



# Queensland University of Technology Act 1998

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Queensland

# Queensland University of Technology Act 1998

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# Queensland University of Technology Act 1998

## 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

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- (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 an election policy; or
  - (b) to adopt the university's annual budget.
- (3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university's staff.

## **Division 3 Council membership**

### **12 Membership of council**

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

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### **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 3 appointed members.
- (2) The Governor in Council is to appoint the appointed members.

### **15 Elected members**

- (1) There are 5 elected members.
- (2) The elected members are—
  - (a) 2 members of the full-time and part-time academic staff; and
  - (b) 1 member of the full-time and part-time professional staff; and
  - (c) 1 undergraduate student; and
  - (d) 1 postgraduate student.
- (3) Each elected member is to be elected at a council election.

### **16 Additional members**

- (1) There are 4 additional members.
- (2) The council must appoint the additional members, at least 2 of whom must be alumni of the university.
- (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 8 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) or (b) holds office for 4 years.
- (2) An elected member mentioned in section 15(2)(c) or (d) 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 at a council election, the council must appoint to the office the one person, if any, who—

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- (a) was a candidate for the office in the council election; 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 at a council election; or
  - (b) no-one is eligible for appointment under subsection (2).
- (4) A person is to be elected to the office at a council election.
- (5) Despite subsection (4), if the elected member was a person of a class mentioned in section 15(2)(c) or (d), the council may appoint a person of the same class to the office.
- (6) A person appointed under subsection (2) or (5) is taken, other than for subsection (2) or (3)(a), to have been elected at a council election.

## 21 Failure to elect elected members

- (1) This section applies if, by the end of the relevant day, insufficient persons are elected for a class of elected members mentioned in section 15(2)(a) to (d) (each a **relevant class**) to comply with section 15(2).
- (2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).
- (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election for the relevant class.

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- (5) This section applies to the periodic election of members and an election required because of a casual vacancy.
- (6) In this section—  
*relevant day*, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

## 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; 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 more than 12 years, whether continuously or not.
- (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.



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## 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 member of a class mentioned in section 15(2)(a) to (d)—
    - (i) if the election policy in effect when the member was elected included nomination requirements for the class—the member ceases to meet the nomination requirements under the policy; or
    - (ii) otherwise—the member ceases to be an eligible person for the class; or

*Example—*

An elected member of a class mentioned in section 15(2)(c) ceases to be an undergraduate student.

- (c) for an additional member—the member becomes a student or a member of the academic staff or professional staff of the university; or
- (d) 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
- (e) the member becomes an official member; or
- (f) 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
- (g) the member is removed from office under section 26B; or
- (h) the member is disqualified from managing corporations under the Corporations Act, part 2D.6; or

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- (i) the member is convicted of an indictable offence, other than an offence in relation to which the member's office becomes vacant under paragraph (h).

*Note—*

See section 61D for the requirement to disclose a matter mentioned in paragraph (h) or (i).

- (2) Subsection (1)(i) 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—

***nomination requirements*** means requirements for eligibility to be nominated as a candidate in a council election.

## **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)(i) 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

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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)(i) 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 3A Council elections**

### **26AA Election policy**

- (1) The council must—

- (a) make a policy (an *election policy*) about the conduct of elections required under sections 15 and 20A; and
  - (b) publish the election policy on the university's website.
- (2) The election policy must include—
- (a) provisions to ensure the integrity and security of the voting system; and
  - (b) without limiting paragraph (a), provisions to ensure—
    - (i) only persons who are eligible to vote may vote; and
    - (ii) a person can not vote more than once in an election; and
    - (iii) voting is done by secret ballot; and
    - (iv) a person is not improperly influenced in voting; and
  - (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and
  - (d) provisions about—
    - (i) notifying the period during which an election is to be held; and
    - (ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and
    - (iii) publishing the results of an election, including the day by which the results must be published; and
    - (iv) making and resolving complaints.
- (3) Also, the election policy may include provisions stating requirements for—
- (a) eligibility to be nominated as a candidate for a particular class of elected members; and
  - (b) eligibility to vote, including eligibility to vote for a particular class of elected members.

- (4) The election policy takes effect on the day it is published on the university's website or any later day stated in the policy.

### **26AB Conduct of election**

An election required under section 15 or 20A must be held under the election policy.

### **26AC Eligibility to vote**

A person is eligible to vote in an election for a class of elected members mentioned in section 15(2)(a) to (d) only if the person—

- (a) is an eligible person for the class of elected members; and
- (b) otherwise meets any requirements under the election policy for eligibility to vote.

## **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 10 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).

## **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

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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.

## **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) during a vacancy in the office of chancellor; and
  - (b) during all periods when the chancellor is absent from duty or, for another reason, can not perform the functions of the office.



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## **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.

*Note—*

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

# **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.
- (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.

## **Division 4 Application of Corporations legislation to bodies**

### **39A Excluded matters for Corporations legislation**

- (1) QUT Alumni is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.
- (2) The student guild is declared to be an excluded matter for the Corporations Act, section 5F, in relation to the provisions of that Act 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.

*Note—*

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)

## **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).

*Note—*

See section 61D for the requirement to disclose the disqualification or conviction.

- (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—
    - (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 10 members are satisfied the chancellor, vice-chancellor or chairperson has not complied with—
- (a) section 26A(2); 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—
- (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.

[s 39E]

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- (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.

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## 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*.



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- (2) However, the university may grant an interest in State land only by way of lease.
  - (3) Despite the *Land Act 1994*, a trustee lease or sublease for land under that Act that is subject to an operational reserve or operational deed of grant in trust may be for up to 100 years.
  - (4) Subsection (5) applies if the purpose for which a reserve was dedicated or for which land was granted in trust under the *Land Act 1994* includes a reference to—
    - (a) ‘educational institution’; or
    - (b) ‘technical college’.
  - (5) The purpose is taken to include anything that is consistent with the university’s functions under section 5.
  - (6) Subsections (4) and (5) apply whether the reserve was dedicated or the land was granted in trust before or after the commencement of this section.
  - (7) In this section—

*operational deed of grant in trust* see the *Land Act 1994*, section 61(6).

*operational reserve* see the *Land Act 1994*, schedule 6.

## Division 3                      Finance

### 49                      **University is statutory body under the Financial Accountability Act 2009**

To remove any doubt, it is declared that the university is a statutory body under the *Financial Accountability Act 2009*.

### 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 2B 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.

## 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.

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### **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.



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## **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.

[s 61C]

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- (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.

### **61D Requirement to disclose particular matters**

- (1) This section applies if a person who is a member—
  - (a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
  - (b) is convicted of an indictable offence mentioned in section 24(1)(i) or 39B(1)(b).
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—
  - (a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or
  - (b) if the person is an appointed member when disqualified or convicted—the Minister; or
  - (c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

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- (3) The notice must include the following information—
    - (a) if the notice is of the person’s disqualification—
      - (i) the existence of the disqualification; and
      - (ii) when the disqualification took effect; and
      - (iii) sufficient details to identify the grounds for the disqualification;
    - (b) if the notice is of the person’s conviction—
      - (i) the existence of the conviction; and
      - (ii) when the offence was committed; and
      - (iii) sufficient details to identify the offence; and
      - (iv) the sentence imposed on the person.
  - (4) The Minister, chancellor or vice-chancellor must ensure a notice given to the Minister, chancellor or vice-chancellor under this section is destroyed as soon as practicable after it is no longer needed for the purposes of this Act.

## **61E Restrictions on disclosing protected information**

- (1) This section applies to a person who possesses protected information because the person is or was—
  - (a) the Minister; or
  - (b) a member; or
  - (c) a person involved in the administration of this Act, including, for example, as a public service employee; or
  - (d) a person helping the Minister, the council or a member to perform a function under this Act, including by providing administrative or other support.
- (2) The person must not, directly or indirectly, disclose the protected information to another person unless the disclosure is permitted under subsection (3) or (4).

Maximum penalty—100 penalty units.

- (3) The person may disclose the protected information to another person—
- (a) to the extent necessary to perform the person’s functions under this Act; or
  - (b) if the disclosure is authorised under an Act; or
  - (c) if the disclosure is otherwise required or permitted by law; or
  - (d) if the person to whom the information relates consents to the disclosure; or
  - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
  - (f) if the information is, or has been, lawfully accessible to the public.
- (4) Also, without limiting subsection (3), the Minister, chancellor or vice-chancellor may disclose the protected information to any of the following to the extent necessary for the proper performance of the council’s functions—
- (a) the council;
  - (b) a committee of the council;
  - (c) a member;
  - (d) another person.
- (5) In this section—
- function* includes power.
- perform*, a function, includes exercise a power.
- protected information* means—
- (a) a report, or information contained in a report, given under section 61B; or
  - (b) a notice, or information contained in a notice, given under section 61D.



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**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.

**Part 9 Transitional provisions for  
University Legislation  
Amendment Act 2017**

**71 Definition for part**

In this part—

*previous*, for a provision of this Act, means the provision as in force from time to time before the commencement.

**72 Particular references to council election**

A reference in the following provisions to a council election includes a reference to a ballot under previous section 15(3)—

- (a) section 20A(2) and (3)(a);
- (b) schedule 2, definition *elected member*.

### **73 Repeal of university statutes**

- (1) This section applies to a university statute made under previous section 56 that was in force immediately before the commencement.
- (2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

## **Part 10 Transitional provisions for Queensland University of Technology Amendment Act 2021**

### **74 Definitions for part**

In this part—

*former*, for a provision of this Act, means the provision as in force from time to time before the commencement.

*nominated person*, in relation to the drawing of a lot under this part, means an appropriately qualified member of the university's staff nominated in writing by the council to draw the lot.

### **75 Continuation of appointed members**

- (1) This section applies to a person who was an appointed member immediately before the commencement.
- (2) Despite section 14, the person continues as an appointed member until the earlier of the following—
  - (a) the person is removed from office under section 76;
  - (b) the person's office becomes vacant.

## 76 Minister may remove existing appointed members

- (1) The Minister may, as soon as practicable after the commencement, remove an existing appointed member from office as an appointed member by notice given to the member.
- (2) In deciding whether to remove an existing appointed member from office, the Minister may have regard to the desirability of appointed members having a range of knowledge, experience or skills relevant to the functions of the council.
- (3) If the Minister decides to remove an existing appointed member from office by notice given under subsection (1), the removal takes effect on the day stated in the notice, which must not be earlier than the day the notice is given to the member.

- (4) In this section—

*existing appointed member* means a person who was an appointed member immediately before the commencement.

## 77 Term of office ends—particular academic staff member

- (1) This section applies if, immediately before the commencement, there are 3 elected members of a class mentioned in former section 15(2)(a) (each an *academic staff member*).
- (2) On the commencement, the term of office of 1 academic staff member ends as follows—
  - (a) if the members were elected at the same council election and 1 member received the fewest votes of the academic staff members elected at the election—the term of office of the academic staff member who received the fewest votes ends;
  - (b) if the members were elected at the same council election and 2 members received an equal number of votes at the election, being fewer than the votes received by the academic staff member who received the most votes—the term of office of the academic staff member decided by lot drawn by the nominated person ends;

- (c) otherwise—the term of office of the academic staff member decided by lot drawn by the nominated person ends.
- (3) If a lot is drawn between academic staff members under subsection (2)(b) or (c), the council must give the members notice of the outcome of the lot.

## **78 Term of office ends—particular professional staff member**

- (1) This section applies if, immediately before the commencement, there were 2 elected members of a class mentioned in former section 15(2)(b) (each a *professional staff member*).
- (2) On the commencement, the term of office of 1 professional staff member ends as follows—
  - (a) if the members were elected at the same council election and 1 member received the fewest votes of the professional staff members elected at the election—the term of office of the professional staff member who received the fewest votes ends;
  - (b) otherwise—the term of office of the professional staff member decided by lot drawn by the nominated person ends.
- (3) If a lot is drawn between professional staff members under subsection (2)(b), the council must give the members notice of the outcome of the lot.

## **79 Continuation of elected members who are students**

- (1) This section applies to a person who was an elected member of a class mentioned in former section 15(2)(c) immediately before the commencement.
- (2) Despite new section 15(2), the person continues in office as an elected member of a class mentioned in former section 15(2)(c) for the remainder of the person's term of office.

(3) This Act as in force immediately before the commencement continues to apply in relation to the person and the person's term of office as if the amending Act had not commenced.

(4) To remove any doubt, it is declared that former section 20A continues to apply in relation to the person's office as if the amending Act had not commenced.

(5) In this section—

*amending Act* means the *Queensland University of Technology Amendment Act 2021*.

*new*, for a provision of this Act, means the provision as in force from the commencement.

## **80 Term of office ends—members elected as QUT Alumni**

(1) This section applies to a person who, immediately before the commencement, was an elected member of a class mentioned in former section 15(2)(d).

(2) On the commencement, the person's term of office as an elected member ends.

## **81 No compensation payable**

No compensation is payable to a person whose term of office ends under this part.

## **82 Application of s 20A to particular persons whose term of office ends**

For section 20A(2)(b) and (c), a person whose term of office ends under section 77(2) or 78(2) is taken not to have been elected to the office.

# **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.



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#### **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).

## 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.

- (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—

- (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

- (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) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
  - (d) 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.

### **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.

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## 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.

***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.

***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.

***conviction*** means a conviction other than a spent conviction.

***council*** means the council of the university.

**council election** means an election held under part 2, division 3A.

**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 elected at a council election.

**election policy** see section 26AA(1)(a).

**eligible person**, for a class of elected members mentioned in section 15(2)(a) to (d), means a person who is—

- (a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or
- (b) for the class mentioned in section 15(2)(b)—a member of the professional staff of the university; or
- (c) for the class mentioned in section 15(2)(c)—an undergraduate student; or
- (d) for the class mentioned in section 15(2)(d)—a postgraduate student.

**higher education award** see the *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth), section 5.

**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—



(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 direction on the notice.

*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.

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

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