



Australian Catholic University (Queensland) Act 2007

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Queensland

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Australian Catholic University (Queensland) Act 2007

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.

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.

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 *Tertiary Education Quality and Standards Agency Act 2011* (Cwlth), section 5.

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