



Queensland University of Technology Act 1998

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Reprint No. 3

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This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

Queensland University of Technology Act 1998

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Queensland University of Technology Act 1998

[as amended by all amendments that commenced on or before 19 May 2005]

An Act about the Queensland University of Technology

Part 1 Preliminary

1 Short title

This Act may be cited as the *Queensland University of Technology Act 1998*.

2 Commencement

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

3 Definitions

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

Part 2 The university and its council

Division 1 University establishment and general functions and powers

4 Establishment of university

- (1) The Queensland University of Technology is established.
- (2) The university—

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

5 Functions of university

The university's functions are—

- (a) to provide education at university standard; and
- (b) to provide facilities for, and encourage, study and research; and
- (c) to encourage the advancement and development of knowledge, and its application to government, industry, commerce and the community; and
- (d) to provide courses of study or instruction (at the levels of achievement the council considers appropriate) to meet the needs of the community; and
- (e) to confer higher education awards; and
- (f) to disseminate knowledge and promote scholarship; and
- (g) to provide facilities and resources for the wellbeing of the university's staff, students and other persons undertaking courses at the university; and
- (h) to exploit commercially, for the university's benefit, a facility or resource of the university, including, for example, study, research or knowledge, or the practical application of study, research or knowledge, belonging to the university, whether alone or with someone else; and
- (i) to perform other functions given to the university under this or another Act.

6 General powers of university

- (1) The university has all the powers of an individual, and may, for example—
 - (a) enter into contracts; and
 - (b) acquire, hold, dispose of, and deal with property; and

- (c) appoint agents and attorneys; and
 - (d) engage consultants; and
 - (e) fix charges, and other terms, for services and other facilities it supplies; and
 - (f) do anything else necessary or convenient to be done for, or in connection with, its functions.
- (2) Without limiting subsection (1), the university has the powers given to it under this or another Act.
 - (3) The university may exercise its powers inside or outside Queensland.
 - (4) Without limiting subsection (3), the university may exercise its powers outside Australia.

Division 2 Council establishment and general functions and powers

7 Establishment of council

There is a council of the university.

8 Functions of council

- (1) The council is the university's governing body.
- (2) The council has the functions conferred on it under this or another Act.

9 Powers of council

- (1) The council may do anything necessary or convenient to be done for, or in connection with, its functions.
- (2) Without limiting subsection (1), the council has the powers given to it under this or another Act and, in particular—
 - (a) to appoint the university's staff; and

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

10 Council to promote university's interests

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

11 Delegation

- (1) The council may delegate its powers under this Act to—
 - (a) an appropriately qualified member of the council; or
 - (b) an appropriately qualified committee that includes 1 or more members of the council; or
 - (c) an appropriately qualified member of the university's staff.
- (2) However, the council may not delegate its power—
 - (a) to make university statutes or rules; or
 - (b) to adopt the university's annual budget; or
 - (c) to approve spending of funds available to the university by way of bequest, donation or special grant.
- (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.

Division 3 Council membership

12 Membership of council

The council consists of official members, appointed members, elected members and additional members.

13 Official members

The official members are—

- (a) the chancellor; and
- (b) the vice-chancellor; and
- (c) if the chairperson of the academic committee is not the chancellor or vice-chancellor, or an elected, appointed or additional member—the chairperson.

14 Appointed members

- (1) There are 8 appointed members.
- (2) The Governor in Council is to appoint the appointed members.

15 Elected members

- (1) There are 9 elected members.
- (2) The elected members are—
 - (a) 3 members of the full-time and part-time academic staff; and
 - (b) 2 members of the full-time and part-time professional staff; and
 - (c) 2 students; and
 - (d) 2 members of QUT Alumni (other than persons eligible for membership under paragraph (a), (b) or (c)).
- (3) Each elected member is to be elected by a ballot at which—
 - (a) for an elected member mentioned in subsection (2)(a)—all the members of the full-time and part-time academic staff may vote; or
 - (b) for an elected member mentioned in subsection (2)(b)—all the members of the full-time and part-time professional staff may vote; or
 - (c) for an elected member mentioned in subsection (2)(c)—all the students may vote; or

- (d) for an elected member mentioned in subsection (2)(d)—all the persons eligible under a university statute may vote.

16 Additional members

- (1) There are 2 additional members.
- (2) The council must appoint the additional members.
- (3) An additional member must not be a student or a member of the university's academic staff or professional staff.

17 When council is taken to be properly constituted

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

18 Appointed member's term of office

An appointed member is to be appointed for a term of not more than 4 years.

19 Elected member's term of office

- (1) An elected member mentioned in section 15(2)(a), (b) or (d) holds office for 4 years.
- (2) An elected member mentioned in section 15(2)(c) holds office for 2 years.
- (3) An elected member's term of office starts—
 - (a) if the member is re-elected—the day after the day when the member's previous term of office ends; or
 - (b) if paragraph (a) does not apply—the day after the day when the term of office of the member's predecessor ends.

20 Additional member's term of office

An additional member is to be appointed for a term of not more than 4 years decided by the council.

20A Dealing with casual vacancy in office of an elected member

- (1) This section applies if a casual vacancy arises in the office of an elected member.
- (2) If the member was elected by a ballot under section 15(3), the council must appoint to the office the one person, if any, who—
 - (a) was a candidate for the office in the ballot; and
 - (b) was not elected; and
 - (c) received the highest number of votes of all the candidates who were not elected; and
 - (d) is eligible, under this Act, to be a member; and
 - (e) is willing to be, and available to perform the functions of, a member.
- (3) Subsection (4) applies if—
 - (a) the elected member was not elected by a ballot; or
 - (b) no-one is eligible for appointment under subsection (2).
- (4) A person is to be elected to the office by a ballot under section 15(3).
- (5) Despite subsection (4)—
 - (a) if the elected member was a student—the council may appoint a student to the office; and
 - (b) if the elected member was a member of QUT Alumni (the *alumni*)—the council may appoint a member of the alumni to the office.
- (6) A person appointed under subsection (2) or (5) is taken to have been elected under section 15.
- (7) In this section—

member of the alumni does not include a member of the alumni who is eligible for membership of the council under section 15(2)(a), (b) or (c).

21 Failure to elect elected members

- (1) If an entity permitted to elect elected members does not elect any or enough persons as elected members by a day fixed by the council by notice given to the entity, the Minister may appoint to the council as many members of the entity as necessary to comply with section 15.
- (2) The council may, if asked by the Minister, nominate a person for appointment under subsection (1).
- (3) A person appointed under subsection (1) is taken to have been elected by the entity under section 15.
- (4) This section applies to the periodic election of members and an election required because of a casual vacancy.

22 Casual vacancies

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

23 Ineligibility for membership of council

- (1) A person is not eligible to become an elected, appointed or additional member if—
 - (a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6;¹ or
 - (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).
- (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.

¹ 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.
- (4) Subsection (1)(b) is subject to sections 25 and 26.

24 Vacation of office

- (1) The office of an elected, appointed or additional member becomes vacant if—
 - (a) the member dies; or
 - (b) for an elected or additional member—the member ceases to be an eligible person for the entity that elected or appointed the person; or
 - (c) the member is absent without the council’s leave and without reasonable excuse from every meeting of the council in a period of 6 months; or
 - (d) the member becomes an official member; or
 - (e) the member resigns from office by signed notice—
 - (i) if the member is an appointed member—given to the Minister; or
 - (ii) if the member is an elected or additional member—given to the vice-chancellor; or
 - (f) the 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) Subsection (1)(h) is subject to sections 25 and 26.
- (3) A resignation takes effect on the day the notice of resignation is given to the Minister or the vice-chancellor or, if a later day of effect is stated in the notice, the later day.
- (4) In this section—

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

25 Discretion where appointed member convicted of indictable offence

- (1) If the Minister considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in section 23(1)(b) or 24(1)(h) of which a person has been convicted, the Minister may—
 - (a) if the person was an appointed member when convicted—give notice to the chancellor and the person that the person is restored as an appointed member, and may be subsequently reappointed, despite the conviction; or
 - (b) otherwise—give written approval for the person to become an appointed member despite the conviction.
- (2) On the day the chancellor receives a notice under subsection (1)(a)—
 - (a) the person is restored as an appointed member; and
 - (b) if another person has been appointed to fill the vacancy—the other person’s appointment ends.
- (3) If a person is restored as an appointed member under subsection (2), the person’s term of office as a member ends when it would have ended if the person had not been convicted of the offence.

26 Discretion where elected or additional member convicted of indictable offence

- (1) If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in section 23(1)(b) or 24(1)(h) of which a person has been convicted, the council may—
 - (a) if the person was an elected or additional member when convicted—give notice to the person that the person is restored as an elected or additional member, and may be subsequently re-elected or reappointed, despite the conviction; or

- (b) otherwise—give written approval for the person to become an elected or additional member despite the conviction.
- (2) On the day the person receives a notice under subsection (1)(a)—
 - (a) the person is restored as an elected or additional member; and
 - (b) if another person has been elected or appointed to fill the vacancy—the other person’s membership of the council ends.
- (3) If a person is restored as an elected or additional member under subsection (2), the person’s term of office as a member ends when it would have ended if the person had not been convicted of the offence.

Division 4 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.

26B Council may remove member from office

- (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—
 - (a) section 26A(2); or
 - (b) a conduct obligation.
- (2) If the council decides to remove a member from office under subsection (1), the council 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 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).²

Division 5 Extending terms of office**26C Minister may extend terms of office**

- (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

² *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.
- (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.

Division 6 Meetings of the council

27 Who is to preside at meetings

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

28 Quorum

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

29 Conduct of meetings

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

Part 3 **Certain officers of the university**

30 **Chancellor**

- (1) There is a chancellor of the university.
- (2) The council must elect a chancellor whenever there is a vacancy in the office.
- (3) The person elected need not be a member.
- (4) The person elected must not be a student or a member of the university's academic staff or professional staff.
- (5) The chancellor holds office for the term, not longer than 5 years, fixed by the council.

31 **Deputy chancellor**

- (1) There is a deputy chancellor of the university.
- (2) The council must elect a member as deputy chancellor whenever there is a vacancy in the office.
- (3) The deputy chancellor holds office for the term, not longer than 2 years, fixed by the council.
- (4) The deputy chancellor is to act as chancellor—
 - (a) when there is a vacancy in the office of chancellor; and
 - (b) while the chancellor is absent from the State or, for another reason, can not perform the functions of the office.

32 **Vice-chancellor**

- (1) There is a vice-chancellor of the university.
- (2) The council must appoint a vice-chancellor whenever there is a vacancy in the office.
- (3) The terms of appointment are as decided by the council.
- (4) The vice-chancellor is the chief executive officer of the university and may exercise the powers and perform the

functions conferred on the vice-chancellor by this or another Act or the council.

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

Part 4 Bodies connected with the university

Division 1 QUT Alumni

33 Establishment of QUT Alumni

- (1) QUT Alumni is established.
- (2) The council is to decide the membership of QUT Alumni by university statute.
- (3) The council is to decide—
 - (a) how meetings of QUT Alumni are to be called; and
 - (b) how QUT Alumni is to conduct its proceedings; and
 - (c) if and how members of QUT Alumni are to be appointed as members of the council; and
 - (d) the quorum of a meeting of QUT Alumni; and
 - (e) the powers and functions of QUT Alumni.

Division 2 Student guild

34 Establishment of student guild

- (1) The Queensland University of Technology Student Guild is established.
- (2) The student guild—
 - (a) is a body corporate with perpetual succession; and

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

35 Composition

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

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

36 Role

- (1) The student guild has the role and powers stated in its constitution.
- (2) The student guild also has the role and powers decided by the council.
- (3) However, the student guild is not the employee or agent of the council.

37 General powers

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

38 Constitution

- (1) The student guild must have a written constitution.
- (2) The student guild's constitution, and each amendment of the constitution, must be submitted to the council for its approval.
- (3) The constitution or amendment has no effect until approved by the council.

- (2) The student guild is declared to be an excluded matter for the Corporations Act, section 5F, in relation to the provisions of that Act⁵ for which a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982* is declared to be an excluded matter under section 13A of that Act.

Part 4A Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and chairperson

39B Disqualification from office

- (1) A person can not become, or continue as, the chancellor, vice-chancellor or chairperson if—
- (a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (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).
- (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—
- (a) if the person was the chancellor, vice-chancellor or chairperson when convicted—give notice to the person that the person—

⁵ Corporations Act, part 2D.1 (Duties and powers), part 2D.6 (Disqualification from managing corporations), chapter 2K (Charges), chapter 2L (Debentures), part 5.7 (Winding up bodies other than companies), part 5.7B (Recovering property or compensation for the benefit of creditors of insolvent company), part 5.9 (Miscellaneous) and part 5B.2 (Registrable bodies)

- (i) is restored as the chancellor, vice-chancellor or chairperson; and
 - (ii) may be later re-elected or reappointed, despite the conviction; or
 - (b) otherwise—give written approval for the person to become the chancellor, vice-chancellor or chairperson despite the conviction.
- (3) On the day the person receives a notice under subsection (2)(a)—
- (a) the person is restored as the chancellor, vice-chancellor or chairperson; and
 - (b) if another person has been elected or appointed to fill the vacancy—the other person’s term of office ends.
- (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.

39C Council may remove chancellor, vice-chancellor or chairperson from office

- (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—
- (a) section 26A(2);⁶ or
 - (b) a conduct obligation.
- (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) The chancellor’s, vice-chancellor’s or chairperson’s term of office ends on the later of the following—

⁶ Section 26A (Member’s function, and obligations about function)

- (a) the day he or she receives the notice;
- (b) the day, if any, stated in the notice for that purpose.

39D Particular matters about removal of vice-chancellor

- (1) The council may remove the vice-chancellor from office under section 39C despite the vice-chancellor's terms of appointment.
- (2) If the council removes the vice-chancellor from office under section 39C—
 - (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.

39E Vacation of office

- (1) The office of the chancellor, vice-chancellor or chairperson becomes vacant if he or she—
 - (a) can not continue as the chancellor, vice-chancellor or chairperson under section 39B; or
 - (b) is removed from office under section 39C.
- (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.

Part 5 Property and finance

Division 1 Property held on trust or conditions

40 Definition for div 1

In this division—

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

41 Amendment of terms of trusts and gifts

- (1) This section applies if—
 - (a) property is held by the university on terms requiring the property to be used for a particular purpose (the *donor's purpose*); and
 - (b) the council is satisfied—
 - (i) the donor's purpose—
 - (A) has been wholly or substantially achieved; or
 - (B) no longer exists; or
 - (C) has been adequately provided for in another way; or
 - (D) is uncertain, can not be identified, or is insufficiently defined; or
 - (E) becomes impossible, impractical or inexpedient to carry out; or
 - (ii) the property is inadequate for the donor's purpose.
- (2) The council may set up and maintain a scheme for the use of the property for another purpose (the *designated purpose*).
- (3) The scheme must be in writing.
- (4) The university must without charge give a copy of the scheme to anyone who asks for it.

42 Selection of designated purpose

- (1) In selecting the designated purpose, the council must prefer a purpose that—
 - (a) is as nearly similar as practicable to the donor's purpose; and
 - (b) can practically and conveniently be achieved.
- (2) However, the scheme is not invalid merely because another designated purpose may have been more properly selected under subsection (1).

43 Property to be held for designated purpose

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

44 Certain persons to be given notice of scheme

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

45 Amendment of scheme

- (1) The council may amend the scheme.
- (2) Sections 41 to 44 apply to the amendment of a scheme as if a reference to the donor's purpose is a reference to the designated purpose of the scheme that is to be amended.

46 University's powers under other laws not limited

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

47 University may carry out conditions of gift etc.

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

Division 2 Dealing with State land by council

48 Application of Land Act 1994

- (1) State land is held and may be disposed of under the *Land Act 1994*.
- (2) However, the university may grant an interest in State land only by way of lease.
- (3) Also, the lease must not be for more than 25 years.

Division 3 Finance

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

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

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

- (1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the university is a statutory body.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B⁷ sets out the way in which the university's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

51 Trust funds

The university may establish or administer trust funds.

⁷ *Statutory Bodies Financial Arrangements Act 1982*, part 2B (Powers under this Act and relationship with other Acts)

52 Investment common fund

- (1) The university may establish an investment common fund for the collective investment of trust funds or other amounts held by it.
- (2) The university may add amounts to or withdraw amounts from the investment common fund, without incurring any liability for breach of trust.
- (3) The university must periodically distribute the income of the investment common fund among each of the funds forming the investment common fund (a *component fund*) having regard to the share of each component fund in the investment common fund.
- (4) Despite subsection (3), if a component fund consists of an amount received for use for a stated purpose and the amount can not or will not be used for the purpose immediately, income attributable to the share of the amount in the investment common fund may be paid into the general funds of the university if the income is not needed immediately for the stated purpose.
- (5) Also, despite subsection (3), the university may—
 - (a) add a part of the income of the investment common fund to the fund's capital; or
 - (b) use a part of the income to establish or augment another fund to make provision against capital depreciation or reduction of income.

53 Application of revenue

- (1) Subject to the terms of a relevant trust, amounts received by the university from any source are to be applied solely to university purposes.
- (2) To remove any doubt, each of the following purposes is a university purpose—
 - (a) enabling a student or staff member, or former student or staff member, of the university to undertake study or research at the university or elsewhere;
 - (b) the advancement of learning generally;

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

54 Financial review

- (1) The council must, in each year, adopt a budget for the university for the next year.
- (2) In framing the budget the council need not take account of amounts mentioned in subsection (4).
- (3) The council must control its spending as nearly as possible within the limits of the approved budget.
- (4) The council must undertake an annual review of—
 - (a) amounts available, or expected to be available, to the university by way of bequest, donation or special grant; and
 - (b) the spending of the amounts.

55 University's financial year

The university's financial year is a calendar year.

Part 6 University statutes

56 Making of university statutes

- (1) The council may make university statutes.
- (2) A university statute may only be made about the following matters—
 - (a) the admission and enrolment of students;
 - (b) the entitlement to degrees and other awards;
 - (c) the disciplining of students and other persons undertaking courses at the university;
 - (d) the fees to be paid—
 - (i) for examinations; or

- (ii) for attendance at lectures and classes of the university; or
 - (iii) for the use of the university's facilities;
 - (e) the membership of QUT Alumni and voting rights of its members;
 - (f) the conduct of a ballot for the election of elected members;
 - (g) the process for removing a person from office under section 26B or 39C;⁸
 - (h) the spending of funds under a delegation under section 11(3);
 - (i) the establishment of colleges;
 - (j) the ownership and exploitation of intellectual property brought into existence by the university's staff or as a result of using the university's facilities;
 - (k) making and notifying university rules;
 - (l) a direction, indication or requirement for a regulatory notice.
- (3) Without limiting subsection (2)(c), a university statute may—
- (a) authorise the council to impose a penalty of not more than 10 penalty units for a breach of a university statute about the disciplining of persons mentioned in subsection (2)(c); and
 - (b) provide for its recovery and enforcement.

57 University statute's status

A university statute—

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

⁸ Section 26B (Council may remove member from office) or 39C (Council may remove chancellor, vice-chancellor or chairperson from office)

58 University statutes affecting student guild

- (1) A university statute affecting the student guild's role or powers may be made only if the council—
 - (a) has given the student guild a copy of the proposed statute at least 28 days before making it; and
 - (b) has considered any comments given to it by the student guild under subsection (2).
- (2) The student guild may give the council written comments about the proposed university statute within 14 days after receiving the copy.
- (3) The council may amend the proposed university statute to take account of any of the comments.
- (4) If the council amends the proposed university statute to take account of any of the comments, it does not have to give the student guild a copy of the proposed statute before making it.

59 University rules

- (1) The council may make university rules under a university statute.
- (2) If a university rule is inconsistent with this Act or a university statute, the rule is invalid to the extent of the inconsistency.
- (3) A university rule—
 - (a) must be notified in the way required by university statute; and
 - (b) takes effect on the day of its notification or, if a later day or time is fixed in the rule, on the day or at the time fixed.
- (4) On the day a university rule is notified under subsection (3)(a) or as soon as practicable after that day, copies of the rule must be available to be obtained (by purchase or otherwise) at the place, or at each of the places, stated in the notice.
- (5) Failure to comply with subsection (4) does not affect the validity of the notification under subsection (3)(a).

Part 7 **Miscellaneous**

60 **Forming and taking part in corporations**

- (1) The university may be a member of, form, take part in forming or manage a corporation whose objects include any of the following—
 - (a) making available facilities for study, research or education;
 - (b) providing teaching, research, development, consultancy or other services for public or private entities;
 - (c) helping or engaging in the development or promotion of the university's research or the application or use of the results of the research;
 - (d) preparing, publishing, distributing or licensing the use of literary or artistic work, audio or audiovisual material or computer software;
 - (e) exploiting commercially a facility or resource of the university, including, for example, study, research or knowledge, or the practical application of study, research or knowledge, developed by or belonging to the university, whether alone or with someone else;
 - (f) seeking or encouraging gifts to the university or for the university's purposes;
 - (g) another object, consistent with this Act, that the council considers is appropriate in the circumstances.
- (2) The university, or a corporation managed by the university or of which the university is a member, may enter into an agreement or arrangement with a corporation whose objects include an object mentioned in subsection (1) for achieving the object.
- (3) This section applies despite the Corporations Act.

61 Use of facilities and staff

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

61A Protection from liability

- (1) A member is not civilly liable to someone for an act done, or omission made, honestly and without negligence under this Act.
- (2) If subsection (1) prevents a civil liability attaching to a member, the liability attaches instead to the university.

61B Report about person's criminal history

- (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—
 - (a) a written report about the person's criminal history; and
 - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (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—
 - (a) a written report about the person's criminal history; and
 - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (3) The commissioner of the police service must comply with a request under subsection (1) or (2).
- (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) 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.

(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.

(7) In this section—

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.

61C Delegation by Minister

The Minister may delegate the Minister's power under section 61B(1) to an appropriately qualified officer of the department.

62 Control of traffic and conduct on university land

Schedule 1 has effect.

63 Regulation-making power

The Governor in Council may make regulations under this Act.

64 Repealed Act references

In an Act or document, a reference to the *Queensland University of Technology Act 1988* may, if the context permits, be taken to be a reference to this Act.

Part 8 **Transitional provisions for the University Legislation Amendment Act 2005**

Division 1 **Preliminary**

65 **Definitions for pt 8**

In this part—

commencement means the commencement of the provision in which the term is used.

new additional members see section 68.

pre-amended Act means this Act as in force before the commencement of the *University Legislation Amendment Act 2005*, part 5.

Division 2 **Provisions about council membership**

66 **Appointed members**

- (1) This section applies to a person who was an appointed member immediately before the commencement.
- (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.
- (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.
- (4) Subsections (2) and (3) apply despite section 18 of the pre-amended Act.

67 **Elected members**

- (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) A person who, immediately before the commencement, was an elected member appointed under section 15 of the pre-amended Act is taken to have been elected under that section.

68 Appointment of new additional members

The council must, within 1 year after the commencement, appoint 2 persons as additional members (the *new additional members*) under section 16.

69 Continuation, and term of office, of additional members

- (1) A person who was an additional member immediately before the commencement continues as an additional member until—
 - (a) the person's term of office ends under subsection (2); or
 - (b) the person's office sooner becomes vacant.
- (2) Despite section 20, the person's term of office ends when the new additional members' terms of office start.

70 Council need not include additional members

Despite section 12, the council need not include additional members before the new additional members' terms of office start.

Schedule 1 Control of traffic and conduct on university land

section 62

Part 1 Authorised persons

1 Appointment

The vice-chancellor may, in writing, appoint a person who the vice-chancellor is satisfied has the necessary training, or knowledge and experience, to be an authorised person under this Act.

2 Limitation of authorised person's powers

- (1) The powers of an authorised person may be limited—
 - (a) under a condition of appointment; or
 - (b) by notice of the vice-chancellor given to the authorised person.
- (2) Notice under subsection (1)(b) may be given orally, but must be confirmed in writing as soon as possible.

3 Terms of appointment

- (1) An authorised person holds office on the conditions stated in the instrument of appointment.
- (2) An authorised person—
 - (a) if the appointment provides for a term of appointment—ceases to hold office as an authorised person at the end of the term; and
 - (b) may resign by signed notice given to the vice-chancellor.

Schedule 1 (continued)**4 Identity cards**

- (1) The vice-chancellor must issue an identity card to each authorised person.
- (2) The identity card must—
 - (a) contain a recent photograph of the authorised person; and
 - (b) be in a form approved by the vice-chancellor; and
 - (c) be signed by the authorised person.
- (3) A person who ceases to be an authorised person must, as soon as practicable, return the person's identity card to the vice-chancellor, unless the person has a reasonable excuse for not returning it.

Maximum penalty for subsection (3)—10 penalty units.

5 Proof of authority

- (1) An authorised person may exercise a power under this Act in relation to someone else only if the authorised person—
 - (a) first produces his or her identity card for inspection by the other person; or
 - (b) has his or her identity card displayed so that it is clearly visible.
- (2) If, for any reason, it is not practicable to comply with subsection (1), the authorised person must produce the identity card for inspection by the person at the first reasonable opportunity.
- (3) If subsection (2) is relevant and is complied with by an authorised person, the exercise of a power in relation to someone else by the authorised person is not invalid merely because of subsection (1).

Schedule 1 (continued)

Part 2 Traffic control**6 Persons authorised to control traffic on university's land**

- (1) An authorised person may control traffic on the university's land and, for this purpose, may give directions to persons on the land.
- (2) A person must not fail to comply with a direction given under subsection (1), unless the person has a reasonable excuse for not complying with it.

Maximum penalty for subsection (2)—10 penalty units.

7 Regulatory notice

- (1) The university may erect or display at or near any vehicular entrance to the university's land, a notice (a **regulatory notice**) regulating the driving, parking or standing of vehicles on the land, including, for example—
 - (a) fixing a maximum speed limit; or
 - (b) indicating a pedestrian crossing; or
 - (c) indicating a place where the driving, parking or standing of a vehicle is restricted or prohibited.
- (2) A person on the university's land must comply with a regulatory notice, unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

- (3) A regulatory notice—
 - (a) must state the limits of the area to which the notice applies; and
 - (b) may state that a contravention of a requirement of the notice is an offence against the Act and the penalty for the offence.
- (4) Without limiting subsection (1), the university may erect and display regulatory notices in the form of official traffic signs.

Schedule 1 (continued)

- (5) Evidence that a regulatory notice was erected or displayed at a place mentioned in subsection (1) is evidence that the notice was erected or displayed by the university.
- (6) A regulatory notice erected or displayed under this section must be easily visible to passers-by.

8 Information notices

- (1) This section applies if a regulatory notice does not state that a contravention of a requirement of the notice is an offence against this Act and the penalty for the offence.
- (2) The university must erect or display at or near each vehicular entrance to the university's land to which the regulatory notice relates, and other places the vice-chancellor considers appropriate, information notices stating that a contravention of a requirement of a regulatory notice is an offence and the penalty for the offence.
- (3) An information notice may contain any other information the vice-chancellor considers appropriate.
- (4) An information notice erected or displayed under this section must be easily visible to passers-by.
- (5) In this section—
regulatory notice does not include an official traffic sign.

9 Removal and detention of illegally parked or abandoned vehicles

- (1) An authorised person may seize, remove and hold, a vehicle that the authorised person believes on reasonable grounds—
 - (a) is parked in contravention of a regulatory notice; or
 - (b) is abandoned.
- (2) The vehicle must be held at a safe place.
- (3) An authorised person may exercise the powers given under subsection (1)(a) only if—

Schedule 1 (continued)

- (a) the authorised person believes on reasonable grounds that it is necessary or desirable to seize and remove the vehicle having regard to the safety and convenience of traffic on the university's land; and
- (b) the authorised person—
 - (i) can not immediately locate the driver of the vehicle; or
 - (ii) believes on reasonable grounds that the driver of the vehicle is not willing or able to remove the vehicle immediately.
- (4) As soon as is practicable and no later than 14 days after the vehicle is seized, the university must give to the owner of the vehicle a notice stating how the owner may recover the vehicle.
- (5) If the owner can not be ascertained or located within 14 days after the vehicle is seized, the notice may be given by publishing it in a newspaper circulating generally in the State.
- (6) If the vehicle was parked in contravention of a regulatory notice, the owner of the vehicle must pay to the university the amount demanded by it for the cost of seizing, removing, holding and returning the vehicle.
- (7) In this section—
vehicle includes a part of the vehicle and anything attached to, or contained in, the vehicle.

10 Disposal of unclaimed vehicles

- (1) This section applies if the owner of a seized vehicle does not recover the vehicle within 2 months after notice is given to the owner under section 9(4) or (5).
- (2) After publishing a notice in a newspaper circulating generally in the State, the university may sell the vehicle by public auction.
- (3) The notice must—
 - (a) identify the vehicle; and

Schedule 1 (continued)

- (b) state that the vehicle is to be sold by auction; and
 - (c) state how the owner may recover the vehicle before the auction; and
 - (d) state the time and place of the auction.
- (4) Compensation is not recoverable against the university for the sale of a vehicle under this section.
- (5) In this section—
vehicle includes a part of the vehicle and anything attached to, or contained in, the vehicle.

11 Application of proceeds of sale

- (1) The proceeds of the sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in the sale;
 - (b) in payment of the reasonable cost of seizing, removing and holding the vehicle;
 - (c) in payment of any balance to the owner.
- (2) Compensation is not recoverable against the university for a payment under this section.

Part 3 Conduct on university land**12 Conduct causing a public nuisance**

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

Maximum penalty—20 penalty units.

Schedule 1 (continued)

13 Power to deal with persons causing a public nuisance

- (1) This section applies if an authorised person—
 - (a) finds a person contravening section 12; or
 - (b) finds a person in circumstances that leads the authorised person to suspect on reasonable grounds that the person has just contravened section 12; or
 - (c) has information that leads the authorised person to suspect on reasonable grounds that a person has just contravened section 12; or
 - (d) reasonably believes, having regard to the way a person is behaving, that the person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
 - (e) has information that leads the authorised person to believe, on reasonable grounds, that a person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
 - (f) reasonably believes that a person is on the land without lawful justification or excuse.
- (2) The authorised person may direct the person to leave the university's land or a part of the university's land.
- (3) A person must comply with a direction given to the person under subsection (2), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

Schedule 2 Dictionary

section 3

academic committee means the committee of the council that is responsible for advising the council about the academic policies and activities of the university.

academic staff, of the university, means—

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

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

appointed member means a member of the council appointed under section 14.

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

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

chairperson means the chairperson of the academic committee.

chancellor means the chancellor of the university.

college means a college established under section 39.

commencement, for part 8, see section 65.

conduct obligation, in relation to a member, means an obligation that—

- (a) is stated in the university's approved code of conduct under the *Public Sector Ethics Act 1994*; and
- (b) must be complied with by the member.

Schedule 2 (continued)

conviction means a conviction other than a spent conviction.

council means the council of the university.

deputy chancellor means the deputy chancellor of the university.

designated purpose see section 41.

donor's purpose see section 41.

elected member means a member of the council elected under section 15.

higher education award see the *Higher Education (General Provisions) Act 2003*, schedule 2.⁹

indictable offence includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659,¹⁰ applies to the indictable offence.

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

member means a member of the council.

new additional members, for part 8, see section 65.

notice means written notice.

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

official traffic sign has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

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

9 *Higher Education (General Provisions) Act 2003*, schedule 2—

higher education award means—

- (a) a degree, status, title or description of associate, bachelor, master or doctor; or
- (b) any other award, if the course of study relating to it is classified as higher education in the course descriptions stated in the Australian Qualifications Framework.

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

Schedule 2 (continued)

- (a) the *Transport Operations (Road Use Management) Act 1995*; or
 - (b) the corresponding law of another State or a Territory.
- pre-amended Act**, for part 8, see section 65.

professional staff, of the university, means staff of the university, other than academic staff.

QUT Alumni means the entity established under section 33.

regulatory notice see schedule 1, section 7.

requirement, of a regulatory notice, includes—

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

spent conviction means a conviction—

- (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 11¹¹ of that Act.

State land means land—

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

student means a student enrolled in the university.

student guild means the Queensland University of Technology Student Guild.

university means the Queensland University of Technology.

university rule means a university rule made under section 59.

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

Schedule 2 (continued)

university statute means a university statute made under section 56.

vehicle has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

vice-chancellor means the vice-chancellor of the university.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 19 May 2005. Future amendments of the Queensland University of Technology Act 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	21 November 1998	23 November 1998
1A	1999 Act No. 19	30 April 1999	1 July 1999
1B	1999 Act No. 42	1 December 1999	1 December 1999
1C	2001 Act No. 45	15 July 2001	27 July 2001

Reprint No.	Amendments included	Effective	Notes
1D	2002 Act No. 75	13 December 2002	R1D withdrawn, see R2
2	—	13 December 2002	
2A	2003 Act No. 59	21 May 2004	
2B	2005 Act No. 18	19 May 2005	R2B withdrawn, see R3
3	—	19 May 2005	

5 List of legislation

Queensland University of Technology Act 1998 No. 4

date of assent 12 March 1998

ss 1–2 commenced on date of assent

pt 2, div 3 commenced 21 November 1998 (1998 SL No. 308)

remaining provisions commenced 20 November 1998 (1998 SL No. 308)

amending legislation—

Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch

date of assent 30 April 1999

commenced on date of assent

Road Transport Reform Act 1999 No. 42 ss 1–2(1), 54(3) sch pt 3

date of assent 2 September 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1999 (see s 2(1))

Corporations (Ancillary Provisions) Act 2001 No. 45 ss 1–2, 29 schs 2–3

date of assent 28 June 2001

ss 1–2 commenced on date of assent

sch 3 commenced 15 July 2001 (see s 2(2) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

remaining provisions commenced immediately before 15 July 2001 (see s 2(1) of Act 2001 No. 45 (Qld) and Corporations Act 2001 No. 50 (Cwlth) and proc pubd Cwlth of Australia gaz 13 July 2001, No. S285)

Education (Miscellaneous Amendments) Act 2002 No. 75 s 1, pt 9, s 74 sch

date of assent 13 December 2002

commenced on date of assent

Higher Education (General Provisions) Act 2003 No. 59 ss 1–2, 103 sch 1

date of assent 18 September 2003

ss 1–2 commenced on date of assent

remaining provisions commenced 21 May 2004 (2004 SL No. 56)

University Legislation Amendment Act 2005 No. 18 pts 1, 5, s 165 sch

date of assent 19 May 2005

commenced on date of assent

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