funded by bequest, donation or special grant; and
- (b) the amount of expenditure for the matter is not more than \$100 000.’.
- Clause 118 Replacement of ss 12 and 13**
- Sections 12 and 13—  
*omit, insert—*

<sup>30</sup> *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)



<b>'12</b>	<b>Membership of council</b>	1
	'The council consists of official members, appointed members, elected members and additional members.'	2 3
<b>'13</b>	<b>Official members</b>	4
	'(1) There are 3 official members.'	5
	'(2) The official members are—	6
	(a) the chancellor; and	7
	(b) the vice-chancellor; and	8
	(c) the chairperson of the academic board.'	9
<b>Clause 119</b>	<b>Amendment of s 14 (Appointed members)</b>	10
	Section 14(1), '8'—	11
	<i>omit, insert—</i>	12
	'5'.	13
<b>Clause 120</b>	<b>Amendment of s 15 (Elected members)</b>	14
	(1) Section 15(1), '7'—	15
	<i>omit, insert—</i>	16
	'3'.	17
	(2) Section 15(2)(a), '3 members'—	18
	<i>omit, insert—</i>	19
	'1 member'.	20
	(3) Section 15(2)(d)—	21
	<i>omit.</i>	22
	(4) Section 15(3), 'mentioned in subsection (2)(a) to (c)'—	23
	<i>omit.</i>	24
	(5) Section 15(4)—	25
	<i>omit.</i>	26

*University Legislation Amendment Bill 2005*

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- |  |     |                                   |   |
|--|-----|-----------------------------------|---|
|  | (6) | Section 15(5), ‘members’—         | 1 |
|  |     | <i>omit, insert—</i>              | 2 |
|  |     | ‘member’.                         | 3 |
|  | (7) | Section 15(5)—                    | 4 |
|  |     | <i>renumber</i> as section 15(4). | 5 |

<b>Clause</b>	<b>121</b>	<b>Replacement of s 16 (Additional members)</b>	6
		Section 16—	7
		<i>omit, insert—</i>	8
	<b>‘16</b>	<b>Additional members</b>	9
		‘(1) There are 3 additional members.	10
		‘(2) The council must appoint the additional members.	11
		‘(3) The council must appoint at least 1 graduate of the university as an additional member.	12
			13
		‘(4) An additional member must not be a student or a member of the university’s academic staff or general staff.’.	14
			15
<b>Clause</b>	<b>122</b>	<b>Amendment of s 17 (When council is taken to be properly constituted)</b>	16
		Section 17, ‘12’—	17
		<i>omit, insert—</i>	18
		‘8’.	19
			20
<b>Clause</b>	<b>123</b>	<b>Amendment of s 18 (Appointed member’s term of office)</b>	21
		Section 18, ‘3 years’—	22
		<i>omit, insert—</i>	23
		‘4 years’.	24
<b>Clause</b>	<b>124</b>	<b>Amendment of s 19 (Elected member’s term of office)</b>	25
		(1) Section 19(1)—	26
		<i>omit, insert—</i>	27

*University Legislation Amendment Bill 2005*

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	‘(1) An elected member mentioned in section 15(2)(a) or (b) holds office for 4 years.	1 2
	‘(1A) An elected member mentioned in section 15(2)(c) holds office for 2 years.’.	3 4
	(2) Section 19(1A) and (2)— <i>renumber</i> as section 19(2) and (3).	5 6
<b>Clause 125</b>	<b>Replacement of s 20 (Additional member’s term of office)</b>	7
	Section 20—	8
	<i>omit, insert—</i>	9
	<b>‘20 Additional member’s term of office</b>	10
	‘An additional member is to be appointed for a term of not more than 4 years decided by the council.’.	11 12
<b>Clause 126</b>	<b>Amendment of s 21 (Failure to elect or appoint elected members)</b>	13 14
	Section 21(1)—	15
	<i>omit, insert—</i>	16
	‘(1) If an entity permitted to elect or appoint an elected member does not elect or appoint a person as the elected member by a day fixed by the council by notice given to the entity, the Minister may appoint a member of the entity as the elected member.’.	17 18 19 20 21
<b>Clause 127</b>	<b>Replacement of s 23 (Ineligibility for membership of council)</b>	22 23
	Section 23—	24
	<i>omit, insert—</i>	25
	<b>‘23 Ineligibility for membership of council</b>	26
	‘(1) A person is not eligible to become an elected, appointed or additional member if—	27 28

- (a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6;<sup>31</sup> or 1  
2
- (b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a). 3  
4  
5
- ‘(2) Also, a person is not eligible to be elected or appointed as an elected, appointed or additional member if the person’s election or appointment as the member would result in the person being a member for 12 years or more, whether continuously or not. 6  
7  
8  
9  
10
- ‘(3) Subsection (2) does not apply to a person if a majority of members agree the person may be elected or appointed as an elected, appointed or additional member. 11  
12  
13
- ‘(4) Subsection (1)(b) is subject to sections 25 and 26.’. 14

**Clause 128 Amendment of s 24 (Vacation of office) 15**

- (1) Section 24(1)(f) and (g)— 16  
*omit, insert—* 17
- ‘(f) the member is removed from office under section 26B; or 18  
19
- (g) the member is disqualified from managing corporations under the Corporations Act, part 2D.6; or 20  
21
- (h) the member is convicted of an indictable offence, other than an offence in relation to which the member’s office becomes vacant under paragraph (g).’ 22  
23  
24
- (2) Section 24(2)— 25  
*omit, insert—* 26
- ‘(2) Subsection (1)(h) is subject to sections 25 and 26.’. 27

**Clause 129 Insertion of new pt 2, divs 3A and 3B 28**

- After section 26— 29  
*insert—* 30

<sup>31</sup> Corporations Act, part 2D.6 (Disqualification from managing corporations)

<b>‘Division 3A</b>	<b>Members’ function, and removing elected, appointed and additional members from office</b>	1 2 3
<b>‘26A</b>	<b>Member’s function, and obligations about function</b>	4
‘(1)	A member has the function of ensuring the council performs its functions and exercises its powers appropriately, effectively and efficiently.	5 6 7
‘(2)	In performing the function, a member—	8
(a)	must act honestly and in the best interests of the university; and	9 10
(b)	must exercise reasonable skill, care and diligence; and	11
(c)	must disclose to the council any conflict that may arise between the member’s personal interests and the interests of the university; and	12 13 14
(d)	must not make improper use of his or her position as a member, or of information acquired because of his or her position as a member, to gain, directly or indirectly, an advantage for the member or another person.	15 16 17 18
<b>‘26B</b>	<b>Council may remove member from office</b>	19
‘(1)	The council may remove an elected, appointed or additional member from office if at least 9 members are satisfied the member has not complied with—	20 21 22
(a)	section 26A(2); or	23
(b)	a conduct obligation.	24
‘(2)	If the council decides to remove a member from office under subsection (1), the council must as soon as practicable—	25 26
(a)	give the member notice of the decision and the reasons for it; and	27 28
(b)	if the member is an appointed member—give the Minister a copy of the notice.	29 30

- ‘(3) If the council gives a member a notice under subsection (2)(a), the member’s term of office ends on the later of the following—
- (a) the day the member receives the notice;
  - (b) the day, if any, stated in the notice for that purpose.
- ‘(4) The council’s power to remove an appointed member from office under this section does not limit the Governor in Council’s powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (iii).<sup>32</sup>

## ‘Division 3B            Extending terms of office            10

### ‘26C    Minister may extend terms of office            11

- ‘(1) The Minister may, by notice given to the council, extend the terms of office of the elected, appointed and additional members for not more than 1 year if the Minister is satisfied the extension—
- (a) is in the best interests of the university; and
  - (b) is necessary for the council to perform its functions and exercise its powers appropriately, effectively and efficiently.
- ‘(2) If the Minister acts under subsection (1), the Minister must extend, by the same amount, the terms of office of all elected, appointed and additional members.
- ‘(3) The extension applies only to members holding office when the notice is given under subsection (1).
- ‘(4) This section—
- (a) does not allow the Minister to extend the terms of office of the members for more than 1 year by again acting under subsection (1); and
  - (b) applies despite sections 18, 19(1) and (2) and 20.’.

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<sup>32</sup> *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

<b>Clause 130</b>	<b>Amendment of s 30 (Chancellor)</b>	1
	(1) Section 30(4)—	2
	<i>renumber</i> as section 30(5).	3
	(2) Section 30—	4
	<i>insert</i> —	5
	‘(4) The person elected must not be a student or a member of the university’s academic staff or general staff.’.	6
		7
<b>Clause 131</b>	<b>Amendment of s 31 (Deputy chancellor)</b>	8
	Section 31(3), ‘3 years’—	9
	<i>omit, insert</i> —	10
	‘4 years’.	11
<b>Clause 132</b>	<b>Insertion of new s 39AA</b>	12
	Part 4, division 3, after section 39—	13
	<i>insert</i> —	14
	<b>‘39AA Chairperson of academic board</b>	15
	‘(1) There is to be a chairperson of the academic board.	16
	‘(2) The council must decide who is the chairperson.	17
	‘(3) The chairperson holds office for the term, not longer than 3 years, decided by the council.’.	18
		19
<b>Clause 133</b>	<b>Insertion of new pt 4A</b>	20
	Before part 5—	21
	<i>insert</i> —	22

<b>‘Part 4A</b>	<b>Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and chairperson</b>	1 2 3 4
<b>‘39C</b>	<b>Disqualification from office</b>	5
‘(1)	A person can not become, or continue as, the chancellor, vice-chancellor or chairperson if—	6 7
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or	8 9
	(b) subject to subsections (2) to (4), the person has a conviction for an indictable offence other than an offence in relation to which the person is disqualified from office under paragraph (a).	10 11 12 13
‘(2)	If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in subsection (1)(b) of which the person has been convicted, the council may—	14 15 16 17
	(a) if the person was the chancellor, vice-chancellor or chairperson when convicted—give notice to the person that the person—	18 19 20
	(i) is restored as the chancellor, vice-chancellor or chairperson; and	21 22
	(ii) may be later re-elected or reappointed, despite the conviction; or	23 24
	(b) otherwise—give written approval for the person to become the chancellor, vice-chancellor or chairperson despite the conviction.	25 26 27
‘(3)	On the day the person receives a notice under subsection (2)(a)—	28 29
	(a) the person is restored as the chancellor, vice-chancellor or chairperson; and	30 31
	(b) if another person has been elected or appointed to fill the vacancy—the other person’s term of office ends.	32 33



- 
- ‘(4) If a person is restored as the chancellor, vice-chancellor or chairperson under subsection (3), the person’s term of office as the chancellor, vice-chancellor or chairperson ends when it would have ended if the person had not been convicted of the offence. 1  
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- ‘39D Council may remove chancellor, vice-chancellor or chairperson from office 6  
7**
- ‘(1) The council may remove the chancellor, vice-chancellor or chairperson from office if at least 9 members are satisfied the chancellor, vice-chancellor or chairperson has not complied with— 8  
9  
10  
11
- (a) section 26A(2);<sup>33</sup> or 12
- (b) a conduct obligation. 13
- ‘(2) If the council decides to remove the chancellor, vice-chancellor or chairperson from office under subsection (1), the council must as soon as practicable give the chancellor, vice-chancellor or chairperson notice of the decision and the reasons for it. 14  
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- ‘(3) The chancellor’s, vice-chancellor’s or chairperson’s term of office ends on the later of the following— 19  
20
- (a) the day he or she receives the notice; 21
- (b) the day, if any, stated in the notice for that purpose. 22
- ‘39E Particular matters about removal of vice-chancellor 23**
- ‘(1) The council may remove the vice-chancellor from office under section 39D despite the vice-chancellor’s terms of appointment. 24  
25  
26
- ‘(2) If the council removes the vice-chancellor from office under section 39D— 27  
28
- (a) the removal does not affect the vice-chancellor’s right to claim compensation or other entitlements under his or 29  
30

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33 Section 26A (Member’s function, and obligations about function)

	her terms of appointment applying when the appointment ends; and	1 2
	(b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—	3 4 5
	(i) the appointment had been ended as permitted under the terms of appointment; or	6 7
	(ii) his or her term of office had ended.	8
<b>'39F</b>	<b>Vacation of office</b>	9
	'(1) The office of the chancellor, vice-chancellor or chairperson becomes vacant if he or she—	10 11
	(a) can not continue as the chancellor, vice-chancellor or chairperson under section 39C; or	12 13
	(b) is removed from office under section 39D.	14
	'(2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.'	15 16 17
<b>Clause 134</b>	<b>Amendment of s 56 (Making of university statutes)</b>	18
	(1) Section 56(2)(f) to (i)—	19
	<i>renumber</i> as section 56(2)(h) to (k).	20
	(2) Section 56(2)—	21
	<i>insert</i> —	22
	'(f) the process for removing a person from office under section 26B or 39D; <sup>34</sup>	23 24
	(g) the spending of funds under a delegation under section 11(3);'	25 26

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<sup>34</sup> Section 26B (Council may remove member from office) or 39D (Council may remove chancellor, vice-chancellor or chairperson from office)

<b>Clause 135</b>	<b>Amendment of s 60 (Forming and taking part in corporations)</b>	1
	Section 60(1), ‘include’—	2
	<i>omit, insert</i> —	3
	‘include any of’.	4
<b>Clause 136</b>	<b>Insertion of new ss 61A–61C</b>	5
	After section 61—	6
	<i>insert</i> —	7
<b>‘61A</b>	<b>Protection from liability</b>	8
‘(1)	A member is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.	9
‘(2)	If subsection (1) prevents a civil liability attaching to a member, the liability attaches instead to the university.	10
<b>‘61B</b>	<b>Report about person’s criminal history</b>	11
‘(1)	To decide whether to recommend to the Governor in Council a person for appointment under section 14(2) as an appointed member, the Minister may ask the commissioner of the police service for—	12
	(a) a written report about the person’s criminal history; and	13
	(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	14
‘(2)	To decide whether a person is eligible to be the chancellor, vice-chancellor or chairperson, or an elected or additional member, the council may ask the commissioner of the police service for—	15
	(a) a written report about the person’s criminal history; and	16
	(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	17
‘(3)	The commissioner of the police service must comply with a request under subsection (1) or (2).	18
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‘(4)	However, the Minister or council may make a request about a person under subsection (1) or (2) only if the person has given the Minister or council written consent for the request.	1 2 3
‘(5)	The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner’s possession or to which the commissioner has access.	4 5 6 7
‘(6)	The Minister or council must ensure that a report given to the Minister or council under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.	8 9 10 11
‘(7)	In this section—  <i>criminal history</i> , of a person, means the person’s criminal history as defined under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than spent convictions.	12  13 14 15
<b>‘61C</b>	<b>Delegation by Minister</b>	16
	‘The Minister may delegate the Minister’s power under section 61B(1) to an appropriately qualified officer of the department.’.	17 18 19
<b>Clause 137</b>	<b>Insertion of new pt 8, div 2</b>	20
	After section 76—	21
	<i>insert—</i>	22
<b>‘Division 2</b>	<b>Transitional provisions for the University Legislation Amendment Act 2005</b>	23 24 25
<b>‘Subdivision 1</b>	<b>Preliminary</b>	26
<b>‘77</b>	<b>Definitions for div 2</b>	27
	‘In this division—	28
	<i>commencement</i> means the commencement of the provision in which the term is used.	29 30

<i>new additional members</i> see section 83.	1
<i>new appointed members</i> see section 79(2).	2
<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>University Legislation Amendment Act 2005</i> , part 7.	3 4 5
<b>‘Subdivision 2      Provisions about council membership</b>	6 7
<b>‘78      Continuation of official members</b>	8
‘Despite section 13, a person who was an official member under section 13(2)(c) or (e) of the pre-amended Act continues as an official member until the new appointed members’ terms of office start.	9 10 11 12
<b>‘79      Appointment of new appointed members</b>	13
‘(1) The Minister must, within 1 year after the commencement, recommend to the Governor in Council 5 persons for appointment, under section 14(2), as appointed members.	14 15 16
‘(2) The Governor in Council may appoint the persons as appointed members (the <i>new appointed members</i> ).	17 18
<b>‘80      Continuation, and term of office, of appointed members</b>	19 20
‘(1) This section applies to a person who was an appointed member immediately before the commencement.	21 22
‘(2) Despite section 14(1), the person continues as an appointed member until—	23 24
(a) the person’s term of office ends under subsection (3); or	25
(b) the person’s office sooner becomes vacant.	26
‘(3) Despite section 18, the person’s term of office ends when the new appointed members’ terms of office start.	27 28

<b>'81</b>	<b>Continuation of elected members</b>	1
	'(1) This section applies to a person who was an elected member immediately before the commencement.	2 3
	'(2) Despite section 15(1) and (2), the person continues as an elected member until—	4 5
	(a) the person's term of office ends under section 82; or	6
	(b) the person's office sooner becomes vacant.	7
	'(3) Despite section 19(1) and (2), the person's term of office is 3 years.	8 9
<b>'82</b>	<b>Ballot, and term of office, for elected members</b>	10
	'(1) At least 14 days before the new appointed members are appointed, a ballot under section 15(3) of the post-amended Act must be conducted for elected members.	11 12 13
	'(2) Subsection (3) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(a) of the pre-amended Act.	14 15 16
	'(3) The person's term of office ends when the elected member mentioned in section 15(2)(a) of the post-amended Act is elected under the ballot.	17 18 19
	'(4) Subsection (5) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(b) or (c) of the pre-amended Act.	20 21 22
	'(5) The person's term of office ends when the elected member who is the member's successor is elected under the ballot.	23 24
	'(6) Subsection (7) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(d) of the pre-amended Act.	25 26 27
	'(7) The person's term of office ends when the new additional members' terms of office start.	28 29
	'(8) A person is taken to be elected under the ballot when the new appointed members' terms of office start.	30 31
	'(9) Despite section 19(3), the term of office of a person elected under the ballot starts when the new appointed members' terms of office start.	32 33 34

*University Legislation Amendment Bill 2005*

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‘(10)	Subsections (3), (5) and (7) apply despite section 81(3).	1
‘(11)	In this section—	2
	<i>post-amended Act</i> means this Act as in force after the commencement of the <i>University Legislation Amendment Act 2005</i> , part 7.	3 4 5
<b>‘83</b>	<b>Appointment of new additional members</b>	6
	‘The council must, within 1 year after the commencement, appoint 3 persons as additional members (the <i>new additional members</i> ) under section 16.	7 8 9
<b>‘84</b>	<b>Continuation, and term of office, of additional members</b>	10 11
‘(1)	A person who was an additional member immediately before the commencement continues as an additional member until—	12 13 14
	(a) the person’s term of office ends under subsection (2); or	15
	(b) the person’s office sooner becomes vacant.	16
‘(2)	Despite section 20, the person’s term of office ends when the new additional members’ terms of office start.	17 18
<b>‘85</b>	<b>Council need not include additional members</b>	19
	‘Despite section 12, the council need not include additional members before the new additional members’ terms of office start.	20 21 22
<b>‘86</b>	<b>Dealing with casual vacancy in office of elected member</b>	23 24
‘(1)	This section applies if a casual vacancy arises in the office of an elected member after the commencement and before the ballot mentioned in section 82(1) is conducted.	25 26 27
‘(2)	For appointing or electing a person to the office, the pre-amended Act continues to apply as if the <i>University Legislation Amendment Act 2005</i> , part 7, had not commenced.	28 29 30

<b>‘Subdivision 3</b>	<b>Constitution of council</b>	1
<b>‘87</b>	<b>Constitution of council</b>	2
	‘(1) This section applies until the new appointed members’ terms of office start.	3 4
	‘(2) Despite section 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.’.	5 6 7
<b>Clause 138</b>	<b>Amendment of sch 2 (Dictionary)</b>	8
	(1) Schedule 2, definition <i>indictable offence</i> —	9
	<i>omit.</i>	10
	(2) Schedule 2—	11
	<i>insert</i> —	12
	<b>‘chairperson</b> means the chairperson of the academic board.	13
	<b>commencement</b> , for part 8, division 2, see section 77.	14
	<b>commencing day</b> , for part 8, division 1, see section 65.	15
	<b>conduct obligation</b> , in relation to a member, means an obligation that—	16 17
	(a) is stated in the university’s approved code of conduct under the <i>Public Sector Ethics Act 1994</i> ; and	18 19
	(b) must be complied with by the member.	20
	<b>continuing corporation</b> , for part 8, division 1, see section 65.	21
	<b>conviction</b> means a conviction other than a spent conviction.	22
	<b>former corporation</b> , for part 8, division 1, see section 65.	23
	<b>indictable offence</b> includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, <sup>35</sup> applies to the indictable offence.	24 25 26
	<b>new additional members</b> , for part 8, division 2, see section 77.	27 28

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35 Criminal Code, section 659 (Effect of summary conviction for indictable offence)



<i>new appointed members</i> , for part 8, division 2, see section 77.	1
<i>notice</i> means written notice.	2
<i>pre-amended Act</i> , for part 8, division 2, see section 77.	3
<i>previous council</i> , for part 8, division 1, see section 65.	4
<i>repealed Act</i> , for part 8, division 1, see section 65.	5
<i>spent conviction</i> means a conviction—	6
(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	7 8 9
(b) that is not revived as prescribed by section 11 <sup>36</sup> of that Act.	10 11
<i>student association</i> , for part 8, division 1, see section 65.’.	12

<b>Part 8</b>	<b>Amendment of University of the Sunshine Coast Act 1998</b>	13 14
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<b>Clause 139</b>	<b>Act amended in pt 8</b>	15
	This part amends the <i>University of the Sunshine Coast Act 1998</i> .	16 17
<b>Clause 140</b>	<b>Amendment of s 11 (Delegation)</b>	18
(1)	Section 11(1), ‘The university’—	19
	<i>omit, insert—</i>	20
	‘The council’.	21
(2)	Section 11—	22
	<i>insert—</i>	23

<sup>36</sup> *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)

	‘(3) Despite subsection (2)(c), the council may delegate its power to approve spending of funds available to the university by way of bequest, donation or special grant if—	1 2 3
	(a) the expenditure is for a matter funded by bequest, donation or special grant; and	4 5
	(b) the amount of expenditure for the matter is not more than \$100 000.’.	6 7
<b>Clause 141</b>	<b>Replacement of ss 12 and 13</b>	8
	Sections 12 and 13—	9
	<i>omit, insert—</i>	10
<b>‘12</b>	<b>Membership of council</b>	11
	‘The council consists of official members, appointed members, elected members and additional members.	12 13
<b>‘13</b>	<b>Official members</b>	14
	‘(1) There are 3 official members.	15
	‘(2) The official members are—	16
	(a) the chancellor; and	17
	(b) the vice-chancellor; and	18
	(c) the chairperson of the academic board.’.	19
<b>Clause 142</b>	<b>Amendment of s 14 (Appointed members)</b>	20
	Section 14(1), ‘8’—	21
	<i>omit, insert—</i>	22
	‘6’.	23
<b>Clause 143</b>	<b>Amendment of s 15 (Elected members)</b>	24
	(1) Section 15(1), ‘7’—	25
	<i>omit, insert—</i>	26
	‘5’.	27

*University Legislation Amendment Bill 2005*

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|--|---|----|
|  | (2) Section 15(2)(a), ‘3’—                              | 1  |
|  | <i>omit, insert—</i>                                    | 2  |
|  | ‘2’.  | 3  |
|  | (3) Section 15(2)(c), ‘1 student, other than a person’— | 4  |
|  | <i>omit, insert—</i>                                    | 5  |
|  | ‘2 students, other than persons’.                       | 6  |
|  | (4) Section 15(2)(d)—                                   | 7  |
|  | <i>omit.</i>  | 8  |
|  | (5) Section 15(3)(d)—                                   | 9  |
|  | <i>omit.</i>  | 10 |

- |                   |  |          |
|-------------------|--|----------|
| <b>Clause 144</b> | <b>Replacement of s 16 (Additional members)</b>  | 11       |
|                   | Section 16—  | 12       |
|                   | <i>omit, insert—</i>   | 13       |
| <b>‘16</b>        | <b>Additional members</b>  | 14       |
|                   | ‘(1) There are 4 additional members.   | 15       |
|                   | ‘(2) The council must appoint the additional members.  | 16       |
|                   | ‘(3) The council must appoint at least 1 graduate of the university as an additional member.                       | 17<br>18 |
|                   | ‘(4) An additional member must not be a student or a member of the university’s academic staff or general staff.’. | 19<br>20 |

- |                   |   |          |
|-------------------|---|----------|
| <b>Clause 145</b> | <b>Amendment of s 17 (When council is taken to be properly constituted)</b> | 21<br>22 |
|                   | Section 17, ‘12’—   | 23       |
|                   | <i>omit, insert—</i>  | 24       |
|                   | ‘11’.   | 25       |

<b>Clause 146</b>	<b>Amendment of s 18 (Appointed member's term of office)</b>	1
	Section 18, '3 years'—	2
	<i>omit, insert</i> —	3
	'4 years'.	4
<b>Clause 147</b>	<b>Amendment of s 19 (Elected member's term of office)</b>	5
	(1) Section 19(1)—	6
	<i>omit, insert</i> —	7
	'(1) An elected member mentioned in section 15(2)(a) or (b) holds office for 4 years.	8
		9
	'(1A) An elected member mentioned in section 15(2)(c) holds office for 2 years.'	10
		11
	(2) Section 19(1A) and (2)—	12
	<i>renumber</i> as section 19(2) and (3).	13
<b>Clause 148</b>	<b>Replacement of s 20 (Additional member's term of office)</b>	14
	Section 20—	15
	<i>omit, insert</i> —	16
<b>'20</b>	<b>Additional member's term of office</b>	17
	'An additional member is to be appointed for a term of not more than 4 years decided by the council.'	18
		19
<b>Clause 149</b>	<b>Amendment of s 20A (Dealing with casual vacancy in office of an elected member)</b>	20
		21
	(1) Section 20A(5)—	22
	<i>omit, insert</i> —	23
	'(5) Despite subsection (4), if the elected member was a student, the council may authorise the board of the student guild to appoint a student to the office at a meeting of the student guild at which a quorum is present.'	24
		25
		26
		27
	(2) Section 20A(7)—	28
	<i>omit.</i>	29

<b>Clause 150</b>	<b>Amendment of s 22 (Casual vacancies)</b>	1
	Section 22, ‘an elected member’—	2
	<i>omit, insert—</i>	3
	‘a member’.	4
<b>Clause 151</b>	<b>Replacement of s 23 (Ineligibility for membership of council)</b>	5
	Section 23—	6
	<i>omit, insert—</i>	7
<b>‘23</b>	<b>Ineligibility for membership of council</b>	8
	‘(1) A person is not eligible to become an additional, appointed or elected member if—	9
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; <sup>37</sup> or	10
	(b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a).	11
	‘(2) Also, a person is not eligible to be appointed or elected as an additional, appointed or elected member if the person’s appointment or election as the member would result in the person being a member for 12 years or more, whether continuously or not.	12
	‘(3) Subsection (2) does not apply to a person if a majority of members agree the person may be appointed or elected as an additional, appointed or elected member.	13
	‘(4) Subsection (1)(b) is subject to sections 25 and 26.’.	14
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<b>Clause 152</b>	<b>Amendment of s 24 (Vacation of office)</b>	26
	(1) Section 24(1)(f) and (g)—	27
	<i>omit, insert—</i>	28
	‘(f) the member is removed from office under section 26B;	29
	or	30

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<sup>37</sup> Corporations Act, part 2D.6 (Disqualification from managing corporations)

- (g) the member is disqualified from managing corporations under the Corporations Act, part 2D.6; or 1  
2
- (h) the member is convicted of an indictable offence, other than an offence in relation to which the member's office becomes vacant under paragraph (g).'. 3  
4  
5
- (2) Section 24(2)— 6  
*omit, insert—* 7
- '(2) Subsection (1)(h) is subject to sections 25 and 26.'. 8

**Clause 153 Insertion of new pt 2, divs 3A and 3B** 9

After section 26— 10  
*insert—* 11

**'Division 3A Members' function, and removing additional, appointed and elected members from office** 12  
13  
14

**'26A Member's function, and obligations about function** 15

'(1) A member has the function of ensuring the council performs its functions and exercises its powers appropriately, effectively and efficiently. 16  
17  
18

'(2) In performing the function, a member— 19

(a) must act honestly and in the best interests of the university; and 20  
21

(b) must exercise reasonable skill, care and diligence; and 22

(c) must disclose to the council any conflict that may arise between the member's personal interests and the interests of the university; and 23  
24  
25

(d) must not make improper use of his or her position as a member, or of information acquired because of his or her position as a member, to gain, directly or indirectly, an advantage for the member or another person. 26  
27  
28  
29

<b>‘26B Council may remove member from office</b>	1
‘(1) The council may remove an additional, appointed or elected member from office if at least 12 members are satisfied the member has not complied with—	2 3 4
(a) section 26A(2); or	5
(b) a conduct obligation.	6
‘(2) If the council decides to remove a member from office under subsection (1), the council must as soon as practicable—	7 8
(a) give the member notice of the decision and the reasons for it; and	9 10
(b) if the member is an appointed member—give the Minister a copy of the notice.	11 12
‘(3) If the council gives a member a notice under subsection (2)(a), the member’s term of office ends on the later of the following—	13 14 15
(a) the day the member receives the notice;	16
(b) the day, if any, stated in the notice for that purpose.	17
‘(4) The council’s power to remove an appointed member from office under this section does not limit the Governor in Council’s powers under the <i>Acts Interpretation Act 1954</i> , section 25(1)(b)(i) or (iii). <sup>38</sup>	18 19 20 21
<b>‘Division 3B Extending terms of office</b>	22
<b>‘26C Minister may extend terms of office</b>	23
‘(1) The Minister may, by notice given to the council, extend the terms of office of the additional, appointed and elected members for not more than 1 year if the Minister is satisfied the extension—	24 25 26 27
(a) is in the best interests of the university; and	28

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38 *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

- (b) is necessary for the council to perform its functions and  
exercise its powers appropriately, effectively and  
efficiently. 1  
2  
3
- ‘(2) If the Minister acts under subsection (1), the Minister must  
extend, by the same amount, the terms of office of all  
additional, appointed and elected members. 4  
5  
6
- ‘(3) The extension applies only to members holding office when  
the notice is given under subsection (1). 7  
8
- ‘(4) This section— 9
- (a) does not allow the Minister to extend the terms of office  
of the members for more than 1 year by again acting  
under subsection (1); and 10  
11  
12
- (b) applies despite sections 18, 19(1) and (2) and 20.’. 13

**Clause 154 Amendment of s 30 (Chancellor) 14**

- (1) Section 30(4)— 15  
*renumber* as section 30(5). 16
- (2) Section 30— 17  
*insert*— 18
- ‘(4) The person elected must not be a student or a member of the  
university’s academic staff or general staff.’. 19  
20

**Clause 155 Amendment of s 31 (Deputy chancellor) 21**

- Section 31(3), ‘3 years’— 22  
*omit, insert*— 23  
‘4 years’. 24

**Clause 156 Omission of pt 4, div 1 (Convocation) 25**

- Part 4, division 1— 26  
*omit.* 27



<b>Clause 157</b>	<b>Insertion of new s 40AA</b>	1
	Part 4, division 4, after section 40—	2
	<i>insert—</i>	3
	<b>‘40AA Chairperson of academic board</b>	4
	‘(1) There is to be a chairperson of the academic board.	5
	‘(2) The council must decide who is the chairperson.	6
	‘(3) The chairperson holds office for the term, not longer than 3 years, decided by the council.’.	7
		8
<b>Clause 158</b>	<b>Amendment of s 40A (Excluded matters for Corporations legislation)</b>	9
	(1) Section 40A(1)(a)—	10
	<i>omit.</i>	11
	(2) Section 40A(1)(b) and (c)—	12
	<i>renumber</i> as section 40A(1)(a) and (b).	13
		14
<b>Clause 159</b>	<b>Insertion of new pt 4A</b>	15
	Before part 5—	16
	<i>insert—</i>	17
	<b>‘Part 4A</b>	18
	<b>Matters relating to offices of</b>	19
	<b>chancellor, deputy chancellor,</b>	20
	<b>vice-chancellor and</b>	21
	<b>chairperson</b>	21
	<b>‘40C Disqualification from office</b>	22
	‘(1) A person can not become, or continue as, the chancellor, vice-chancellor or chairperson if—	23
		24
	(a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or	25
		26
	(b) subject to subsections (2) to (4), the person has a conviction for an indictable offence other than an	27
		28

*University Legislation Amendment Bill 2005*

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offence in relation to which the person is disqualified from office under paragraph (a).	1 2
‘(2) If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in subsection (1)(b) of which the person has been convicted, the council may—	3 4 5 6
(a) if the person was the chancellor, vice-chancellor or chairperson when convicted—give notice to the person that the person—	7 8 9
(i) is restored as the chancellor, vice-chancellor or chairperson; and	10 11
(ii) may be later re-elected or reappointed, despite the conviction; or	12 13
(b) otherwise—give written approval for the person to become the chancellor, vice-chancellor or chairperson despite the conviction.	14 15 16
‘(3) On the day the person receives a notice under subsection (2)(a)—	17 18
(a) the person is restored as the chancellor, vice-chancellor or chairperson; and	19 20
(b) if another person has been elected or appointed to fill the vacancy—the other person’s term of office ends.	21 22
‘(4) If a person is restored as the chancellor, vice-chancellor or chairperson under subsection (3), the person’s term of office as the chancellor, vice-chancellor or chairperson ends when it would have ended if the person had not been convicted of the offence.	23 24 25 26 27
<b>‘40D Council may remove chancellor, vice-chancellor or chairperson from office</b>	<b>28 29</b>
‘(1) The council may remove the chancellor, vice-chancellor or chairperson from office if at least 12 members are satisfied the chancellor, vice-chancellor or chairperson has not complied with—	30 31 32 33

(a)	section 26A(2); <sup>39</sup> or	1
(b)	a conduct obligation.	2
‘(2)	If the council decides to remove the chancellor, vice-chancellor or chairperson from office under subsection (1), the council must as soon as practicable give the chancellor, vice-chancellor or chairperson notice of the decision and the reasons for it.	3 4 5 6 7
‘(3)	The chancellor’s, vice-chancellor’s or chairperson’s term of office ends on the later of the following—	8 9
(a)	the day he or she receives the notice;	10
(b)	the day, if any, stated in the notice for that purpose.	11
<b>‘40E</b>	<b>Particular matters about removal of vice-chancellor</b>	12
‘(1)	The council may remove the vice-chancellor from office under section 40D despite the vice-chancellor’s terms of appointment.	13 14 15
‘(2)	If the council removes the vice-chancellor from office under section 40D—	16 17
(a)	the removal does not affect the vice-chancellor’s right to claim compensation or other entitlements under his or her terms of appointment applying when the appointment ends; and	18 19 20 21
(b)	the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—	22 23 24
(i)	the appointment had been ended as permitted under the terms of appointment; or	25 26
(ii)	his or her term of office had ended.	27
<b>‘40F</b>	<b>Vacation of office</b>	28
‘(1)	The office of the chancellor, vice-chancellor or chairperson becomes vacant if he or she—	29 30

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39 Section 26A (Member’s function, and obligations about function)

*University Legislation Amendment Bill 2005*

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- (a) can not continue as the chancellor, vice-chancellor or chairperson under section 40C; or 1  
2
- (b) is removed from office under section 40D. 3
- ‘(2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.’. 4  
5  
6

- Clause 160 Amendment of s 58 (Making of university statutes)** 7
- (1) Section 58(2)(e)— 8  
*omit.* 9
- (2) Section 58(2)— 10  
*insert—* 11  
‘(fa) the process for removing a person from office under section 26B or 40D;<sup>40</sup> 12  
13  
(fb) the spending of funds under a delegation under section 11(3);’ 14  
15
- (3) Section 58(2)(f) to (j)— 16  
*renumber* as section 58(2)(e) to (k). 17

- Clause 161 Amendment of s 63 (Forming and taking part in corporations)** 18  
19
- Section 63(1), ‘include’— 20  
*omit, insert—* 21  
‘include any of’. 22

- Clause 162 Insertion of new ss 64A–64C** 23
- After section 64— 24  
*insert—* 25

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40 Section 26B (Council may remove member from office) 40D (Council may remove chancellor, vice-chancellor or chairperson from office)

<b>'64A</b>	<b>Protection from liability</b>	1
'(1)	A member is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.	2 3 4
'(2)	If subsection (1) prevents a civil liability attaching to a member, the liability attaches instead to the university.	5 6
<b>'64B</b>	<b>Report about person's criminal history</b>	7
'(1)	To decide whether to recommend to the Governor in Council a person for appointment under section 14(2) as an appointed member, the Minister may ask the commissioner of the police service for—	8 9 10 11
	(a) a written report about the person's criminal history; and	12
	(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	13 14
'(2)	To decide whether a person is eligible to be the chancellor, vice-chancellor or chairperson, or an elected or additional member, the council may ask the commissioner of the police service for—	15 16 17 18
	(a) a written report about the person's criminal history; and	19
	(b) a brief description of the circumstances of a conviction mentioned in the criminal history.	20 21
'(3)	The commissioner of the police service must comply with a request under subsection (1) or (2).	22 23
'(4)	However, the Minister or council may make a request about a person under subsection (1) or (2) only if the person has given the Minister or council written consent for the request.	24 25 26
'(5)	The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner's possession or to which the commissioner has access.	27 28 29 30
'(6)	The Minister or council must ensure that a report given to the Minister or council under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.	31 32 33 34

	‘(7) In this section—	1
	<i>criminal history</i> , of a person, means the person’s criminal history as defined under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> , other than spent convictions.	2 3 4
<b>‘64C</b>	<b>Delegation by Minister</b>	5
	‘The Minister may delegate the Minister’s power under section 64B(1) to an appropriately qualified officer of the department.’.	6 7 8
<b>Clause 163</b>	<b>Insertion of new pt 8, div 2</b>	9
	After section 82—	10
	<i>insert—</i>	11
<b>‘Division 2</b>	<b>Transitional provisions for the University Legislation Amendment Act 2005</b>	12 13 14
<b>‘Subdivision 1</b>	<b>Preliminary</b>	15
<b>‘83</b>	<b>Definitions for div 2</b>	16
	‘In this division—	17
	<i>commencement</i> means the commencement of the provision in which the term is used.	18 19
	<i>new additional members</i> see section 89.	20
	<i>new appointed members</i> see section 85(2).	21
	<i>pre-amended Act</i> means this Act as in force before the commencement of the <i>University Legislation Amendment Act 2005</i> , part 8.	22 23 24

<b>‘Subdivision 2</b>	<b>Provisions about council membership</b>	1 2
<b>‘84</b>	<b>Continuation of official members</b>	3
	‘Despite section 13, a person who was an official member under section 13(c) or (e) of the pre-amended Act continues as an official member until the new appointed members’ terms of office start.	4 5 6 7
<b>‘85</b>	<b>Appointment of new appointed members</b>	8
	‘(1) The Minister must, within 1 year after the commencement, recommend to the Governor in Council 6 persons for appointment, under section 14(2), as appointed members.	9 10 11
	‘(2) The Governor in Council may appoint the persons as appointed members (the <i>new appointed members</i> ).	12 13
<b>‘86</b>	<b>Continuation, and term of office, of appointed members</b>	14 15
	‘(1) This section applies to a person who was an appointed member immediately before the commencement.	16 17
	‘(2) Despite section 14(1), the person continues as an appointed member until—	18 19
	(a) the person’s term of office ends under subsection (3); or	20
	(b) the person’s office sooner becomes vacant.	21
	‘(3) Despite section 18, the person’s term of office ends when the new appointed members’ terms of office start.	22 23
<b>‘87</b>	<b>Continuation of elected members</b>	24
	‘(1) This section applies to a person who was an elected member immediately before the commencement.	25 26
	‘(2) Despite section 15(1) and (2), the person continues as an elected member until—	27 28
	(a) the person’s term of office ends under section 88; or	29

	(b) the person's office sooner becomes vacant.	1
	'(3) Despite section 19(1) and (2), the person's term of office is 3 years.	2 3
<b>'88</b>	<b>Ballot, and term of office, for elected members</b>	4
	'(1) At least 14 days before the new appointed members are appointed, a ballot under section 15(3) of the post-amended Act must be conducted for elected members.	5 6 7
	'(2) Subsection (3) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(a) of the pre-amended Act.	8 9 10
	'(3) The person's term of office ends when the elected members mentioned in section 15(2)(a) of the post-amended Act are elected under the ballot.	11 12 13
	'(4) Subsection (5) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(b) of the pre-amended Act.	14 15 16
	'(5) The person's term of office ends when the elected member who is the member's successor is elected under the ballot.	17 18
	'(6) Subsection (7) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(c) of the pre-amended Act.	19 20 21
	'(7) The person's term of office ends when the elected members mentioned in section 15(2)(c) of the post-amended Act are elected under the ballot.	22 23 24
	'(8) Subsection (9) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(d) of the pre-amended Act.	25 26 27
	'(9) The person's term of office ends when the new additional members' terms of office start.	28 29
	'(10) A person is taken to be elected under the ballot when the new appointed members' terms of office start.	30 31
	'(11) Despite section 19(3), the term of office of a person elected under the ballot starts when the new appointed members' terms of office start.	32 33 34



‘(12)	Subsections (3), (5), (7) and (9) apply despite section 87(3).	1
‘(13)	In this section—	2
	<i>post-amended Act</i> means this Act as in force after the commencement of the <i>University Legislation Amendment Act 2005</i> , part 8.	3 4 5
<b>‘89</b>	<b>Appointment of new additional members</b>	6
	‘The council must, within 1 year after the commencement, appoint 4 persons as additional members (the <i>new additional members</i> ) under section 16.	7 8 9
<b>‘90</b>	<b>Continuation, and term of office, of additional members</b>	10 11
‘(1)	A person who was an additional member immediately before the commencement continues as an additional member until—	12 13 14
	(a) the person’s term of office ends under subsection (2); or	15
	(b) the person’s office sooner becomes vacant.	16
‘(2)	Despite section 20, the person’s term of office ends when the new additional members’ terms of office start.	17 18
<b>‘91</b>	<b>Council need not include additional members</b>	19
	‘Despite section 12, the council need not include additional members before the new additional members’ terms of office start.	20 21 22
<b>‘92</b>	<b>Dealing with casual vacancy in office of elected member</b>	23 24
‘(1)	This section applies if a casual vacancy arises in the office of an elected member after the commencement and before the ballot mentioned in section 88(1) is conducted.	25 26 27
‘(2)	For appointing or electing a person to the office, the pre-amended Act continues to apply as if the <i>University Legislation Amendment Act 2005</i> , part 8, had not commenced.	28 29 30

<b>‘Subdivision 3</b>	<b>Constitution of council</b>	1
<b>‘93</b>	<b>Constitution of council</b>	2
	‘(1) This section applies until the new appointed members’ terms of office start.	3 4
	‘(2) Despite section 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.’.	5 6 7
<b>Clause 164</b>	<b>Amendment of sch 2 (Dictionary)</b>	8
	(1) Schedule 2, definitions <i>additional member</i> , <i>appointed member</i> , <i>convicted</i> , <i>elected member</i> , <i>indictable offence</i> and <i>official member</i> —	9 10 11
	<i>omit</i> .	12
	(2) Schedule 2—	13
	<i>insert</i> —	14
	<b>‘additional member—</b>	15
	(a) generally—means a member of the council appointed under section 16; and	16 17
	(b) for part 8, division 1—see section 68.	18
	<b>appointed member—</b>	19
	(a) generally—means a member of the council appointed under section 14; and	20 21
	(b) for part 8, division 1—see section 68.	22
	<b>chairperson</b> means the chairperson of the academic board.	23
	<b>commencement</b> , for part 8, division 2, see section 83.	24
	<b>commencing day</b> , for part 8, division 1, see section 68.	25
	<b>conduct obligation</b> , in relation to a member, means an obligation that—	26 27
	(a) is stated in the university’s approved code of conduct under the <i>Public Sector Ethics Act 1994</i> ; and	28 29
	(b) must be complied with by the member.	30

*University Legislation Amendment Bill 2005*

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<i>continuing corporation</i> , for part 8, division 1, see section 68.	1
<i>conviction</i> means a conviction other than a spent conviction.	2
<i>elected member</i> —	3
(a) generally—means a member of the council elected or appointed under section 15; and	4 5
(b) for part 8, division 1—see section 68.	6
<i>former corporation</i> , for part 8, division 1, see section 68.	7
<i>indictable offence</i> includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, <sup>41</sup> applies to the indictable offence.	8 9 10
<i>new additional members</i> , for part 8, division 2, see section 83.	11 12
<i>new appointed members</i> , for part 8, division 2, see section 83.	13
<i>notice</i> means written notice.	14
<i>official member</i> —	15
(a) generally—means a person who is an official member of the council under section 13; and	16 17
(b) for part 8, division 1—see section 68.	18
<i>pre-amended Act</i> , for part 8, division 2, see section 83.	19
<i>previous council</i> , for part 8, division 1, see section 68.	20
<i>QUT</i> , for part 8, division 1, see section 68.	21
<i>repealed Act</i> , for part 8, division 1, see section 68.	22
<i>spent conviction</i> means a conviction—	23
(a) for which the rehabilitation period under the <i>Criminal Law (Rehabilitation of Offenders) Act 1986</i> has expired under that Act; and	24 25 26
(b) that is not revived as prescribed by section 11 <sup>42</sup> of that Act.	27 28

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41 Criminal Code, section 659 (Effect of summary conviction for indictable offence)

42 *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)

<i>union</i> , for part 8, division 1, see section 68.	1
<i>university college</i> , for part 8, division 1, see section 68.ʹ.	2

<b>Part 9</b>	<b>Consequential and other amendments</b>	3
		4

<b>Clause 165</b>	<b>Consequential and other amendments</b>	5
	The schedule amends the Acts it mentions.	6

<b>Schedule</b>	<b>Consequential and other amendments</b>	1
		2
	section 165	3
<b>Central Queensland University Act 1998</b>		4
<b>1</b>	<b>Part 2, divisions 3A and 3B (as inserted by this Act), and 4—</b>	5
	<i>renumber</i> as part 2, divisions 4, 5 and 6.	6
		7
<b>2</b>	<b>Sections 25(1) and 26(1), after ‘indictable offence’—</b>	8
	<i>insert—</i>	9
	‘mentioned in section 23(1)(b) or 24(1)(h)’.	10
<b>3</b>	<b>Sections 25(1)(a) and 26(1)(a), ‘written’—</b>	11
	<i>omit.</i>	12
<b>4</b>	<b>Part 4, divisions 2 to 5—</b>	13
	<i>renumber</i> as part 4, divisions 1 to 4.	14
<b>5</b>	<b>Sections 40AA (as inserted by this Act) and 40A—</b>	15
	<i>renumber</i> as sections 40A and 40B.	16
<b>6</b>	<b>Part 8, heading—</b>	17
	<i>omit, insert—</i>	18
<b>‘Part 8</b>	<b>Repeal and transitional provisions</b>	19
		20

## Schedule (continued)

<b>'Division 1</b>	<b>Repeal provision, and transitional provisions before the University Legislation Amendment Act 2005'.</b>	1 2 3
<b>7</b>	<b>Section 66, heading, 'pt 8'—</b> <i>omit, insert—</i> <b>'div 1'.</b>	4 5 6
<b>8</b>	<b>Section 66, 'In this part'—</b> <i>omit, insert—</i> <b>'In this division'.</b>	7 8 9
<b>9</b>	<b>Section 66, definition <i>commencing day</i>—</b> <i>omit, insert—</i> <b>'commencing day means the day the provision in which the term is used commences.'</b>	10 11 12 13
<b>10</b>	<b>Schedule 1, sections 2(1)(b) and 9(4), 'written'—</b> <i>omit.</i>	14 15
<b>Griffith University Act 1998</b>		16
<b>1</b>	<b>Sections 21(1), 25(1)(a) and 26(1)(a), 'written'—</b> <i>omit.</i>	17 18
<b>2</b>	<b>Sections 25(1) and 26(1), after 'indictable offence'—</b> <i>insert—</i> <b>'mentioned in section 23(1)(b) or 24(1)(h)'.</b>	19 20 21

## Schedule (continued)

<b>3</b>	<b>Part 2, divisions 3A and 3B (as inserted by this Act), and 4—</b>	1 2
	<i>renumber</i> as part 2, divisions 4, 5 and 6.	3
<b>4</b>	<b>Part 3, before section 30—</b>	4
	<i>insert—</i>	5
<b>‘Division 1</b>	<b>Chancellor, deputy chancellor and vice-chancellor’.</b>	6 7
<b>5</b>	<b>Section 70, heading—</b>	8
	<i>omit, insert—</i>	9
<b>‘70</b>	<b>Definitions for div 1</b>	10
	In this division—’.	11
<b>6</b>	<b>Schedule 1, sections 2(1)(b) and 9(4), ‘written’—</b>	12
	<i>omit.</i>	13
<b>James Cook University Act 1997</b>		14
<b>1</b>	<b>Sections 21(1), 25(1)(a) and 26(1)(a), ‘written’—</b>	15
	<i>omit.</i>	16
<b>2</b>	<b>Sections 25(1) and 26(1), after ‘indictable offence’—</b>	17
	<i>insert—</i>	18
	‘mentioned in section 23(1)(b) or 24(1)(h)’.	19

## Schedule (continued)

<b>3</b>	<b>Part 2, divisions 3A and 3B (as inserted by this Act), and 4—</b>	1 2
	<i>renumber</i> as part 2, divisions 4, 5 and 6.	3
<b>4</b>	<b>Sections 40AA (as inserted by this Act) and 40A—</b>	4
	<i>renumber</i> as sections 40A and 40B.	5
<b>5</b>	<b>Part 8, heading—</b>	6
	<i>omit, insert—</i>	7
<b>‘Part 8</b>	<b>Repeal and transitional provisions</b>	8 9
<b>‘Division 1</b>	<b>Repeal provision’.</b>	10
<b>6</b>	<b>Schedule 1, section 8(4), ‘written’—</b>	11
	<i>omit.</i>	12
<b>Queensland University of Technology Act 1998</b>		13
<b>1</b>	<b>Sections 21(1), 25(1)(a) and 26(1)(a), ‘written’—</b>	14
	<i>omit.</i>	15
<b>2</b>	<b>Sections 25(1) and 26(1), after ‘indictable offence’—</b>	16
	<i>insert—</i>	17
	‘mentioned in section 23(1)(b) or 24(1)(h)’.	18



## Schedule (continued)

<b>3</b>	<b>Part 2, divisions 3A and 3B (as inserted by this Act), and 4—</b>	1 2
	<i>renumber</i> as part 2, divisions 4, 5 and 6.	3
<b>4</b>	<b>Schedule 1, sections 2(1)(b) and 9(4), ‘written’—</b>	4
	<i>omit.</i>	5
	<b>University of Queensland Act 1998</b>	6
<b>1</b>	<b>Sections 21(1), 25(1)(a) and 26(1)(a), ‘written’—</b>	7
	<i>omit.</i>	8
<b>2</b>	<b>Sections 25(1) and 26(1), after ‘indictable offence’—</b>	9
	<i>insert—</i>	10
	‘mentioned in section 23(1)(b) or 24(1)(h)’.	11
<b>3</b>	<b>Part 2, divisions 3A and 3B (as inserted by this Act), and 4—</b>	12 13
	<i>renumber</i> as part 2, divisions 4, 5 and 6.	14
<b>4</b>	<b>Part 4, divisions 2 to 4—</b>	15
	<i>renumber</i> as part 4, divisions 1 to 3.	16
<b>5</b>	<b>Sections 35AA (as inserted by this Act) and 35A—</b>	17
	<i>renumber</i> as sections 35A and 35B.	18

## Schedule (continued)

<b>6</b>	<b>Part 8, heading—</b>	1
	<i>omit, insert—</i>	2
<b>‘Part 8</b>	<b>Transitional provisions</b>	3
<b>‘Division 1</b>	<b>Transitional provision for</b>	4
	<b>continuing in office particular</b>	5
	<b>members holding office in 2004’.</b>	6
<b>7</b>	<b>Schedule 1, sections 2(1)(b) and 9(4), ‘written’—</b>	7
	<i>omit.</i>	8
	<b>University of Southern Queensland Act 1998</b>	9
<b>1</b>	<b>Section 20A, heading, ‘particular elected members’—</b>	10
	<i>omit, insert—</i>	11
	<b>‘elected member’.</b>	12
<b>2</b>	<b>Section 20A(1), from ‘member’, first mention—</b>	13
	<i>omit, insert—</i>	14
	<b>‘member.’.</b>	15
<b>3</b>	<b>Sections 25(1) and 26(1), after ‘indictable offence’—</b>	16
	<i>insert—</i>	17
	<b>‘mentioned in section 23(1)(b) or 24(1)(h)’.</b>	18
<b>4</b>	<b>Sections 25(1)(a) and 26(1)(a), ‘written’—</b>	19
	<i>omit.</i>	20

## Schedule (continued)

5	<b>Part 2, divisions 3A and 3B (as inserted by this Act), and 4—</b>	1 2
	<i>renumber</i> as part 2, divisions 4, 5 and 6.	3
6	<b>Sections 39AA (as inserted by this Act) and 39A—</b>	4
	<i>renumber</i> as sections 39A and 39B.	5
7	<b>Part 8, heading—</b>	6
	<i>omit, insert—</i>	7
<b>‘Part 8</b>	<b>Repeal and transitional provisions</b>	8 9
<b>‘Division 1</b>	<b>Repeal provision, and transitional provisions before the University Legislation Amendment Act 2005’.</b>	10 11 12
8	<b>Section 65, heading, ‘pt 8’—</b>	13
	<i>omit, insert—</i>	14
	<b>‘div 1’.</b>	15
9	<b>Section 65, ‘In this part’—</b>	16
	<i>omit, insert—</i>	17
	<b>‘In this division’.</b>	18
10	<b>Section 65, definition <i>commencing day</i>—</b>	19
	<i>omit, insert—</i>	20
	<b>‘<i>commencing day</i> means the day the provision in which the term is used commences.’.</b>	21 22

## Schedule (continued)

<b>11</b>	<b>Schedule 1, sections 2(1)(b) and 9(4), ‘written’—</b> <i>omit.</i>	1 2
	<b>University of the Sunshine Coast Act 1998</b>	3
<b>1</b>	<b>Sections 21(1), 25(1)(a) and 26(1)(a), ‘written’—</b> <i>omit.</i>	4 5
<b>2</b>	<b>Sections 25(1) and 26(1), after ‘indictable offence’—</b> <i>insert—</i> ‘mentioned in section 23(1)(b) or 24(1)(h)’.	6 7 8
<b>3</b>	<b>Part 2, divisions 3A and 3B (as inserted by this Act), and 4—</b> <i>renumber</i> as part 2, divisions 4, 5 and 6.	9 10 11
<b>4</b>	<b>Part 4, divisions 2 to 5—</b> <i>renumber</i> as part 4, divisions 1 to 4.	12 13
<b>5</b>	<b>Sections 40AA (as inserted by this Act) and 40A—</b> <i>renumber</i> as sections 40A and 40B.	14 15
<b>6</b>	<b>Part 8, heading—</b> <i>omit, insert—</i>	16 17
<b>‘Part 8</b>	<b>Repeal and transitional provisions</b>	18 19

## Schedule (continued)

<b>‘Division 1</b>	<b>Repeal provision, and transitional provisions for Act No. 47 of 1998’.</b>	1 2
<b>7</b>	<b>Section 68, heading, ‘pt 8’—</b> <i>omit, insert—</i> <b>‘div 1’.</b>	3 4 5
<b>8</b>	<b>Section 68, ‘In this part’—</b> <i>omit, insert—</i> <b>‘In this division’.</b>	6 7 8
<b>9</b>	<b>Section 68, definition <i>commencing day</i>—</b> <i>omit, insert—</i> <b>‘<i>commencing day</i> means the day the provision in which the term is used commences.’.</b>	9 10 11 12
<b>10</b>	<b>Schedule 1, sections 2(1)(b) and 9(5), ‘written’—</b> <i>omit.</i>	13 14