

QUEENSLAND UNIVERSITY OF TECHNOLOGY AMENDMENT BILL 2021

Explanatory Notes for Amendments to be Moved During Consideration in Detail by the Honourable Grace Grace MP

Title of the Bill

Queensland University of Technology Amendment Bill 2021.

Objectives of the Amendments

The Queensland University of Technology Amendment Bill 2021 implements governance reforms for the Queensland University of Technology (QUT) by amending the *Queensland University of Technology Act 1998* (QUT Act) to reduce the size of its Council from 22 to 15 members.

As a result of reducing the size in the Council membership, the Bill includes consequential amendments to enable an ordered transition to the new Council membership, such as provisions to reduce the number of members from certain member categories on the Council, including elected professional and academic staff members.

During the Education, Employment and Training Committee's (Committee) consideration of the Bill, a potential unintended outcome was identified. If not addressed by amendments it could result in particular academic or professional staff members of the Council being ineligible to be appointed under section 20A of the QUT Act in the event of a casual vacancy arising in the office of that elected member class during the current term of the relevant class of elected members of the Council.

It is not the policy intent of the Bill to preclude a ceased elected member from being appointed should a subsequent casual vacancy arise in the relevant member class during the current Council term.

The amendments will clarify that elected members who are academic staff and professional staff of the QUT, whose membership is ceased under Clause 12 of the Bill (in accordance with new sections 77 and 78), are to remain eligible to fill a casual vacancy under section 20A of the QUT Act, during the current Council term.

Achievement of policy objectives

The amendments will amend clause 12 of the Bill by inserting a new section 82 to clarify that a person whose term of office ends as an academic staff member (under section 77) or a professional staff member (under section 78) continues to be eligible during the current term of the relevant class of elected members to the Council to fill a casual vacancy under section 20A of the QUT Act, as if the person had not been elected.

Alternative ways of achieving policy objectives

There are no alternate ways of achieving the policy objectives of the Bill.

Estimated cost for government implementation

There are no anticipated cost implications for government associated with the amendments.

Consistency with fundamental legislative principles

The amendments to the Bill are considered consistent with the fundamental legislative principles, in accordance with section 4 of the *Legislative Standards Act 1992*, given it will clarify the exiting transitional provisions and enable an ordered transition to the new Council.

Consultation

The Bill was referred to the Committee for consideration on 1 September 2021 and the Committee invited stakeholders and subscribers to make written submissions on the Bill. The feedback from the Committee consultation identified the potential concern that particular members who cease to be members as a result of the transitional provisions in clause 12 of the Bill may be ineligible to fill a casual vacancy under section 20A of the QUT Act, during the current term of the Council.

The Committee tabled its report to Parliament on 15 October 2021 and recommended the Bill be passed with amendment; the amendment is to rectify the unintended consequence identified during its consideration of the Bill.

As the amendments implement the Committee's recommendation, further consultation of these amendments to the Bill was not considered necessary.

Consistency with legislation of other jurisdictions

The amendments to the Bill are specific to the State of Queensland.

Notes on provisions

Clause 1 amends clause 12 to insert a new section 82 to clarify that a person whose term of office ends as an academic staff member under section 77, or as a professional staff member under this section 78, continues to be eligible during the current term of the relevant class of elected members to the Council to fill a casual vacancy under section 20A of the QUT Act, as if the person had not been elected.

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