



# **Australian Catholic University (Queensland) Act 2007**

**Current as at 1 August 2008**

# Information about this reprint

This Act is reprinted as at 1 August 2008. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint 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 reprint.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘judgement’ has replaced ‘judgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Australian Catholic University (Queensland) Act 2007

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Short title . . . . . 3
2	Definitions . . . . . 3
3	Main purposes . . . . . 3
<b>Part 2</b>	<b>The university</b>
4	Recognition as a university. . . . . 4
5	Independence of the university. . . . . 4
6	Use of name 'Australian Catholic University' . . . . . 4
7	Function of conferring awards . . . . . 4
<b>Part 3</b>	<b>Investment common funds</b>
8	Establishment of investment common funds . . . . . 4
9	Income of investment common funds. . . . . 5
10	Funds added to investment common fund . . . . . 5
11	Trust funds . . . . . 6
<b>Part 4</b>	<b>Miscellaneous</b>
12	No religious discrimination . . . . . 6
13	Liability of the State . . . . . 6
14	Application of Higher Education (General Provisions) Act 2008 . . . . . 6
<b>Schedule</b>	<b>Dictionary</b> . . . . . 7
<b>Endnotes</b>	
1	Index to endnotes. . . . . 8
2	Date to which amendments incorporated. . . . . 8
3	Key . . . . . 8
4	Table of reprints . . . . . 9

Contents

---

5	List of legislation . . . . .	9
6	List of annotations . . . . .	9

---

# Australian Catholic University (Queensland) Act 2007

[as amended by all amendments that commenced on or before 1 August 2008]

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

### Part 1 Preliminary

#### 1 Short title

This Act may be cited as the *Australian Catholic University (Queensland) Act 2007*.

#### 2 Definitions

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

#### 3 Main purposes

The main purposes of this Act are to—

- (a) recognise the Australian Catholic University as a university; and
- (b) facilitate its operation in Queensland.

## **Part 2 The university**

### **4 Recognition as a university**

The Australian Catholic University is recognised as a university in Queensland.

### **5 Independence of the university**

In relation to the provision of education by the university, the senate—

- (a) is solely responsible for, and has authority over, the provision of the education; and
- (b) is not subject to the direction of any person.

### **6 Use of name ‘Australian Catholic University’**

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.

### **7 Function of conferring awards**

It is a function of the university to confer higher education awards.

## **Part 3 Investment common funds**

### **8 Establishment of investment common funds**

- (1) The university may establish 1 or more investment common funds for the collective investment of funds belonging to or vested in the university.

- (2) The university may add funds to, or withdraw funds from, an investment common fund, without incurring any liability for breach of trust.

## **9 Income of investment common funds**

- (1) The university must periodically distribute the income of an investment common fund among each fund forming the investment common fund (a *component fund*), having regard to the share of each component fund in the investment common fund during the period in which the income is derived.
- (2) Despite subsection (1), 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.

## **10 Funds added to investment common fund**

- (1) If a component fund adds funds to an investment common fund—
  - (a) the university is taken to hold the funds for the benefit of the investment common fund; and
  - (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.
- (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.

[s 11]

---

## **11 Trust funds**

- (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.
- (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.

## **Part 4 Miscellaneous**

### **12 No religious discrimination**

The *Anti-Discrimination Act 1991*, section 41, does not apply to allow the university to discriminate in the area of education by excluding an applicant for admission as a student who is not of a particular religion.

### **13 Liability of the State**

The State is not liable to any action, claim, demand or liability arising from the enactment or operation of this Act or from anything done by the university under this Act.

### **14 Application of *Higher Education (General Provisions) Act 2008***

The operation of the university is not subject to review under the *Higher Education (General Provisions) Act 2008*, part 4, division 2.



## Schedule                      Dictionary

### section 2

*Australian Catholic University* or *the university* means the Australian Catholic University Limited ACN 050 192 660.

*component fund* see section 9(1).

*funds* include trust funds, real property, securities and other property.

*higher education award* see the *Higher Education (General Provisions) Act 2008*, schedule 2.

*senate* means the Senate of the university as constituted under the university's constitution.

# Endnotes

## 1 Index to endnotes

		Page
2	Date to which amendments incorporated . . . . .	8
3	Key . . . . .	8
4	Table of reprints . . . . .	9
5	List of legislation . . . . .	9
6	List of annotations . . . . .	9

## 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 1 August 2008. Future amendments of the Australian Catholic University (Queensland) Act 2007 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
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

## 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 included	Effective	Notes
1	none	20 March 2007	
1A	2008 Act No. 25	1 August 2008	

## 5 List of legislation

### **Australian Catholic University (Queensland) Act 2007 No. 13**

date of assent 20 March 2007

commenced on date of assent

amending legislation—

### **Higher Education (General Provisions) Act 2008 No. 25 ss 1–2, 164 sch 1**

date of assent 9 May 2008

ss 1–2 commenced on date of assent

remaining provisions commenced 1 August 2008 (2008 SL No. 242)

## 6 List of annotations

### **Application of Higher Education (General Provisions) Act 2008**

**s 14** sub 2008 No. 25 s 164 sch 1

### **SCHEDULE—DICTIONARY**

def “**higher education award**” sub 2008 No. 25 s 164 sch 1