



Queensland

Australian Catholic University (Queensland) Bill 2006



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2006

A Bill

for

**An Act to provide statutory recognition of the Australian
Catholic University and to facilitate its operation in Queensland**

The Parliament of Queensland enacts—	1
Part 1 Preliminary	2
1 Short title	3
This Act may be cited as the <i>Australian Catholic University (Queensland) Act 2006</i> .	4 5
2 Definitions	6
The dictionary in the schedule defines particular words used in this Act.	7 8
3 Main purposes	9
The main purposes of this Act are to—	10
(a) recognise the Australian Catholic University as a university; and	11 12
(b) facilitate its operation in Queensland.	13
Part 2 The university	14
4 Recognition as a university	15
The Australian Catholic University is recognised as a university in Queensland.	16 17
5 Independence of the university	18
In relation to the provision of education by the university, the senate—	19 20

(a)	is solely responsible for, and has authority over, the provision of the education; and	1 2
(b)	is not subject to the direction of any person.	3
6	Use of name ‘Australian Catholic University’	4
	The university and the senate are authorised to use the name ‘Australian Catholic University’ in relation to the conduct of the university, including in the discharge of the university’s function under section 7.	5 6 7 8
7	Function of conferring awards	9
	It is a function of the university to confer higher education awards.	10 11
Part 3	Investment common funds	12
8	Establishment of investment common funds	13
(1)	The university may establish 1 or more investment common funds for the collective investment of funds belonging to or vested in the university.	14 15 16
(2)	The university may add funds to, or withdraw funds from, an investment common fund, without incurring any liability for breach of trust.	17 18 19
9	Income of investment common funds	20
(1)	The university must periodically distribute the income of an investment common fund among each fund forming the investment common fund (a <i>component fund</i>), having regard to the share of each component fund in the investment common fund during the period in which the income is derived.	21 22 23 24 25 26
(2)	Despite subsection (1), the university may—	27

(a)	add a part of the income of the investment common fund to the fund's capital; or	1 2
(b)	use a part of the income to establish or augment another fund to make provision against capital depreciation or reduction of income.	3 4 5
10	Funds added to investment common fund	6
(1)	If a component fund adds funds to an investment common fund—	7 8
(a)	the university is taken to hold the funds for the benefit of the investment common fund; and	9 10
(b)	for funds other than money—the component fund is taken to have added to the investment common fund an amount equivalent to the value attributed by the university to the added funds at the time the funds were added.	11 12 13 14 15
(2)	If a component fund stops forming part of an investment common fund, the amount to be withdrawn from the investment common fund is an amount equivalent to the value attributed by the university to the equity in the investment common fund of the component fund at the time of the withdrawal.	16 17 18 19 20 21
11	Trust funds	22
(1)	The inclusion of trust funds in an investment common fund does not affect a trust to which the trust funds, or amounts attributed to the trust funds, are subject.	23 24 25
(2)	The power of the university to include trust funds in an investment common fund is subject to an express direction in, or express condition of, the trust.	26 27 28

Part 4	Miscellaneous	1
12	No religious discrimination	2
	The <i>Anti-Discrimination Act 1991</i> , section 41, ¹ does not apply	3
	to allow the university to discriminate in the area of education	4
	by excluding an applicant for admission as a student who is	5
	not of a particular religion.	6
13	Liability of the State	7
	The State is not liable to any action, claim, demand or liability	8
	arising from the enactment or operation of this Act or from	9
	anything done by the university under this Act.	10
14	Application of Higher Education (General Provisions) Act 2003	11
	The <i>Higher Education (General Provisions) Act 2003</i> , part 2, ²	13
	does not apply to the university.	14

1 *Anti-Discrimination Act 1991*, section 41 (Single sex, religion, etc. educational institution)

2 *Higher Education (General Provisions) Act 2003*, part 2 (Establishment of, or recognition as, university)

Schedule	Dictionary	1
	section 2	2
	<i>Australian Catholic University</i> or <i>the university</i> means the Australian Catholic University Limited ACN 050 192 660.	3 4
	<i>component fund</i> see section 9(1).	5
	<i>funds</i> include trust funds, real property, securities and other property.	6 7
	<i>higher education award</i> see the <i>Higher Education (General Provisions) Act 2003</i> , schedule 2.	8 9
	<i>senate</i> means the Senate of the university as constituted under the university's constitution.	10 11