



University Legislation Amendment Bill 2017



Queensland

University Legislation Amendment Bill 2017

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	University of the Sunshine Coast Act 1998	125

2017

A Bill

for

An Act to amend the *Central Queensland University Act 1998*, the *Griffith University Act 1998*, the *James Cook University Act 1997*, the *Queensland University of Technology Act 1998*, the *University of Queensland Act 1998*, the *University of Southern Queensland Act 1998* and the *University of the Sunshine Coast Act 1998* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Chapter 1 Preliminary 2

Clause 1 Short title 3
This Act may be cited as the *University Legislation* 4
Amendment Act 2017. 5

Clause 2 Commencement 6
Chapter 3 and schedule 1, part 2 commence on a day to be 7
fixed by proclamation. 8

Chapter 2 Amendments commencing 9
on assent 10

Part 1 Amendment of Central 11
Queensland University Act 12
1998 13

Clause 3 Act amended 14
This part amends the *Central Queensland University Act* 15
1998. 16
Note— 17
See also the amendments in chapter 3, part 1 and schedule 1, part 2. 18

Clause 4	Amendment of s 11 (Delegation)	1
	(1) Section 11(2)(c)—	2
	<i>omit.</i>	3
	(2) Section 11(3)—	4
	<i>omit, insert—</i>	5
	(3) A delegation of a power under subsection (1) to	6
	the vice-chancellor may permit the subdelegation	7
	of the power to an appropriately qualified member	8
	of the university's staff.	9
 Clause 5	 Amendment of s 23 (Ineligibility for membership of council)	 10
	Section 23(2), '12 years or more'—	11
	<i>omit, insert—</i>	12
	more than 12 years	13
 Clause 6	 Amendment of s 24 (Vacation of office)	 14
	Section 24(1)—	15
	<i>insert—</i>	16
	<i>Note—</i>	17
	See section 62D for the requirement to disclose a matter	18
	mentioned in paragraph (g) or (h).	19
 Clause 7	 Amendment of s 31 (Deputy chancellor)	 20
	(1) Section 31(4)(a), 'when there is'—	21
	<i>omit, insert—</i>	22
	during	23
	(2) Section 31(4)(b), 'while the chancellor is absent from the	24
	State'—	25
	<i>omit, insert—</i>	26
		27

[s 8]

	during all periods when the chancellor is absent from duty	1 2
Clause 8	Amendment of s 32 (Vice-chancellor)	3
	Section 32(5)—	4
	<i>insert—</i>	5
	<i>Note—</i>	6
	See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.	7 8
Clause 9	Amendment of s 40C (Disqualification from office)	9
	Section 40C(1)—	10
	<i>insert—</i>	11
	<i>Note—</i>	12
	See section 62D for the requirement to disclose the disqualification or conviction.	13 14
Clause 10	Amendment of s 57 (Making of university statutes)	15
	(1) Section 57(2)(g)—	16
	<i>omit.</i>	17
	(2) Section 57(2)(h) to (k)—	18
	<i>renumber</i> as section 57(2)(g) to (j).	19
Clause 11	Insertion of new ss 62D and 62E	20
	After section 62C—	21
	<i>insert—</i>	22
	62D Requirement to disclose particular matters	23
	(1) This section applies if a person who is a member—	24 25

-
- | | | |
|-------|---|--------------|
| (a) | is disqualified from managing corporations under the Corporations Act, part 2D.6; or | 1
2 |
| (b) | is convicted of an indictable offence mentioned in section 24(1)(h) or 40C(1)(b). | 3
4 |
| (2) | The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to— | 5
6
7 |
| (a) | if the person is the chancellor when disqualified or convicted—the vice-chancellor; or | 8
9
10 |
| (b) | if the person is an appointed member when disqualified or convicted—the Minister; or | 11
12 |
| (c) | otherwise—the chancellor. | 13 |
| | Maximum penalty—100 penalty units. | 14 |
| (3) | The notice must include the following information— | 15
16 |
| (a) | if the notice is of the person's disqualification— | 17
18 |
| (i) | the existence of the disqualification; and | 19
20 |
| (ii) | when the disqualification took effect; and | 21
22 |
| (iii) | sufficient details to identify the grounds for the disqualification; | 23
24 |
| (b) | if the notice is of the person's conviction— | 25 |
| (i) | the existence of the conviction; and | 26 |
| (ii) | when the offence was committed; and | 27 |
| (iii) | sufficient details to identify the offence; and | 28
29 |
| (iv) | the sentence imposed on the person. | 30 |
| (4) | The Minister, chancellor or vice-chancellor must | 31 |
-

[s 11]

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.

62E 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	1 2
	(e) if the disclosure is in a form that does not identify the person to whom the information relates; or	3 4 5
	(f) if the information is, or has been, lawfully accessible to the public.	6 7
	(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—	8 9 10 11 12
	(a) the council;	13
	(b) a committee of the council;	14
	(c) a member;	15
	(d) another person.	16
	(5) In this section—	17
	<i>function</i> includes power.	18
	<i>perform</i> , a function, includes exercise a power.	19
	<i>protected information</i> means—	20
	(a) a report, or information contained in a report, given under section 62B; or	21 22
	(b) a notice, or information contained in a notice, given under section 62D.	23 24
Clause 12	Amendment of sch 2 (Dictionary)	25
	Schedule 2, definitions <i>appropriately qualified</i> and <i>indictable offence</i> —	26 27
	<i>omit</i> .	28

Part 2	Amendment of Griffith University Act 1998	1 2
Clause 13	Act amended	3
	This part amends the <i>Griffith University Act 1998</i> .	4
	<i>Note—</i>	5
	See also the amendments in chapter 3, part 2 and schedule 1, part 2.	6
Clause 14	Amendment of s 11 (Delegation)	7
	(1) Section 11(2)(c)—	8
	<i>omit.</i>	9
	(2) Section 11—	10
	<i>insert—</i>	11
	(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.	12 13 14 15
Clause 15	Amendment of s 23 (Ineligibility for membership of council)	16 17
	Section 23(2), '12 years or more'—	18
	<i>omit, insert—</i>	19
	more than 12 years	20
Clause 16	Amendment of s 24 (Vacation of office)	21
	Section 24(1)—	22
	<i>insert—</i>	23

	<i>Note—</i>	1
	See section 66D for the requirement to disclose a matter mentioned in paragraph (g) or (h).	2 3
Clause 17	Amendment of s 31 (Deputy chancellor)	4
	(1) Section 31(4)(a), ‘when there is’—	5
	<i>omit, insert—</i>	6
	during	7
	(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—	8 9
	<i>omit, insert—</i>	10
	during all periods when the chancellor is absent from duty	11 12
Clause 18	Amendment of s 32 (Vice-chancellor)	13
	Section 32(5)—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.	17 18
Clause 19	Amendment of s 32A (Disqualification from office)	19
	Section 32A(1)—	20
	<i>insert—</i>	21
	<i>Note—</i>	22
	See section 66D for the requirement to disclose the disqualification or conviction.	23 24
Clause 20	Insertion of new ss 66D and 66E	25
	After section 66C—	26

[s 20]

insert—

66D 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)(h) or 32A(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.
- (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	1 2
(iv) the sentence imposed on the person.	3
(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.	4 5 6 7 8
66E Restrictions on disclosing protected information	9 10
(1) This section applies to a person who possesses protected information because the person is or was—	11 12 13
(a) the Minister; or	14
(b) a member; or	15
(c) a person involved in the administration of this Act, including, for example, as a public service employee; or	16 17 18
(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.	19 20 21 22
(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).	23 24 25 26
Maximum penalty—100 penalty units.	27
(3) The person may disclose the protected information to another person—	28 29
(a) to the extent necessary to perform the person's functions under this Act; or	30 31

[s 20]

- (b) if the disclosure is authorised under an Act;
or 1 2
 - (c) if the disclosure is otherwise required or
permitted by law; or 3 4
 - (d) if the person to whom the information
relates consents to the disclosure; or 5 6
 - (e) if the disclosure is in a form that does not
identify the person to whom the information
relates; or 7 8 9
 - (f) if the information is, or has been, lawfully
accessible to the public. 10 11
- (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— 12 13 14 15 16
 - (a) the council; 17
 - (b) a committee of the council; 18
 - (c) a member; 19
 - (d) another person. 20
- (5) In this section— 21
 - function* includes power. 22
 - perform*, a function, includes exercise a power. 23
 - protected information* means— 24
 - (a) a report, or information contained in a
report, given under section 66B; or 25 26
 - (b) a notice, or information contained in a
notice, given under section 66D. 27 28

Clause 21	Amendment of sch 2 (Dictionary)	1
	Schedule 2, definitions <i>appropriately qualified</i> and <i>indictable offence</i> —	2
		3
	<i>omit.</i>	4
Part 3	Amendment of James Cook University Act 1997	5
		6
Clause 22	Act amended	7
	This part amends the <i>James Cook University Act 1997</i> .	8
	<i>Note</i> —	9
	See also the amendments in schedule 1, part 1.	10
Clause 23	Amendment of s 11 (Delegation)	11
	Section 11(2) and (3)—	12
	<i>omit, insert</i> —	13
	(2) However, the council may not delegate its power—	14
		15
	(a) to make an election policy; or	16
	(b) to adopt the university’s annual budget.	17
	(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.	18
		19
		20
		21
Clause 24	Replacement of pt 2, div 3, hdg (Council membership)	22
	Part 2, division 3, heading—	23
	<i>omit, insert</i> —	24

[s 25]

Division 3	Council membership—no membership resolution	1
		2

Clause 25	Insertion of new s 11A	3
	Part 2, division 3, before section 12—	4
	<i>insert—</i>	5

11A Application of division	6
------------------------------------	---

This division applies if division 3A, subdivision 2 does not apply.	7
	8

Clause 26	Replacement of s 13 (Official members)	9
	Section 13—	10
	<i>omit, insert—</i>	11

13 Official members	12
----------------------------	----

The official members are—	13
---------------------------	----

(a) the chancellor; and	14
-------------------------	----

(b) the vice-chancellor; and	15
------------------------------	----

(c) if the chairperson is not the vice-chancellor—the chairperson.	16
	17

Clause 27	Amendment of s 15 (Elected members)	18
(1)	Section 15(2)(b), ‘general staff’—	19
	<i>omit, insert—</i>	20

professional and technical staff	21
----------------------------------	----

(2)	Section 15(3)—	22
-----	----------------	----

<i>omit, insert—</i>	23
----------------------	----

(3) Each elected member is to be elected at a council election.	24
	25

Clause 28	Amendment of s 16 (Additional member)	1
	Section 16(3)—	2
	<i>omit, insert—</i>	3
	(3) The additional member must not be a member of the university's staff or a student.	4 5
Clause 29	Replacement of s 17 (When council is taken to be properly constituted)	6 7
	Section 17—	8
	<i>omit, insert—</i>	9
	17 When council is taken to be properly constituted	10 11
	(1) The council is taken to be properly constituted if the total number of members holding office under this division is—	12 13 14
	(a) if there is an official member under section 13(c)—at least 12; or	15 16
	(b) otherwise—at least 11.	17
	(2) For subsection (1), it does not matter whether the members are official, appointed, elected or additional members.	18 19 20
Clause 30	Amendment of s 20A (Dealing with casual vacancy in office of an elected member)	21 22
	(1) Section 20A(2) and (4), 'by a ballot under section 15(3)'—	23
	<i>omit, insert—</i>	24
	at a council election	25
	(2) Section 20A(2)(a), 'ballot'—	26
	<i>omit, insert—</i>	27
	council election	28

[s 31]

- | | | |
|-----|--|---|
| (3) | Section 20A(3)(a), ‘by a ballot’— | 1 |
| | <i>omit, insert—</i> | 2 |
| | at a council election | 3 |
| (4) | Section 20A(6)— | 4 |
| | <i>omit, insert—</i> | 5 |
| (6) | A person appointed under subsection (2) or (5) is | 6 |
| | taken, other than for subsection (2) or (3)(a), to | 7 |
| | have been elected at a council election. | 8 |

- | | | |
|------------------|---|----|
| Clause 31 | Replacement of s 21 (Failure to elect elected members) | 9 |
| | Section 21— | 10 |
| | <i>omit, insert—</i> | 11 |
| | 21 Failure to elect elected members | 12 |
| | (1) This section applies if, by the end of the relevant | 13 |
| | day— | 14 |
| | (a) insufficient persons are elected for a class of | 15 |
| | elected members mentioned in section | 16 |
| | 15(2)(a), (b) or (f) (each a relevant class) to | 17 |
| | comply with section 15(2); or | 18 |
| | (b) a person is not elected for a class of elected | 19 |
| | members mentioned in section 15(2)(c) to | 20 |
| | (e) (also each a relevant class). | 21 |
| | (2) The Minister may appoint, as elected members for | 22 |
| | the relevant class, the number of persons required | 23 |
| | to comply with section 15(2). | 24 |
| | (3) The council may, if asked by the Minister, | 25 |
| | nominate a person for appointment under | 26 |
| | subsection (2). | 27 |
| | (4) A person appointed under subsection (2) is taken, | 28 |
| | other than for section 20A(2) or (3)(a), to have | 29 |
| | been elected at a council election for the relevant | 30 |
| | class. | 31 |

	(5) This section applies to the periodic election of members and an election required because of a casual vacancy.	1 2 3
	(6) In this section— <i>relevant day</i> , 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.	4 5 6 7 8 9
Clause 32	Insertion of new pt 2, div 3A and pt 2, div 3B, hdg	10
	After section 22—	11
	<i>insert—</i>	12
	Division 3A Council membership—membership resolution	13 14 15
	Subdivision 1 Preliminary	16
	22A Definitions for division	17
	In this division—	18
	<i>class</i> , of elected members, see section 22F(1).	19
	<i>current membership resolution</i> means the most recent membership resolution passed by the council.	20 21 22
	<i>effective day</i> see section 22J(5).	23
	<i>end day</i> , of a member, means the day the member's term of office ends.	24 25
	<i>membership class</i> means—	26
	(a) official members; or	27

[s 32]

- (b) appointed members; or 1
- (c) elected members who are members of the 2
academic staff of the university; or 3
- (d) elected members who are members of the 4
professional and technical staff of the 5
university; or 6
- (e) elected members who are students; or 7
- (f) additional members. 8

membership resolution means a resolution under 9
section 22J. 10

previous membership resolution means the last 11
membership resolution passed by the council 12
before the current membership resolution. 13

total number of members, in relation to a 14
membership resolution, see section 22J(1)(a). 15

Subdivision 2 Council membership 16

22B Application of subdivision 17

This subdivision applies if the council passes a 18
membership resolution. 19

22C Membership of council 20

The council consists of the following members— 21

- (a) official members; 22
- (b) appointed members; 23
- (c) elected members; 24
- (d) additional members. 25

22D Official members	1
The official members are—	2
(a) the chancellor; and	3
(b) the vice-chancellor; and	4
(c) if the chairperson is not the	5
vice-chancellor—the chairperson.	6
 22E Appointed members	 7
The Governor in Council may appoint a person as	8
an appointed member for a term of not more than	9
4 years.	10
 22F Elected members	 11
(1) The elected members consist of the following	12
(each a <i>class</i> of elected members)—	13
(a) members of the academic staff of the	14
university;	15
(b) members of the professional and technical	16
staff of the university;	17
(c) students.	18
(2) Each elected member is to be elected at a council	19
election.	20
(3) An elected member holds office for—	21
(a) if the elected member is a student—2 years;	22
or	23
(b) otherwise—4 years.	24
(4) An elected member's term of office starts—	25
(a) if the member is re-elected—on the day	26
after the day when the member's previous	27
term of office ends; or	28

[s 32]

- (b) otherwise— 1
 - (i) on the day after the day when the term 2
of office of the member’s predecessor 3
ends; or 4
 - (ii) if subparagraph (i) does not apply—on 5
a day fixed by the council. 6

22G Additional members 7

- (1) The council may appoint a person as an additional 8
member for a term of not more than 4 years. 9
- (2) An additional member must not be a member of 10
the university’s staff or a student. 11
- (3) At least 2 of the additional members must be 12
graduates of the university. 13
- (4) In this section— 14
 - university* includes— 15
 - (a) the University College of Townsville 16
established under the repealed *University of* 17
Queensland Act 1965, section 27; and 18
 - (b) the James Cook University of North 19
Queensland established under the repealed 20
James Cook University of North Queensland 21
Act 1970, section 4. 22

22H Particular provisions subject to sdiv 4 23

Sections 22E to 22G apply subject to subdivision 24
4. 25

22I When council is taken to be properly constituted 26 27

- (1) The council is taken to be properly constituted if 28
the number of members holding office under this 29

-
- | | |
|--|----|
| division is— | 1 |
| (a) if the current membership resolution has | 2 |
| taken effect for each membership | 3 |
| class—more than half of the total number of | 4 |
| members stated in the resolution; or | 5 |
| <i>Note—</i> | 6 |
| See section 22M for when a membership | 7 |
| resolution takes effect for a membership class. | 8 |
| (b) otherwise—more than half of the total | 9 |
| number of members stated in the previous | 10 |
| membership resolution. | 11 |
| (2) For subsection (1), it does not matter whether the | 12 |
| members are official, appointed, elected or | 13 |
| additional members. | 14 |

Subdivision 3 Membership resolutions 15

22J Council may pass resolution 16

- | | |
|--|----|
| (1) The council may pass a resolution under this | 17 |
| section stating all of the following— | 18 |
| (a) the number of members who are to | 19 |
| constitute the council (the <i>total number of</i> | 20 |
| <i>members</i>); | 21 |
| (b) the numbers of official, appointed, elected | 22 |
| and additional members; | 23 |
| (c) the number of each class of elected | 24 |
| members. | 25 |
| (2) The total number of members must be at least 11, | 26 |
| but not more than 21. | 27 |
| (3) For subsection (1)(b), the numbers must be— | 28 |
| (a) for official members—2 or 3; and | 29 |

[s 32]

- (b) for appointed members—at least 3, but not more than 6; and
 - (c) for elected members—at least 3 or 25% of the total number of members (whichever is the greater), but not more than 6; and
 - (d) for additional members—at least 3, but not more than 6.
- (4) For subsection (1)(c)—
 - (a) the number of each class of elected members must be at least 1; and
 - (b) the total number of elected members who are members of the university’s staff must be greater than the number of elected members who are students.
- (5) The resolution must also state the day (the *effective day*) the resolution takes effect for each membership class other than appointed members.
- (6) For subsection (5), the effective day for a membership class must be a day when all of the following apply—
 - (a) the number of elected members holding office is at least 25% of the total number of members stated in the resolution;
 - (b) the number of elected members of each class holding office is at least 1;
 - (c) the total number of elected members holding office who are members of the university’s staff is greater than the number of elected members holding office who are students.
- (7) The resolution must be passed by at least two-thirds of the total number of members stated in the current membership resolution.

Note—

See section 22N for when the council may not pass a
further membership resolution.

22K Current members not affected

A membership resolution does not affect the term
of office of a member who holds office when the
resolution is passed.

22L Council must give Minister notice of membership resolution affecting class of appointed members

- (1) This section applies if the council passes a
membership resolution in which the number
stated for appointed members is greater than or
less than the number stated for appointed
members in the previous membership resolution.
- (2) The council must give the Minister a notice
stating—
 - (a) the number stated in the membership
resolution for appointed members; and
 - (b) the date the resolution was passed.
- (3) The notice must be given at least 6 months before
the earliest end day of the appointed members
who hold office when the membership resolution
is passed.

22M When membership resolution takes effect for membership class

- (1) A membership resolution takes effect for a
membership class, other than appointed members,
on the effective day for the class.
- (2) A membership resolution takes effect for

[s 32]

appointed members on the day, after the relevant
end day, when the number of appointed members
holding office is the number stated in the
resolution for appointed members. 1
2
3
4

- (3) For subsection (2), the *relevant end day* is the 5
latest end day of the appointed members who hold 6
office when the membership resolution is passed. 7

22N Restriction on passing further membership resolution 8 9

The council may not pass a further membership 10
resolution if the current membership resolution 11
has not taken effect for each membership class. 12

Subdivision 4 Casual vacancies and related matters 13 14

22O Dealing with casual vacancy in office of elected member 15 16

- (1) This section applies if a casual vacancy arises, or 17
will arise, in the office of an elected member, 18
whether— 19
- (a) before a membership resolution takes effect 20
for elected members of the class (the 21
relevant class) of which the elected member 22
was, or is, a member; or 23
- (b) otherwise. 24
- (2) If the elected member was elected at a council 25
election, the council must appoint to the office the 26
one person, if any, who— 27
- (a) was a candidate for the office in the council 28
election; and 29
- (b) was not elected; and 30

-
- | | |
|--|----------------------|
| (c) received the highest number of votes of all the candidates who were not elected; and | 1
2 |
| (d) is eligible, under this Act, to be a member; and | 3
4 |
| (e) is willing to be, and available to perform the functions of, a member. | 5
6 |
| (3) Subsections (4) to (6) apply if— | 7 |
| (a) the elected member was not elected at a council election; or | 8
9 |
| (b) no-one is eligible for appointment under subsection (2). | 10
11 |
| (4) If the casual vacancy arises before a membership resolution takes effect for elected members of the relevant class, the council may appoint to the office a person who— | 12
13
14
15 |
| (a) is eligible, under this Act, to be a member; and | 16
17 |
| (b) is an eligible person for the relevant class; and | 18
19 |
| (c) otherwise meets any nomination requirements under the election policy for the relevant class. | 20
21
22 |
| (5) If the casual vacancy does not arise before a membership resolution takes effect for elected members of the relevant class, a person is to be elected to the office at a council election. | 23
24
25
26 |
| (6) Despite subsection (5), if the elected member was a student, the council may appoint to the office a student who— | 27
28
29 |
| (a) is eligible, under this Act, to be a member; and | 30
31 |
| (b) otherwise meets any nomination requirements under the election policy for | 32
33 |
-

[s 32]

the class of elected members mentioned in	1
section 22F(1)(c).	2
(7) A person appointed under subsection (2), (4) or	3
(6) is taken, other than for subsection (2) or (3)(a),	4
to have been elected at a council election.	5
22P Failure to elect elected members	6
(1) This section applies if, by the end of the relevant	7
day, insufficient persons are elected for a class of	8
elected members to comply with the current	9
membership resolution.	10
(2) The Minister may appoint, as elected members for	11
the class, the number of persons required to	12
comply with the current membership resolution.	13
(3) The council may, if asked by the Minister,	14
nominate a person for appointment under	15
subsection (2).	16
(4) A person appointed under subsection (2) is taken,	17
other than for section 22O(2) or (3)(a), to have	18
been elected at a council election for the class of	19
elected members.	20
(5) This section applies to the periodic election of	21
members and an election required because of a	22
casual vacancy.	23
(6) In this section—	24
<i>relevant day</i> , in relation to a class of elected	25
members, means the last day of the period notified	26
under the election policy for the holding of a	27
council election for an elected member of the	28
class.	29
22Q Casual vacancies	30
A person appointed or elected to fill a casual	31

	vacancy in the office of a member is appointed or elected for the balance of the term of office of the person's predecessor.	1 2 3
	Division 3B Matters relating to offices of appointed, elected and additional members	4 5 6
Clause 33	Amendment of s 23 (Ineligibility for membership of council)	7 8
	Section 23(2), '12 years or more'—	9
	<i>omit, insert—</i>	10
	more than 12 years	11
Clause 34	Amendment of s 24 (Vacation of office)	12
	(1) Section 24(1)(b) and (c)—	13
	<i>omit, insert—</i>	14
	(b) for an elected member of a class mentioned in section 15(2)(a) to (f) or 22F(1)(a) to (c)—	15 16 17
	(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	18 19 20 21 22 23
	(ii) otherwise—the member ceases to be an eligible person for the class; or	24 25
	<i>Example—</i>	26
	An elected member of a class mentioned in section 15(2)(d) ceases to be a postgraduate student.	27 28 29

[s 35]

- | | | |
|------|---|----------------------------|
| (ba) | for an additional member—the member becomes a member of the university’s staff or a student; or | 1
2
3 |
| (c) | the member is absent, without the council’s leave, from 3 consecutive meetings of the council of which proper notice has been given to the member; or | 4
5
6
7 |
| (2) | Section 24(1)(e)(ii) and (3), ‘vice-chancellor’—
<i>omit, insert—</i>
chancellor | 8
9
10 |
| (3) | Section 24(1)(h), ‘paragraph (g)’—
<i>omit, insert—</i>
paragraph (h) | 11
12
13 |
| (4) | Section 24(1)(ba) to (h)—
<i>renumber</i> as section 24(1)(c) to (i). | 14
15 |
| (5) | Section 24(1)—
<i>insert—</i>

<i>Note—</i>
See section 62D for the requirement to disclose a matter mentioned in paragraph (h) or (i). | 16
17
18
19
20 |
| (6) | Section 24(2), ‘Subsection (1)(h)’—
<i>omit, insert—</i>
Subsection (1)(i) | 21
22
23 |
| (7) | Section 24(4)—
<i>omit.</i> | 24
25 |

Clause 35	Insertion of new pt 2, div 3C	26
	After section 26—	27
	<i>insert—</i>	28

Division 3C	Council elections	1
26AA	Election policy	2
(1)	The council must—	3
(a)	make a policy (an <i>election policy</i>) about the conduct of elections required under sections 15, 20A, 22F and 22O; and	4 5 6
(b)	publish the election policy on the university's website.	7 8
(2)	The election policy must include—	9
(a)	provisions to ensure the integrity and security of the voting system; and	10 11
(b)	without limiting paragraph (a), provisions to ensure—	12 13
(i)	only persons who are eligible to vote may vote; and	14 15
(ii)	a person can not vote more than once in an election; and	16 17
(iii)	voting is done by secret ballot; and	18
(iv)	a person is not improperly influenced in voting; and	19 20
(c)	provisions stating the procedure for voting, including the procedure for issuing ballots; and	21 22 23
(d)	provisions about—	24
(i)	notifying the period during which an election is to be held; and	25 26
(ii)	nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and	27 28 29 30

[s 36]

- (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.

26ABConduct of election
An election required under section 15, 20A, 22F or 22O must be held under the election policy.

26ACEligibility to vote
A person is eligible to vote in an election for a class of elected members mentioned in section 15(2)(a) to (f) or 22F(1)(a) to (c) 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.

Clause 36 Amendment of s 26B (Council may remove member from office)
Section 26B(1), ‘15 members’—

	<i>omit, insert—</i>	1
	two-thirds of its members	2
Clause 37	Amendment of s 26C (Minister may extend terms of office)	3
		4
	(1) Section 26C(4)(b)—	5
	<i>omit, insert—</i>	6
	(b) applies despite sections 18, 19(1) and (2), 20, 22E, 22F(3) and 22G(1).	7
		8
	(2) Section 26C—	9
	<i>insert—</i>	10
	(5) However, this section does not apply if a membership resolution has been passed, but has not taken effect for each membership class.	11
		12
		13
Clause 38	Amendment of s 30 (Chancellor)	14
	Section 30(4), ‘academic staff or general staff’—	15
	<i>omit, insert—</i>	16
	staff	17
Clause 39	Amendment of s 31 (Deputy chancellor)	18
	Section 31(4)—	19
	<i>omit, insert—</i>	20
	(4) The deputy chancellor is to act as chancellor—	21
	(a) during a vacancy in the office of chancellor; and	22
		23
	(b) during all periods when the chancellor is absent from duty or, for another reason, can not perform the functions of the office.	24
		25
		26

[s 40]

Clause 40	Amendment of s 32 (Vice-chancellor)	1
	Section 32(5)—	2
	<i>insert</i> —	3
	<i>Note</i> —	4
	See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.	5 6
Clause 41	Amendment of s 33 (Establishment of convocation)	7
	Section 33(2), ‘by university statute’—	8
	<i>omit</i> .	9
Clause 42	Omission of pt 4, div 3 (Colleges)	10
	Part 4, division 3—	11
	<i>omit</i> .	12
Clause 43	Amendment of s 40 (Establishment of academic board)	13
	Section 40(2) and (3)—	14
	<i>omit, insert</i> —	15
	(2) The council is to decide—	16
	(a) the membership of the academic board; and	17
	(b) the functions of the academic board in relation to academic matters, including teaching and learning, academic policies and research.	18 19 20 21
Clause 44	Amendment of s 40B (Excluded matters for Corporations legislation)	22 23
	(1) Section 40B(1)(b)—	24
	<i>omit</i> .	25

(2) Section 40B(1)(c)— 1
renumber as section 40B(1)(b). 2

Clause 45 Amendment of s 40C (Disqualification from office) 3
Section 40C(1)— 4
insert— 5
Note— 6
See section 62D for the requirement to disclose the 7
disqualification or conviction. 8

**Clause 46 Amendment of s 40D (Council may remove chancellor, 9
vice-chancellor or chairperson from office)** 10
Section 40D(1), ‘15 members’— 11
omit, insert— 12
two-thirds of its members 13

Clause 47 Omission of pt 6 (University statutes) 14
Part 6— 15
omit. 16

**Clause 48 Amendment of s 62B (Report about person’s criminal 17
history)** 18
Section 62B(1), after ‘section 14(2)’— 19
insert— 20
or 22E 21

Clause 49 Insertion of new ss 62D and 62E 22
After section 62C— 23
insert— 24

[s 49]

62D Requirement to disclose particular matters	1
(1) This section applies if a person who is a member—	2 3
(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or	4 5
(b) is convicted of an indictable offence mentioned in section 24(1)(i) or 40C(1)(b).	6 7
(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—	8 9 10
(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or	11 12 13
(b) if the person is an appointed member when disqualified or convicted—the Minister; or	14 15
(c) otherwise—the chancellor.	16
Maximum penalty—100 penalty units.	17
(3) The notice must include the following information—	18 19
(a) if the notice is of the person's disqualification—	20 21
(i) the existence of the disqualification; and	22 23
(ii) when the disqualification took effect; and	24 25
(iii) sufficient details to identify the grounds for the disqualification;	26 27
(b) if the notice is of the person's conviction—	28
(i) the existence of the conviction; and	29
(ii) when the offence was committed; and	30

(iii) sufficient details to identify the offence; and	1 2
(iv) the sentence imposed on the person.	3
(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.	4 5 6 7 8
62E Restrictions on disclosing protected information	9 10
(1) This section applies to a person who possesses protected information because the person is or was—	11 12 13
(a) the Minister; or	14
(b) a member; or	15
(c) a person involved in the administration of this Act, including, for example, as a public service employee; or	16 17 18
(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.	19 20 21 22
(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).	23 24 25 26
Maximum penalty—100 penalty units.	27
(3) The person may disclose the protected information to another person—	28 29
(a) to the extent necessary to perform the person's functions under this Act; or	30 31

[s 50]

	(b) if the disclosure is authorised under an Act; or	1 2
	(c) if the disclosure is otherwise required or permitted by law; or	3 4
	(d) if the person to whom the information relates consents to the disclosure; or	5 6
	(e) if the disclosure is in a form that does not identify the person to whom the information relates; or	7 8 9
	(f) if the information is, or has been, lawfully accessible to the public.	10 11
	(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—	12 13 14 15 16
	(a) the council;	17
	(b) a committee of the council;	18
	(c) a member;	19
	(d) another person.	20
	(5) In this section—	21
	<i>function</i> includes power.	22
	<i>perform</i> , a function, includes exercise a power.	23
	<i>protected information</i> means—	24
	(a) a report, or information contained in a report, given under section 62B; or	25 26
	(b) a notice, or information contained in a notice, given under section 62D.	27 28
Clause 50	Insertion of new pt 8, div 3	29
	Part 8—	30

insert—

**Division 3 Transitional provisions for
University Legislation
Amendment Act 2017**

79 Definitions for division

In this division—

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

transition period means the period—

- (a) starting when the council passes its first membership resolution; and
- (b) ending when the membership resolution has taken effect for each membership class.

80 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) section 22O(2) and (3)(a);
- (c) schedule 2, definition *elected member*.

81 Majority required for first membership resolution

- (1) This section applies for the passing of the first resolution under section 22J.
- (2) Despite section 22J(7), the resolution must be passed by at least two-thirds of the total number of

[s 50]

members provided for under sections 13 to 16 as	1
in force immediately before the resolution is	2
voted on.	3
 82 Council must give Minister notice of first membership resolution	 4 5
(1) The council must, after passing the first membership resolution, give the Minister a notice stating—	6 7 8
(a) the number stated in the resolution for appointed members; and	9 10
(b) the date the resolution was passed.	11
(2) The notice must be given at least 6 months before the earliest end day of the appointed members who hold office when the membership resolution is passed.	12 13 14 15
 83 Membership and constitution of council during transition period	 16 17
(1) A person who was an elected member mentioned in section 15(2)(f) when the council passed its first membership resolution continues to hold office as an elected member until—	18 19 20 21
(a) the term for which the person held office under section 19(1) ends; or	22 23
(b) the person's office sooner becomes vacant under section 24.	24 25
(2) Despite sections 22C(c) and 22F(1), during the transition period the council also consists of any person—	26 27 28
(a) whose office as an elected member is continued under subsection (1); or	29 30

-
- | | |
|--|-----------------------|
| (b) who is appointed under section 85 to the office of an elected member mentioned in section 15(2)(f). | 1
2
3 |
| (3) Despite section 22I(1)(b), the council is taken to be properly constituted during the transition period if it has the number of members provided for under section 17 as in force immediately before the start of the transition period. | 4
5
6
7
8 |
| 84 Convocation elected members to be disregarded for s 22J(6)(a) | 9
10 |
| During the transition period, the following persons must be disregarded in calculating the number of elected members for section 22J(6)(a)— | 11
12
13
14 |
| (a) a person whose office as an elected member is continued under section 83(1); | 15
16 |
| (b) a person who is appointed under section 85 to the office of an elected member mentioned in section 15(2)(f). | 17
18
19 |
| 85 Dealing with casual vacancy in office of convocation elected member at start of, or during, transition period | 20
21
22 |
| (1) This section applies if a casual vacancy in the office of an elected member mentioned in section 15(2)(f)— | 23
24
25 |
| (a) exists at the start of the transition period; or | 26 |
| (b) arises during the transition period. | 27 |
| (2) If the elected member was elected by a ballot under previous section 15(3) or at a council election, the council may appoint to the office the one person, if any, who— | 28
29
30
31 |
-

[s 50]

- (a) was a candidate for the office in the ballot or election; and 1
2
 - (b) was not elected; and 3
 - (c) received the highest number of votes of all the candidates who were not elected; and 4
5
 - (d) is eligible, under this Act, to be a member; and 6
7
 - (e) is willing to be, and available to perform the functions of, a member. 8
9
- (3) Subsection (4) applies if— 10
 - (a) the elected member was not elected by a ballot under previous section 15(3) or at a council election; or 11
12
13
 - (b) no-one is eligible for appointment under subsection (2). 14
15
- (4) The council may appoint to the office a member of the convocation who— 16
17
 - (a) is eligible under this Act to be a member; and 18
19
 - (b) otherwise meets any nomination requirements under the election policy for the class of elected members mentioned in section 15(2)(f). 20
21
22
23
- (5) A person appointed under this section— 24
 - (a) is appointed for the balance of the term of office of the person's predecessor; and 25
26
 - (b) is taken, other than for subsection (2) or (3)(a), to have been elected at a council election. 27
28
29

86 Repeal of university statutes 30

- (1) This section applies to a university statute made 31

under previous section 57 that was in force 1
immediately before the commencement. 2

(2) To remove any doubt, it is declared that, on the 3
commencement, the university statute is repealed. 4

Clause 51 Amendment of sch 2 (Dictionary) 5

(1) Schedule 2, definitions *additional member*, *appointed* 6
member, *appropriately qualified*, *elected member*, *general* 7
staff, *indictable offence*, *official member*, *requirement*, 8
university rules and *university statute*— 9

omit. 10

(2) Schedule 2— 11

insert— 12

additional member means a member appointed 13
under section 16 or 22G. 14

appointed member means a member appointed 15
under section 14 or 22E. 16

class, of elected members, for part 2, division 3A, 17
see section 22F(1). 18

council election means an election held under 19
part 2, division 3C. 20

current membership resolution, for part 2, 21
division 3A, see section 22A. 22

effective day, for part 2, division 3A, see section 23
22J(5). 24

elected member means a member elected at a 25
council election. 26

election policy see section 26AA(1)(a). 27

eligible person, for a class of elected members 28
mentioned in section 15(2)(a) to (f) or 22F(1)(a) 29
to (c), means a person who is— 30

[s 51]

- (a) for the class mentioned in section 15(2)(a) or 22F(1)(a)—a member of the academic staff of the university; or

1
2
3
- (b) for the class mentioned in section 15(2)(b) or 22F(1)(b)—a member of the professional and technical staff of the university; or

4
5
6
- (c) for the class mentioned in section 15(2)(c), (d) or (e) or 22F(1)(c)—a student; or

7
8
- (d) for the class mentioned in section 15(2)(f)—a member of the convocation.

9
10
- end day***, of a member, see section 22A.

11
- membership class*** see section 22A.

12
- membership resolution*** see section 22A.

13
- nomination requirements*** means requirements for eligibility to be nominated as a candidate in a council election.

14
15
16
- official member*** means an official member under section 13 or 22D.

17
18
- previous membership resolution***, for part 2, division 3A, see section 22A.

19
20
- professional and technical staff***, of the university, means the staff of the university other than its academic staff.

21
22
23
- requirement***, of a regulatory notice, includes a direction on the notice.

24
25
- total number of members***, in relation to a membership resolution, for part 2, division 3A, see section 22J(1)(a).

26
27
28

Part 4	Amendment of Queensland University of Technology Act 1998	1 2 3
Clause 52	Act amended	4
	This part amends the <i>Queensland University of Technology Act 1998</i> .	5 6
	<i>Note—</i>	7
	See also the amendments in chapter 3, part 3 and schedule 1, part 2.	8
Clause 53	Amendment of s 11 (Delegation)	9
	(1) Section 11(2)(c)—	10
	<i>omit.</i>	11
	(2) Section 11(3)—	12
	<i>omit, insert—</i>	13
	(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.	14 15 16 17
Clause 54	Amendment of s 23 (Ineligibility for membership of council)	18 19
	Section 23(2), '12 years or more'—	20
	<i>omit, insert—</i>	21
	more than 12 years	22
Clause 55	Amendment of s 24 (Vacation of office)	23
	Section 24(1)—	24
	<i>insert—</i>	25

[s 56]

	<i>Note—</i>	1
	See section 61D for the requirement to disclose a matter mentioned in paragraph (g) or (h).	2 3
Clause 56	Amendment of s 31 (Deputy chancellor)	4
	(1) Section 31(4)(a), ‘when there is’—	5
	<i>omit, insert—</i>	6
	during	7
	(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—	8 9
	<i>omit, insert—</i>	10
	during all periods when the chancellor is absent from duty	11 12
Clause 57	Amendment of s 32 (Vice-chancellor)	13
	Section 32(5)—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.	17 18
Clause 58	Amendment of s 39B (Disqualification from office)	19
	Section 39B(1)—	20
	<i>insert—</i>	21
	<i>Note—</i>	22
	See section 61D for the requirement to disclose the disqualification or conviction.	23 24
Clause 59	Amendment of s 56 (Making of university statutes)	25
	(1) Section 56(2)(h)—	26

omit. 1

(2) Section 56(2)(i) to (l)— 2

renumber as section 56(2)(h) to (k). 3

Clause 60 Insertion of new ss 61D and 61E 4

After section 61C— 5

insert— 6

61D Requirement to disclose particular matters 7

(1) This section applies if a person who is a member— 8
9

(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or 10
11

(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 39B(1)(b). 12
13

(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to— 14
15
16

(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or 17
18
19

(b) if the person is an appointed member when disqualified or convicted—the Minister; or 20
21

(c) otherwise—the chancellor. 22

Maximum penalty—100 penalty units. 23

(3) The notice must include the following information— 24
25

(a) if the notice is of the person's disqualification— 26
27

(i) the existence of the disqualification; 28
and 29

[s 60]

- (ii) when the disqualification took effect; 1
 - and 2
 - (iii) sufficient details to identify the 3
 - grounds for the disqualification; 4
 - (b) if the notice is of the person's conviction— 5
 - (i) the existence of the conviction; and 6
 - (ii) when the offence was committed; and 7
 - (iii) sufficient details to identify the 8
 - offence; and 9
 - (iv) the sentence imposed on the person. 10
- (4) The Minister, chancellor or vice-chancellor must 11
ensure a notice given to the Minister, chancellor 12
or vice-chancellor under this section is destroyed 13
as soon as practicable after it is no longer needed 14
for the purposes of this Act. 15

61E Restrictions on disclosing protected 16 **information 17**

- (1) This section applies to a person who possesses 18
protected information because the person is or 19
was— 20
 - (a) the Minister; or 21
 - (b) a member; or 22
 - (c) a person involved in the administration of 23
this Act, including, for example, as a public 24
service employee; or 25
 - (d) a person helping the Minister, the council or 26
a member to perform a function under this 27
Act, including by providing administrative 28
or other support. 29
- (2) The person must not, directly or indirectly, 30
disclose the protected information to another 31

person unless the disclosure is permitted under subsection (3) or (4).	1
	2
Maximum penalty—100 penalty units.	3
(3) The person may disclose the protected information to another person—	4
	5
(a) to the extent necessary to perform the person's functions under this Act; or	6
	7
(b) if the disclosure is authorised under an Act; or	8
	9
(c) if the disclosure is otherwise required or permitted by law; or	10
	11
(d) if the person to whom the information relates consents to the disclosure; or	12
	13
(e) if the disclosure is in a form that does not identify the person to whom the information relates; or	14
	15
	16
(f) if the information is, or has been, lawfully accessible to the public.	17
	18
(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—	19
	20
	21
	22
	23
(a) the council;	24
(b) a committee of the council;	25
(c) a member;	26
(d) another person.	27
(5) In this section—	28
<i>function</i> includes power.	29
<i>perform</i> , a function, includes exercise a power.	30
<i>protected information</i> means—	31

[s 61]

	(a) a report, or information contained in a report, given under section 61B; or	1 2
	(b) a notice, or information contained in a notice, given under section 61D.	3 4
Clause 61	Amendment of sch 2 (Dictionary)	5
	Schedule 2, definitions <i>appropriately qualified</i> and <i>indictable offence</i> —	6 7
	<i>omit.</i>	8
Part 5	Amendment of University of Queensland Act 1998	9 10
Clause 62	Act amended	11
	This part amends the <i>University of Queensland Act 1998</i> .	12
	<i>Note</i> —	13
	See also the amendments in chapter 3, part 4 and schedule 1, part 2.	14
Clause 63	Amendment of s 11 (Delegation)	15
	(1) Section 11(2)(c)—	16
	<i>omit.</i>	17
	(2) Section 11(3)—	18
	<i>omit, insert</i> —	19
	(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.	20 21 22 23

Clause 64	Amendment of s 23 (Ineligibility for membership of senate)	1
	Section 23(2), ‘12 years or more’—	2
	<i>omit, insert</i> —	3
	more than 12 years	4
Clause 65	Amendment of s 24 (Vacation of office)	5
	Section 24(1)—	6
	<i>insert</i> —	7
	<i>Note</i> —	8
	See section 56D for the requirement to disclose a matter mentioned in paragraph (g) or (h).	9
Clause 66	Amendment of s 31 (Deputy chancellor)	10
	(1) Section 31(4)(a), ‘when there is’—	11
	<i>omit, insert</i> —	12
	during	13
	(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—	14
	<i>omit, insert</i> —	15
	during all periods when the chancellor is absent from duty	16
Clause 67	Amendment of s 32 (Vice-chancellor)	17
	Section 32(5)—	18
	<i>insert</i> —	19
	<i>Note</i> —	20
	See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the senate.	21

[s 68]

Clause 68	Amendment of s 35A (President of academic board)	1
	Section 35A(3), ‘1 year’—	2
	<i>omit, insert—</i>	3
	3 years	4
Clause 69	Amendment of s 35C (Disqualification from office)	5
	Section 35C(1)—	6
	<i>insert—</i>	7
	<i>Note—</i>	8
	See section 56D for the requirement to disclose the disqualification or conviction.	9 10
Clause 70	Amendment of s 52 (Making of university statutes)	11
	(1) Section 52(2)(g)—	12
	<i>omit.</i>	13
	(2) Section 52(2)(h) to (l)—	14
	<i>renumber</i> as section 52(2)(g) to (k).	15
Clause 71	Insertion of new ss 56D and 56E	16
	After section 56C—	17
	<i>insert—</i>	18
	56D Requirement to disclose particular matters	19
	(1) This section applies if a person who is a member—	20 21
	(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or	22 23
	(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 35C(1)(b).	24 25
	(2) The person must, unless the person has a	26

-
- | | |
|--|----|
| reasonable excuse, immediately give notice of the | 1 |
| disqualification or conviction to— | 2 |
| (a) if the person is the chancellor when | 3 |
| disqualified or convicted—the | 4 |
| vice-chancellor; or | 5 |
| (b) if the person is an appointed member when | 6 |
| disqualified or convicted—the Minister; or | 7 |
| (c) otherwise—the chancellor. | 8 |
| Maximum penalty—100 penalty units. | 9 |
| (3) The notice must include the following | 10 |
| information— | 11 |
| (a) if the notice is of the person's | 12 |
| disqualification— | 13 |
| (i) the existence of the disqualification; | 14 |
| and | 15 |
| (ii) when the disqualification took effect; | 16 |
| and | 17 |
| (iii) sufficient details to identify the | 18 |
| grounds for the disqualification; | 19 |
| (b) if the notice is of the person's conviction— | 20 |
| (i) the existence of the conviction; and | 21 |
| (ii) when the offence was committed; and | 22 |
| (iii) sufficient details to identify the | 23 |
| offence; and | 24 |
| (iv) the sentence imposed on the person. | 25 |
| (4) The Minister, chancellor or vice-chancellor must | 26 |
| ensure a notice given to the Minister, chancellor | 27 |
| or vice-chancellor under this section is destroyed | 28 |
| as soon as practicable after it is no longer needed | 29 |
| for the purposes of this Act. | 30 |

[s 71]

56E Restrictions on disclosing protected information	1 2
(1) This section applies to a person who possesses protected information because the person is or was—	3 4 5
(a) the Minister; or	6
(b) a member; or	7
(c) a person involved in the administration of this Act, including, for example, as a public service employee; or	8 9 10
(d) a person helping the Minister, the senate or a member to perform a function under this Act, including by providing administrative or other support.	11 12 13 14
(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).	15 16 17 18
Maximum penalty—100 penalty units.	19
(3) The person may disclose the protected information to another person—	20 21
(a) to the extent necessary to perform the person's functions under this Act; or	22 23
(b) if the disclosure is authorised under an Act; or	24 25
(c) if the disclosure is otherwise required or permitted by law; or	26 27
(d) if the person to whom the information relates consents to the disclosure; or	28 29
(e) if the disclosure is in a form that does not identify the person to whom the information relates; or	30 31 32

	(f) if the information is, or has been, lawfully accessible to the public.	1 2
	(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 senate's functions—	3 4 5 6 7
	(a) the senate;	8
	(b) a committee of the senate;	9
	(c) a member;	10
	(d) another person.	11
	(5) In this section—	12
	<i>function</i> includes power.	13
	<i>perform</i> , a function, includes exercise a power.	14
	<i>protected information</i> means—	15
	(a) a report, or information contained in a report, given under section 56B; or	16 17
	(b) a notice, or information contained in a notice, given under section 56D.	18 19
Clause 72	Amendment of sch 2 (Dictionary)	20
	Schedule 2, definitions <i>appropriately qualified</i> and <i>indictable offence</i> —	21 22
	<i>omit</i> .	23

[s 73]

Part 6	Amendment of University of Southern Queensland Act 1998	1
		2

Clause 73	Act amended	3
	This part amends the <i>University of Southern Queensland Act 1998</i> .	4
		5
	<i>Note—</i>	6
	See also the amendments in chapter 3, part 5 and schedule 1, part 2.	7

Clause 74	Amendment of s 11 (Delegation)	8
	(1) Section 11(2)(c)—	9
	<i>omit.</i>	10
	(2) Section 11(3)—	11
	<i>omit, insert—</i>	12
	(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.	13
		14
		15
		16

Clause 75	Amendment of s 23 (Ineligibility for membership of council)	17
	Section 23(2), '12 years or more'—	18
	<i>omit, insert—</i>	19
	more than 12 years	20
		21

Clause 76	Amendment of s 24 (Vacation of office)	22
	Section 24(1)—	23
	<i>insert—</i>	24

	<i>Note—</i>	1
	See section 61D for the requirement to disclose a matter mentioned in paragraph (g) or (h).	2 3
Clause 77	Amendment of s 31 (Deputy chancellor)	4
	(1) Section 31(4)(a), ‘when there is’—	5
	<i>omit, insert—</i>	6
	during	7
	(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—	8 9
	<i>omit, insert—</i>	10
	during all periods when the chancellor is absent from duty	11 12
Clause 78	Amendment of s 32 (Vice-chancellor)	13
	Section 32(5)—	14
	<i>insert—</i>	15
	<i>Note—</i>	16
	See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.	17 18
Clause 79	Amendment of s 39C (Disqualification from office)	19
	Section 39C(1)—	20
	<i>insert—</i>	21
	<i>Note—</i>	22
	See section 61D for the requirement to disclose the disqualification or conviction.	23 24
Clause 80	Amendment of s 56 (Making of university statutes)	25
	(1) Section 56(2)(g)—	26

[s 81]

omit. 1

(2) Section 56(2)(h) to (k)— 2

renumber as section 56(2)(g) to (j). 3

Clause 81 Insertion of new ss 61D and 61E 4

After section 61C— 5

insert— 6

61D Requirement to disclose particular matters 7

(1) This section applies if a person who is a member— 8
9

(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or 10
11

(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 39C(1)(b). 12
13

(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to— 14
15
16

(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or 17
18
19

(b) if the person is an appointed member when disqualified or convicted—the Minister; or 20
21

(c) otherwise—the chancellor. 22

Maximum penalty—100 penalty units. 23

(3) The notice must include the following information— 24
25

(a) if the notice is of the person's disqualification— 26
27

(i) the existence of the disqualification; 28
and 29

-
- (ii) when the disqualification took effect; 1
 - and 2
 - (iii) sufficient details to identify the 3
 - grounds for the disqualification; 4
 - (b) if the notice is of the person's conviction— 5
 - (i) the existence of the conviction; and 6
 - (ii) when the offence was committed; and 7
 - (iii) sufficient details to identify the 8
 - offence; and 9
 - (iv) the sentence imposed on the person. 10
 - (4) The Minister, chancellor or vice-chancellor must 11
 - ensure a notice given to the Minister, chancellor 12
 - or vice-chancellor under this section is destroyed 13
 - as soon as practicable after it is no longer needed 14
 - for the purposes of this Act. 15

61E Restrictions on disclosing protected information 16
17

- (1) This section applies to a person who possesses 18
- protected information because the person is or 19
- was— 20
- (a) the Minister; or 21
- (b) a member; or 22
- (c) a person involved in the administration of 23
- this Act, including, for example, as a public 24
- service employee; or 25
- (d) a person helping the Minister, the council or 26
- a member to perform a function under this 27
- Act, including by providing administrative 28
- or other support. 29
- (2) The person must not, directly or indirectly, 30
- disclose the protected information to another 31

[s 81]

	person unless the disclosure is permitted under subsection (3) or (4).	1 2
	Maximum penalty—100 penalty units.	3
(3)	The person may disclose the protected information to another person—	4 5
	(a) to the extent necessary to perform the person's functions under this Act; or	6 7
	(b) if the disclosure is authorised under an Act; or	8 9
	(c) if the disclosure is otherwise required or permitted by law; or	10 11
	(d) if the person to whom the information relates consents to the disclosure; or	12 13
	(e) if the disclosure is in a form that does not identify the person to whom the information relates; or	14 15 16
	(f) if the information is, or has been, lawfully accessible to the public.	17 18
(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—	19 20 21 22 23
	(a) the council;	24
	(b) a committee of the council;	25
	(c) a member;	26
	(d) another person.	27
(5)	In this section—	28
	<i>function</i> includes power.	29
	<i>perform</i> , a function, includes exercise a power.	30
	<i>protected information</i> means—	31

[s 82]

	(a) a report, or information contained in a report, given under section 61B; or	1 2
	(b) a notice, or information contained in a notice, given under section 61D.	3 4
Clause 82	Amendment of sch 2 (Dictionary)	5
	Schedule 2, definitions <i>appropriately qualified</i> and <i>indictable offence</i> —	6 7
	<i>omit.</i>	8
Part 7	Amendment of University of the Sunshine Coast Act 1998	9 10
Clause 83	Act amended	11
	This part amends the <i>University of the Sunshine Coast Act 1998</i> .	12 13
	<i>Note</i> —	14
	See also the amendments in chapter 3, part 6 and schedule 1, part 2.	15
Clause 84	Amendment of s 11 (Delegation)	16
	(1) Section 11(2)(c)—	17
	<i>omit.</i>	18
	(2) Section 11(3)—	19
	<i>omit, insert</i> —	20
	(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.	21 22 23 24

[s 85]

Clause 85	Amendment of s 23 (Ineligibility for membership of council)	1 2
	Section 23(2), ‘12 years or more’—	3
	<i>omit, insert—</i>	4
	more than 12 years	5
Clause 86	Amendment of s 24 (Vacation of office)	6
	Section 24(1)—	7
	<i>insert—</i>	8
	<i>Note—</i>	9
	See section 64D for the requirement to disclose a matter mentioned in paragraph (g) or (h).	10 11
Clause 87	Amendment of s 31 (Deputy chancellor)	12
	(1) Section 31(4)(a), ‘when there is’—	13
	<i>omit, insert—</i>	14
	during	15
	(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—	16 17
	<i>omit, insert—</i>	18
	during all periods when the chancellor is absent from duty	19 20
Clause 88	Amendment of s 32 (Vice-chancellor)	21
	Section 32(5)—	22
	<i>insert—</i>	23
	<i>Note—</i>	24
	See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.	25 26

Clause 89	Amendment of s 40C (Disqualification from office)	1
	Section 40C(1)—	2
	<i>insert—</i>	3
	<i>Note—</i>	4
	See section 64D for the requirement to disclose the disqualification or conviction.	5 6
Clause 90	Amendment of s 58 (Making of university statutes)	7
	(1) Section 58(2)(g)—	8
	<i>omit.</i>	9
	(2) Section 58(2)(h) to (k)—	10
	<i>renumber</i> as section 58(2)(g) to (j).	11
Clause 91	Insertion of new ss 64D and 64E	12
	After section 64C—	13
	<i>insert—</i>	14
	64D Requirement to disclose particular matters	15
	(1) This section applies if a person who is a member—	16 17
	(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or	18 19
	(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 40C(1)(b).	20 21
	(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—	22 23 24
	(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or	25 26 27

[s 91]

- (b) if the person is an appointed member when disqualified or convicted—the Minister; or
 - (c) otherwise—the chancellor.
- Maximum penalty—100 penalty units.
- (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.

64E Restrictions on disclosing protected information

- (1) This section applies to a person who possesses protected information because the person is or was—

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- | | |
|---|----------------------|
| (a) the Minister; or | 1 |
| (b) a member; or | 2 |
| (c) a person involved in the administration of
this Act, including, for example, as a public
service employee; or | 3
4
5 |
| (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. | 6
7
8
9 |
| (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). | 10
11
12
13 |
| Maximum penalty—100 penalty units. | 14 |
| (3) The person may disclose the protected
information to another person— | 15
16 |
| (a) to the extent necessary to perform the
person's functions under this Act; or | 17
18 |
| (b) if the disclosure is authorised under an Act;
or | 19
20 |
| (c) if the disclosure is otherwise required or
permitted by law; or | 21
22 |
| (d) if the person to whom the information
relates consents to the disclosure; or | 23
24 |
| (e) if the disclosure is in a form that does not
identify the person to whom the information
relates; or | 25
26
27 |
| (f) if the information is, or has been, lawfully
accessible to the public. | 28
29 |
| (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 | 30
31
32
33 |
-

[s 92]

	performance of the council’s functions—	1
	(a) the council;	2
	(b) a committee of the council;	3
	(c) a member;	4
	(d) another person.	5
(5)	In this section—	6
	<i>function</i> includes power.	7
	<i>perform</i> , a function, includes exercise a power.	8
	<i>protected information</i> means—	9
	(a) a report, or information contained in a report, given under section 64B; or	10 11
	(b) a notice, or information contained in a notice, given under section 64D.	12 13
Clause 92	Amendment of sch 2 (Dictionary)	14
	Schedule 2, definitions <i>appropriately qualified</i> and <i>indictable</i>	15
	<i>offence</i> —	16
	<i>omit</i> .	17

Chapter 3	Amendments commencing by proclamation	1 2
Part 1	Amendment of Central Queensland University Act 1998	3 4 5
Clause 93	Act amended	6
	This part amends the <i>Central Queensland University Act 1998</i> .	7 8
	<i>Note—</i>	9
	See also the amendments in chapter 2, part 1 and schedule 1, part 2.	10
Clause 94	Amendment of s 11 (Delegation)	11
	Section 11(2)(a)—	12
	<i>omit, insert—</i>	13
	(a) to make an election policy; or	14
Clause 95	Amendment of s 15 (Elected members)	15
	Section 15(3)—	16
	<i>omit, insert—</i>	17
	(3) Each elected member is to be elected at a council election.	18 19
Clause 96	Amendment of s 20A (Dealing with casual vacancy in office of an elected member)	20 21
	(1) Section 20A(2) and (4), ‘by a ballot under section 15(3)’—	22
	<i>omit, insert—</i>	23

[s 97]

at a council election	1
(2) Section 20A(2)(a), ‘ballot’—	2
omit, insert—	3
council election	4
(3) Section 20A(3)(a), ‘by a ballot’—	5
omit, insert—	6
at a council election	7
(4) Section 20A(6)—	8
omit, insert—	9
(6) A person appointed under subsection (2) or (5) is	10
taken, other than for subsection (2) or (3)(a), to	11
have been elected at a council election.	12

Clause 97	Replacement of s 21 (Failure to elect elected member)	13
	Section 21—	14
	omit, insert—	15
	21 Failure to elect elected member	16
	(1) This section applies if, by the end of the relevant	17
	day, a person is not elected for a class of elected	18
	members mentioned in section 15(2)(a) to (c)	19
	(each a <i>relevant class</i>).	20
	(2) The Minister may appoint a person as the elected	21
	member for the relevant class.	22
	(3) The council may, if asked by the Minister,	23
	nominate a person for appointment under	24
	subsection (2).	25
	(4) A person appointed under subsection (2) is taken,	26
	other than for section 20A(2) or (3)(a), to have	27
	been elected at a council election for the relevant	28
	class.	29

[s 98]

- | | | |
|-----|---|-----------------------|
| (5) | This section applies to the periodic election of members and an election required because of a casual vacancy. | 1
2
3 |
| (6) | In this section— | 4 |
| | <i>relevant day</i> , 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. | 5
6
7
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9 |

Clause 98	Amendment of s 24 (Vacation of office)	10
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|-----|--|----------------------------------|
| (1) | Section 24(1)(b)— | 11 |
| | <i>omit, insert—</i> | 12 |
| | (b) for an elected member of a class mentioned in section 15(2)(a) to (c)— | 13
14 |
| | (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 | 15
16
17
18
19
20 |
| | (ii) otherwise—the member ceases to be an eligible person for the class; or | 21
22 |
| | <i>Example—</i> | 23 |
| | An elected member of a class mentioned in section 15(2)(c) ceases to be a student. | 24
25 |
| | (ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or | 26
27
28
29 |
| (2) | Section 24(1)(h), ‘paragraph (g)’— | 30 |
| | <i>omit, insert—</i> | 31 |
| | paragraph (h) | 32 |

[s 99]

(3)	Section 24(1)(ba) to (h)—	1
	<i>renumber</i> as section 24(1)(c) to (i).	2
(4)	Section 24(1), note, ‘paragraph (g) or (h)’—	3
	<i>omit, insert—</i>	4
	paragraph (h) or (i)	5
(5)	Section 24(2), ‘Subsection (1)(h)’—	6
	<i>omit, insert—</i>	7
	Subsection (1)(i)	8
(6)	Section 24(4), definition <i>eligible person</i> —	9
	<i>omit, insert—</i>	10
	<i>nomination requirements</i> means requirements	11
	for eligibility to be nominated as a candidate in a	12
	council election.	13

Clause 99	Insertion of new pt 2, div 3A	14
	Part 2—	15
	<i>insert—</i>	16
	Division 3A Council elections	17
	26AA Election policy	18
	(1) The council must—	19
	(a) make a policy (an <i>election policy</i>) about the	20
	conduct of elections required under sections	21
	15 and 20A; and	22
	(b) publish the election policy on the	23
	university’s website.	24
	(2) The election policy must include—	25
	(a) provisions to ensure the integrity and	26
	security of the voting system; and	27

-
- | | |
|---|----------------------|
| (b) without limiting paragraph (a), provisions to ensure— | 1
2 |
| (i) only persons who are eligible to vote may vote; and | 3
4 |
| (ii) a person can not vote more than once in an election; and | 5
6 |
| (iii) voting is done by secret ballot; and | 7 |
| (iv) a person is not improperly influenced in voting; and | 8
9 |
| (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and | 10
11
12 |
| (d) provisions about— | 13 |
| (i) notifying the period during which an election is to be held; and | 14
15 |
| (ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and | 16
17
18
19 |
| (iii) publishing the results of an election, including the day by which the results must be published; and | 20
21
22 |
| (iv) making and resolving complaints. | 23 |
| (3) Also, the election policy may include provisions stating requirements for— | 24
25 |
| (a) eligibility to be nominated as a candidate for a particular class of elected members; and | 26
27 |
| (b) eligibility to vote, including eligibility to vote for a particular class of elected members. | 28
29
30 |
| (4) The election policy takes effect on the day it is published on the university's website or any later | 31
32 |
-

[s 100]

	day stated in the policy.	1
	26ABConduct of election	2
	An election required under section 15 or 20A	3
	must be held under the election policy.	4
	26ACEligibility to vote	5
	A person is eligible to vote in an election for a	6
	class of elected members mentioned in section	7
	15(2)(a) to (c) only if the person—	8
	(a) is an eligible person for the class of elected	9
	members; and	10
	(b) otherwise meets any requirements under the	11
	election policy for eligibility to vote.	12
Clause 100	Omission of pt 4, div 2 (Colleges)	13
	Part 4, division 2—	14
	<i>omit.</i>	15
Clause 101	Amendment of s 40B (Excluded matters for Corporations legislation)	16
	Section 40B(1)—	17
	<i>omit, insert—</i>	18
	(1) The academic board is declared to be an excluded	19
	matter for the Corporations Act, section 5F, in	20
	relation to parts 5.7 and 5.7B of that Act.	21
		22
Clause 102	Omission of pt 6 (University statutes)	23
	Part 6—	24
	<i>omit.</i>	25

Clause 103	Insertion of new pt 8, div 3	1
	Part 8—	2
	<i>insert—</i>	3
	Division 3	4
	Transitional provisions for	5
	University Legislation	6
	Amendment Act 2017	
	90 Definition for division	7
	In this division—	8
	<i>previous</i> , for a provision of this Act, means the	9
	provision as in force from time to time before the	10
	commencement.	11
	91 Particular references to council election	12
	A reference in the following provisions to a	13
	council election includes a reference to a ballot	14
	under previous section 15(3)—	15
	(a) section 20A(2) and (3)(a);	16
	(b) schedule 2, definition <i>elected member</i> .	17
	92 Repeal of university statutes	18
	(1) This section applies to a university statute made	19
	under previous section 57 that was in force	20
	immediately before the commencement.	21
	(2) To remove any doubt, it is declared that, on the	22
	commencement, the university statute is repealed.	23
Clause 104	Amendment of sch 2 (Dictionary)	24
	(1) Schedule 2, definitions <i>college</i> , <i>elected member</i> , <i>requirement</i> ,	25
	<i>university rule</i> and <i>university statute</i> —	26

[s 105]

<i>omit.</i>	1
(2) Schedule 2—	2
<i>insert—</i>	3
<i>council election</i> means an election held under part 2, division 3A.	4 5
<i>elected member</i> means a member elected at a council election.	6 7
<i>election policy</i> see section 26AA(1)(a).	8
<i>eligible person</i> , for a class of elected members mentioned in section 15(2)(a) to (c), means a person who is—	9 10 11
(a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or	12 13 14
(b) for the class mentioned in section 15(2)(b)—a member of the general staff of the university; or	15 16 17
(c) for the class mentioned in section 15(2)(c)—a student.	18 19
<i>requirement</i> , of a regulatory notice, includes a direction on the notice.	20 21

Part 2	Amendment of Griffith	22
	University Act 1998	23

Clause 105	Act amended	24
	This part amends the <i>Griffith University Act 1998</i> .	25
	<i>Note—</i>	26
	See also the amendments in chapter 2, part 2 and schedule 1, part 2.	27

Clause 106	Amendment of s 11 (Delegation)	1
	Section 11(2)(a)—	2
	<i>omit, insert—</i>	3
	(a) to make an election policy; or	4
Clause 107	Amendment of s 15 (Elected members)	5
	Section 15(3)—	6
	<i>omit, insert—</i>	7
	(3) Each elected member is to be elected at a council election.	8 9
Clause 108	Amendment of s 20A (Dealing with casual vacancy in office of an elected member)	10 11
	(1) Section 20A(2), ‘by a ballot under section 15(3)’—	12
	<i>omit, insert—</i>	13
	at a council election	14
	(2) Section 20A(2)(a), ‘ballot’—	15
	<i>omit, insert—</i>	16
	council election	17
	(3) Section 20A(3)(a), ‘by a ballot’—	18
	<i>omit, insert—</i>	19
	at a council election	20
	(4) Section 20A(4) and (5)—	21
	<i>omit, insert—</i>	22
	(4) The council must appoint to the office a person who—	23 24
	(a) is eligible, under this Act, to be a member; and	25 26

[s 109]

- (b) is an eligible person for the class of elected members of which the elected member was a member; and
- (c) otherwise meets any nomination requirements under the election policy for that class of elected members.
- (5) A person appointed under subsection (2) or (4) is taken, other than for subsection (2) or (3)(a), to have been elected at a council election.

Clause 109 Replacement of s 21 (Failure to elect elected members)

Section 21—

omit, insert—

21 Failure to elect elected members

- (1) This section applies if, by the end of the relevant day—
 - (a) insufficient persons are elected for a class of elected members mentioned in section 15(2)(a) (a *relevant class*) to comply with section 15(2); or
 - (b) a person is not elected for a class of elected members mentioned in section 15(2)(b) to (d) (also each a *relevant class*).
- (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.

(5)	In this section—	1
	<i>relevant day</i> , in relation to a relevant class, means	2
	the last day of the period notified under the	3
	election policy for the holding of a council	4
	election for an elected member of the relevant	5
	class.	6
Clause 110	Amendment of s 24 (Vacation of office)	7
(1)	Section 24(1)(b)—	8
	<i>omit, insert—</i>	9
	(b) for an elected member of a class mentioned	10
	in section 15(2)(a) to (d)—	11
	(i) if the election policy in effect when the	12
	member was elected included	13
	nomination requirements for the	14
	class—the member ceases to meet the	15
	nomination requirements under the	16
	policy; or	17
	(ii) otherwise—the member ceases to be an	18
	eligible person for the class; or	19
	<i>Example—</i>	20
	An elected member of a class mentioned in	21
	section 15(2)(d) ceases to be a postgraduate	22
	student.	23
	(ba) for an additional member—the member	24
	becomes a student or a member of the	25
	academic staff or general staff of the	26
	university; or	27
(2)	Section 24(1)(h), ‘paragraph (g)’—	28
	<i>omit, insert—</i>	29
	paragraph (h)	30
(3)	Section 24(1)(ba) to (h)—	31

[s 111]

<i>renumber</i> as section 24(1)(c) to (i).	1
(4) Section 24(1), note, ‘paragraph (g) or (h)’—	2
<i>omit, insert</i> —	3
paragraph (h) or (i)	4
(5) Section 24(2), ‘Subsection (1)(h)’—	5
<i>omit, insert</i> —	6
Subsection (1)(i)	7
(6) Section 24(4)—	8
<i>omit.</i>	9

Clause 111 Insertion of new pt 2, div 3A 10

Part 2—	11
<i>insert</i> —	12

Division 3A Council elections 13

26AA Election policy 14

(1) The council must—	15
(a) make a policy (an <i>election policy</i>) about the	16
conduct of elections required under section	17
15; and	18
(b) publish the election policy on the	19
university’s website.	20
(2) The election policy must include—	21
(a) provisions to ensure the integrity and	22
security of the voting system; and	23
(b) without limiting paragraph (a), provisions to	24
ensure—	25
(i) only persons who are eligible to vote	26
may vote; and	27

-
- (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.

26ABConduct of election

An election required under section 15 must be

[s 112]

	held under the election policy.	1
	26ACEligibility to vote	2
	A person is eligible to vote in an election for a	3
	class of elected members mentioned in section	4
	15(2)(a) to (d) only if the person—	5
	(a) is an eligible person for the class of elected	6
	members; and	7
	(b) otherwise meets any requirements under the	8
	election policy for eligibility to vote.	9
Clause 112	Amendment of s 33 (Establishment of convocation)	10
	Section 33(2), ‘by university statute’—	11
	<i>omit.</i>	12
Clause 113	Omission of pt 6 (University statutes)	13
	Part 6—	14
	<i>omit.</i>	15
Clause 114	Insertion of new pt 8, div 3	16
	Part 8—	17
	<i>insert—</i>	18
	Division 3	Transitional provisions for
		University Legislation
		Amendment Act 2017
		21
	92 Definition for division	22
	In this division—	23
	<i>previous</i> , for a provision of this Act, means the	24

	provision as in force from time to time before the commencement.	1 2
93	Particular references to council election	3
	A reference in the following provisions to a council election includes a reference to a ballot under previous section 15(3)—	4 5 6
	(a) section 20A(2) and (3)(a);	7
	(b) schedule 2, definition <i>elected member</i> .	8
94	Repeal of university statutes	9
	(1) This section applies to a university statute made under previous section 61 that was in force immediately before the commencement.	10 11 12
	(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.	13 14
Clause 115	Amendment of sch 2 (Dictionary)	15
	(1) Schedule 2, definitions <i>elected member</i> , <i>requirement</i> , <i>university rule</i> and <i>university statute</i> —	16 17
	<i>omit</i> .	18
	(2) Schedule 2—	19
	<i>insert</i> —	20
	<i>council election</i> means an election held under part 2, division 3A.	21 22
	<i>elected member</i> means a member elected at a council election.	23 24
	<i>election policy</i> see section 26AA(1)(a).	25
	<i>eligible person</i> , for a class of elected members mentioned in section 15(2)(a) to (d), means a person who is—	26 27 28

[s 116]

- | | |
|--|----------------|
| (a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or | 1
2
3 |
| (b) for the class mentioned in section 15(2)(b)—a member of the general staff of the university; or | 4
5
6 |
| (c) for the class mentioned in section 15(2)(c)—an undergraduate student; or | 7
8 |
| (d) for the class mentioned in section 15(2)(d)—a postgraduate student. | 9
10 |
| <i>nomination requirements</i> means requirements for eligibility to be nominated as a candidate in a council election. | 11
12
13 |
| <i>requirement</i> , of a regulatory notice, includes a direction on the notice. | 14
15 |

Part 3	Amendment of Queensland University of Technology Act 1998	16 17 18
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Clause 116	Act amended	19
	This part amends the <i>Queensland University of Technology Act 1998</i> .	20 21
	<i>Note—</i>	22
	See also the amendments in chapter 2, part 4 and schedule 1, part 2.	23

Clause 117	Amendment of s 11 (Delegation)	24
	Section 11(2)(a)—	25
	<i>omit, insert—</i>	26
	(a) to make an election policy; or	27

Clause 118	Amendment of s 15 (Elected members)	1
	Section 15(3)—	2
	<i>omit, insert—</i>	3
	(3) Each elected member is to be elected at a council election.	4 5
Clause 119	Amendment of s 20A (Dealing with casual vacancy in office of an elected member)	6 7
	(1) Section 20A(2) and (4), ‘by a ballot under section 15(3)’—	8
	<i>omit, insert—</i>	9
	at a council election	10
	(2) Section 20A(2)(a), ‘ballot’—	11
	<i>omit, insert—</i>	12
	council election	13
	(3) Section 20A(3)(a), ‘by a ballot’—	14
	<i>omit, insert—</i>	15
	at a council election	16
	(4) Section 20A(6)—	17
	<i>omit, insert—</i>	18
	(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.	19 20 21
Clause 120	Replacement of s 21 (Failure to elect elected members)	22
	Section 21—	23
	<i>omit, insert—</i>	24
	21 Failure to elect elected members	25
	(1) This section applies if, by the end of the relevant day, insufficient persons are elected for a class of	26 27

[s 121]

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- electd 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.
- (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.

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- Clause 121 Amendment of s 24 (Vacation of office)**
- (1) Section 24(1)(b)—
omit, insert—
- (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	1
policy; or	2
(ii) otherwise—the member ceases to be an	3
eligible person for the class; or	4
<i>Example—</i>	5
An elected member of a class mentioned in	6
section 15(2)(c) ceases to be a student.	7
(ba) for an additional member—the member	8
becomes a student or a member of the	9
academic staff or professional staff of the	10
university; or	11
(2) Section 24(1)(h), ‘paragraph (g)’—	12
<i>omit, insert—</i>	13
paragraph (h)	14
(3) Section 24(1)(ba) to (h)—	15
<i>renumber</i> as section 24(1)(c) to (i).	16
(4) Section 24(1), note, ‘paragraph (g) or (h)’—	17
<i>omit, insert—</i>	18
paragraph (h) or (i)	19
(5) Section 24(2), ‘Subsection (1)(h)’—	20
<i>omit, insert—</i>	21
Subsection (1)(i)	22
(6) Section 24(4), definition <i>eligible person</i> —	23
<i>omit, insert—</i>	24
<i>nomination requirements</i> means requirements	25
for eligibility to be nominated as a candidate in a	26
council election.	27

Clause	122	Insertion of new pt 2, div 3A	28
		Part 2—	29

[s 122]

insert—

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	1 2
	(iii) publishing the results of an election, including the day by which the results must be published; and	3 4 5
	(iv) making and resolving complaints.	6
(3)	Also, the election policy may include provisions stating requirements for—	7 8
(a)	eligibility to be nominated as a candidate for a particular class of elected members; and	9 10
(b)	eligibility to vote, including eligibility to vote for a particular class of elected members.	11 12 13
(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.	14 15 16
26AB	Conduct of election	17
	An election required under section 15 or 20A must be held under the election policy.	18 19
26AC	Eligibility to vote	20
	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—	21 22 23
(a)	is an eligible person for the class of elected members; and	24 25
(b)	otherwise meets any requirements under the election policy for eligibility to vote.	26 27
Clause 123	Amendment of s 33 (Establishment of QUT Alumni)	28
	Section 33(2), 'by university statute'—	29

[s 124]

omit. 1

Clause 124 Omission of pt 4, div 3 (Colleges) 2

Part 4, division 3— 3

omit. 4

**Clause 125 Amendment of s 39A (Excluded matters for Corporations legislation) 5
6**

Section 39A(1)— 7

omit, insert— 8

(1) QUT Alumni is declared to be an excluded matter 9

for the Corporations Act, section 5F, in relation to 10

parts 5.7 and 5.7B of that Act. 11

Clause 126 Omission of pt 6 (University statutes) 12

Part 6— 13

omit. 14

Clause 127 Insertion of new pt 9 15

After part 8— 16

insert— 17

Part 9 Transitional provisions 18

for University 19

Legislation 20

Amendment Act 2017 21

71 Definition for part 22

In this part— 23

previous, for a provision of this Act, means the provision as in force from time to time before the commencement. 1
2
3

72 Particular references to council election 4

A reference in the following provisions to a council election includes a reference to a ballot under previous section 15(3)— 5
6
7

- (a) section 20A(2) and (3)(a); 8
- (b) schedule 2, definition *elected member*. 9

73 Repeal of university statutes 10

- (1) This section applies to a university statute made under previous section 56 that was in force immediately before the commencement. 11
12
13
- (2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed. 14
15

Clause 128 Amendment of sch 2 (Dictionary) 16

- (1) Schedule 2, definitions *college*, *elected member*, *requirement*, *university rule* and *university statute*— 17
18

omit. 19

- (2) Schedule 2— 20
insert— 21

council election means an election held under part 2, division 3A. 22
23

elected member means a member elected at a council election. 24
25

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

eligible person, for a class of elected members mentioned in section 15(2)(a) to (d), means a 27
28

[s 129]

person who is—	1
(a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or	2 3 4
(b) for the class mentioned in section 15(2)(b)—a member of the professional staff of the university; or	5 6 7
(c) for the class mentioned in section 15(2)(c)—a student; or	8 9
(d) for the class mentioned in section 15(2)(d)—a member of QUT Alumni.	10 11
<i>requirement</i> , of a regulatory notice, includes a direction on the notice.	12 13

Part 4	Amendment of University of Queensland Act 1998	14 15
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Clause 129	Act amended	16
	This part amends the <i>University of Queensland Act 1998</i> .	17
	<i>Note—</i>	18
	See also the amendments in chapter 2, part 5 and schedule 1, part 2.	19

Clause 130	Amendment of s 11 (Delegation)	20
	Section 11(2)(a)—	21
	<i>omit, insert—</i>	22
	(a) to make an election policy; or	23

Clause 131	Amendment of s 15 (Elected members)	24
	Section 15(3) to (5)—	25
	<i>omit, insert—</i>	26

	(3) Each elected member is to be elected at a senate election.	1 2
Clause 132	Amendment of s 20A (Dealing with casual vacancy in office of an elected member)	3 4
	(1) Section 20A(2), ‘by a ballot under section 15(3)’— <i>omit, insert—</i> at a senate election	5 6 7
	(2) Section 20A(2)(a), ‘ballot’— <i>omit, insert—</i> senate election	8 9 10
	(3) Section 20A(3)(a), ‘by a ballot’— <i>omit, insert—</i> at a senate election	11 12 13
	(4) Section 20A(4) and (5)— <i>omit, insert—</i> (4) The senate must appoint to the office a person who—	14 15 16 17
	(a) is eligible, under this Act, to be a member; and	18 19
	(b) is an eligible person for the class of elected members of which the elected member was a member; and	20 21 22
	(c) otherwise meets any nomination requirements under the election policy for that class of elected members.	23 24 25
	(5) A person appointed under subsection (2) or (4) is taken, other than for subsection (2) or (3)(a), to have been elected at a senate election.	26 27 28

[s 133]

Clause 133	Replacement of s 21 (Failure to elect elected members)	1
	Section 21—	2
	<i>omit, insert—</i>	3
	21 Failure to elect elected members	4
	(1) This section applies if, by the end of the relevant day—	5
		6
	(a) a person is not elected for a class of elected members mentioned in section 15(2)(a) to (e) (each a relevant class); or	7
		8
		9
	(b) insufficient persons are elected for a class of elected members mentioned in section 15(2)(f) (also a relevant class) to comply with section 15(2).	10
		11
		12
		13
	(2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).	14
		15
		16
	(3) The senate may, if asked by the Minister, nominate a person for appointment under subsection (2).	17
		18
		19
	(4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a senate election for the relevant class.	20
		21
		22
		23
	(5) In this section—	24
	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 senate election for an elected member of the relevant class.	25
		26
		27
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Clause 134	Amendment of s 24 (Vacation of office)	29
	(1) Section 24(1)(b)—	30
	<i>omit, insert—</i>	31

(b) for an elected member of a class mentioned in section 15(2)(a) to (f)—	1 2
(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	3 4 5 6 7 8
(ii) otherwise—the member ceases to be an eligible person for the class; or	9 10
<i>Example—</i>	11
An elected member of a class mentioned in section 15(2)(e) ceases to be a postgraduate student.	12 13 14
(ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or	15 16 17 18
(2) Section 24(1)(h), ‘paragraph (g)’— <i>omit, insert—</i>	19 20
paragraph (h)	21
(3) Section 24(1)(ba) to (h)— <i>renumber</i> as section 24(1)(c) to (i).	22 23
(4) Section 24(1), note, ‘paragraph (g) or (h)’— <i>omit, insert—</i>	24 25
paragraph (h) or (i)	26
(5) Section 24(2), ‘Subsection (1)(h)’— <i>omit, insert—</i>	27 28
Subsection (1)(i)	29
(6) Section 24(4)— <i>omit.</i>	30 31

[s 135]

Clause 135	Insertion of new pt 2, div 3A	1
	Part 2—	2
	<i>insert—</i>	3
	Division 3A Senate elections	4
	26AA Election policy	5
	(1) The senate must—	6
	(a) make a policy (an <i>election policy</i>) about the conduct of elections required under section 15; and	7 8 9
	(b) publish the election policy on the university's website.	10 11
	(2) The election policy must include—	12
	(a) provisions to ensure the integrity and security of the voting system; and	13 14
	(b) without limiting paragraph (a), provisions to ensure—	15 16
	(i) only persons who are eligible to vote may vote; and	17 18
	(ii) a person can not vote more than once in an election; and	19 20
	(iii) voting is done by secret ballot; and	21
	(iv) a person is not improperly influenced in voting; and	22 23
	(c) provisions stating the procedure for voting, including the procedure for issuing ballots; and	24 25 26
	(d) provisions about—	27
	(i) notifying the period during which an election is to be held; and	28 29

-
- (ii) nominating candidates, including 1
calling for and making nominations, 2
and fixing the day by which 3
nominations must be made; and 4
 - (iii) publishing the results of an election, 5
including the day by which the results 6
must be published; and 7
 - (iv) making and resolving complaints. 8
 - (3) Also, the election policy may include provisions 9
stating requirements for— 10
 - (a) eligibility to be nominated as a candidate for 11
a particular class of elected members; and 12
 - (b) eligibility to vote, including eligibility to 13
vote for a particular class of elected 14
members. 15
 - (4) The election policy takes effect on the day it is 16
published on the university's website or any later 17
day stated in the policy. 18

26ABConduct of election 19

An election required under section 15 must be 20
held under the election policy. 21

26ACEligibility to vote 22

A person is eligible to vote in an election for a 23
class of elected members mentioned in section 24
15(2)(a) to (f) only if the person— 25

- (a) is an eligible person for the class of elected 26
members; and 27
- (b) otherwise meets any requirements under the 28
election policy for eligibility to vote. 29

[s 136]

Clause	136	Omission of pt 4, div 1 (Colleges)	1
		Part 4, division 1—	2
		<i>omit.</i>	3
Clause	137	Replacement of s 35B (Excluded matters for Corporations legislation)	4
		Section 35B—	5
		<i>omit, insert—</i>	6
		35B Excluded matters for Corporations legislation	7
		The academic board is declared to be an excluded	8
		matter for the Corporations Act, section 5F, in	9
		relation to parts 5.7 and 5.7B of that Act.	10
			11
Clause	138	Omission of pt 6 (University statutes)	12
		Part 6—	13
		<i>omit.</i>	14
Clause	139	Insertion of new pt 8, div 4	15
		Part 8—	16
		<i>insert—</i>	17
		Division 4	18
		Transitional provisions for	19
		University Legislation	20
		Amendment Act 2017	21
		73 Definition for division	22
		In this division—	23
		<i>previous</i> , for a provision of this Act, means the	24
		provision as in force from time to time before the	25
		commencement.	

74 Particular references to senate election 1

A reference in the following provisions to a senate
election includes a reference to a ballot under
previous section 15(3)— 2 3 4

(a) section 20A(2) and (3)(a); 5

(b) schedule 2, definition *elected member*. 6

75 Repeal of university statutes 7

(1) This section applies to a university statute made
under previous section 52 that was in force
immediately before the commencement. 8 9 10

(2) To remove any doubt, it is declared that, on the
commencement, the university statute is repealed. 11 12

Clause 140 Amendment of sch 2 (Dictionary) 13

(1) Schedule 2, definitions *college*, *elected member*, *requirement*,
university rule and *university statute*— 14 15
omit. 16

(2) Schedule 2— 17
insert— 18

elected member means a member elected at a
senate election. 19 20

election policy see section 26AA(1)(a). 21

eligible person, for a class of elected members
mentioned in section 15(2)(a) to (f), means a
person who is— 22 23 24

(a) for the class mentioned in section
15(2)(a)—a member of the academic board;
or 25 26 27

[s 141]

(b) for the class mentioned in section 15(2)(b)—a member of the academic staff of the university; or	1 2 3
(c) for the class mentioned in section 15(2)(c)—a member of the general staff of the university; or	4 5 6
(d) for the class mentioned in section 15(2)(d)—an undergraduate student; or	7 8
(e) for the class mentioned in section 15(2)(e)—a postgraduate student; or	9 10
(f) for the class mentioned in section 15(2)(f)—a graduate of the university.	11 12
<i>nomination requirements</i> means requirements for eligibility to be nominated as a candidate in a senate election.	13 14 15
<i>postgraduate student</i> means a student enrolled in a course or program leading to the award of a postgraduate certificate or diploma, or a master's or doctoral degree, of the university.	16 17 18 19
<i>requirement</i> , of a regulatory notice, includes a direction on the notice.	20 21
<i>senate election</i> means an election held under part 2, division 3A.	22 23
<i>undergraduate student</i> means a student other than a postgraduate student.	24 25

Part 5	Amendment of University of Southern Queensland Act 1998	26 27
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Clause 141	Act amended	28
	This part amends the <i>University of Southern Queensland Act 1998</i> .	29 30

Note—

See also the amendments in chapter 2, part 6 and schedule 1, part 2.

Clause 142	Amendment of s 11 (Delegation)	1
	Section 11(2)(a)—	2
	<i>omit, insert—</i>	3
	(a) to make an election policy; or	4
Clause 143	Amendment of s 15 (Elected members)	5
	Section 15(3)—	6
	<i>omit, insert—</i>	7
	(3) Each elected member is to be elected at a council election.	8
Clause 144	Amendment of s 20A (Dealing with casual vacancy in office of elected member)	9
	(1) Section 20A(2) and (4), ‘by a ballot under section 15(3)’—	10
	<i>omit, insert—</i>	11
	at a council election	12
	(2) Section 20A(2)(a), ‘ballot’—	13
	<i>omit, insert—</i>	14
	council election	15
	(3) Section 20A(3)(a), ‘by a ballot’—	16
	<i>omit, insert—</i>	17
	at a council election	18
	(4) Section 20A(6)—	19
	<i>omit, insert—</i>	20
	(6) A person appointed under subsection (2) or (5) is	21

[s 145]

	taken, other than for subsection (2) or (3)(a), to have been elected at a council election.	1 2
Clause 145	Replacement of s 21 (Failure to elect elected member)	3
	Section 21—	4
	<i>omit, insert—</i>	5
	21 Failure to elect elected member	6
	(1) This section applies if, by the end of the relevant day, a person is not elected for a class of elected members mentioned in section 15(2)(a) to (c) (each a <i>relevant class</i>).	7 8 9 10
	(2) The Minister may appoint a person as the elected member for the relevant class.	11 12
	(3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).	13 14 15
	(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.	16 17 18 19
	(5) This section applies to the periodic election of members and an election required because of a casual vacancy.	20 21 22
	(6) In this section—	23
	<i>relevant day</i> , 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.	24 25 26 27 28
Clause 146	Amendment of s 24 (Vacation of office)	29
	(1) Section 24(1)(b)—	30

<i>omit, insert—</i>	1
(b) for an elected member of a class mentioned	2
in section 15(2)(a) to (c)—	3
(i) if the election policy in effect when the	4
member was elected included	5
nomination requirements for the	6
class—the member ceases to meet the	7
nomination requirements under the	8
policy; or	9
(ii) otherwise—the member ceases to be an	10
eligible person for the class; or	11
<i>Example—</i>	12
An elected member of a class mentioned in	13
section 15(2)(c) ceases to be a student.	14
(ba) for an additional member—the member	15
becomes a student or a member of the	16
academic staff or general staff of the	17
university; or	18
(2) Section 24(1)(h), ‘paragraph (g)’—	19
<i>omit, insert—</i>	20
paragraph (h)	21
(3) Section 24(1)(ba) to (h)—	22
<i>renumber</i> as section 24(1)(c) to (i).	23
(4) Section 24(1), note, ‘paragraph (g) or (h)’—	24
<i>omit, insert—</i>	25
paragraph (h) or (i)	26
(5) Section 24(2), ‘Subsection (1)(h)’—	27
<i>omit, insert—</i>	28
Subsection (1)(i)	29
(6) Section 24(4), definition <i>eligible person</i> —	30
<i>omit, insert—</i>	31

[s 147]

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

Clause 147 Insertion of new pt 2, div 3A

Part 2—

insert—

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—	1
(i) notifying the period during which an election is to be held; and	2 3
(ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and	4 5 6 7
(iii) publishing the results of an election, including the day by which the results must be published; and	8 9 10
(iv) making and resolving complaints.	11
(3) Also, the election policy may include provisions stating requirements for—	12 13
(a) eligibility to be nominated as a candidate for a particular class of elected members; and	14 15
(b) eligibility to vote, including eligibility to vote for a particular class of elected members.	16 17 18
(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.	19 20 21
 26ABConduct of election	 22
An election required under section 15 or 20A must be held under the election policy.	23 24
 26ACEligibility to vote	 25
A person is eligible to vote in an election for a class of elected members mentioned in section 15(2)(a) to (c) only if the person—	26 27 28
(a) is an eligible person for the class of elected members; and	29 30

[s 148]

	(b) otherwise meets any requirements under the election policy for eligibility to vote.	1 2
Clause 148	Omission of pt 4, div 2 (Colleges)	3
	Part 4, division 2—	4
	<i>omit.</i>	5
Clause 149	Amendment of s 39B (Excluded matters for Corporations legislation)	6 7
	Section 39B(2)—	8
	<i>omit, insert—</i>	9
	(2) The academic board 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.	10 11 12
Clause 150	Omission of pt 6 (University statutes)	13
	Part 6—	14
	<i>omit.</i>	15
Clause 151	Insertion of new pt 8, div 3	16
	Part 8—	17
	<i>insert—</i>	18
	Division 3 Transitional provisions for University Legislation Amendment Act 2017	19 20 21
	88 Definition for division	22
	In this division—	23
	<i>previous</i> , for a provision of this Act, means the	24

	provision as in force from time to time before the commencement.	1 2
89	Particular references to council election	3
	A reference in the following provisions to a council election includes a reference to a ballot under previous section 15(3)—	4 5 6
	(a) section 20A(2) and (3)(a);	7
	(b) schedule 2, definition <i>elected member</i> .	8
90	Repeal of university statutes	9
	(1) This section applies to a university statute made under previous section 56 that was in force immediately before the commencement.	10 11 12
	(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.	13 14
Clause 152	Amendment of sch 2 (Dictionary)	15
	(1) Schedule 2, definitions <i>college</i> , <i>elected member</i> , <i>requirement</i> , <i>university rule</i> and <i>university statute</i> —	16 17
	<i>omit</i> .	18
	(2) Schedule 2—	19
	<i>insert</i> —	20
	<i>council election</i> means an election held under part 2, division 3A.	21 22
	<i>elected member</i> means a member elected at a council election.	23 24
	<i>election policy</i> see section 26AA(1)(a).	25
	<i>eligible person</i> , for a class of elected members mentioned in section 15(2)(a) to (c), means a person who—	26 27 28

[s 153]

(a) for the class mentioned in section 15(2)(a)—is a member of the academic staff of the university; or	1 2 3
(b) for the class mentioned in section 15(2)(b)—is a member of the general staff of the university; or	4 5 6
(c) for the class mentioned in section 15(2)(c)—	7 8
(i) is a student; and	9
(ii) is not a member of academic staff or general staff of the university.	10 11
<i>requirement</i> , of a regulatory notice, includes a direction on the notice.	12 13

Part 6	Amendment of University of the Sunshine Coast Act 1998	14 15
---------------	---	----------

Clause 153	Act amended	16
	This part amends the <i>University of the Sunshine Coast Act 1998</i> .	17 18
	<i>Note—</i>	19
	See also the amendments in chapter 2, part 7 and schedule 1, part 2.	20

Clause 154	Amendment of s 11 (Delegation)	21
	Section 11(2)(a)—	22
	<i>omit, insert—</i>	23
	(a) to make an election policy; or	24

Clause 155	Amendment of s 15 (Elected members)	25
	Section 15(3)—	26

omit, insert— 1

- (3) Each elected member is to be elected at a council 2
election. 3

Clause 156 Amendment of s 20A (Dealing with casual vacancy in office of an elected member) 4
5

- (1) Section 20A(2) and (4), ‘by a ballot under section 15(3)’— 6

omit, insert— 7

at a council election 8

- (2) Section 20A(2)(a), ‘ballot’— 9

omit, insert— 10

council election 11

- (3) Section 20A(3)(a), ‘by a ballot’— 12

omit, insert— 13

at a council election 14

- (4) Section 20A(6)— 15

omit, insert— 16

- (6) A person appointed under subsection (2) or (5) is 17
taken, other than for subsection (2) or (3)(a), to 18
have been elected at a council election. 19

Clause 157 Replacement of s 21 (Failure to elect elected members) 20

Section 21— 21

omit, insert— 22

21 Failure to elect elected members 23

- (1) This section applies if, by the end of the relevant 24
day— 25

- (a) insufficient persons are elected for a class of 26
elected members mentioned in section 27

[s 158]

- 15(2)(a) or (c) (each a **relevant class**) to
comply with section 15(2); or
- (b) a person is not elected for a class of elected
members mentioned in section 15(2)(b)
(also a **relevant class**).
- (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.
- (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.

Clause 158 Amendment of s 24 (Vacation of office)

- (1) Section 24(1)(b)—
omit, insert—
- (b) for an elected member of a class mentioned
in section 15(2)(a) to (c)—
 - (i) if the election policy in effect when the
member was elected included
nomination requirements for the

class—the member ceases to meet the	1
nomination requirements under the	2
policy; or	3
(ii) otherwise—the member ceases to be an	4
eligible person for the class; or	5
<i>Example—</i>	6
An elected member of a class mentioned in	7
section 15(2)(c) ceases to be a student.	8
(ba) for an additional member—the member	9
becomes a student or a member of the	10
academic staff or general staff of the	11
university; or	12
(2) Section 24(1)(h), ‘paragraph (g)’—	13
<i>omit, insert—</i>	14
paragraph (h)	15
(3) Section 24(1)(ba) to (h)—	16
<i>renumber</i> as section 24(1)(c) to (i).	17
(4) Section 24(1), note, ‘paragraph (g) or (h)’—	18
<i>omit, insert—</i>	19
paragraph (h) or (i)	20
(5) Section 24(2), ‘Subsection (1)(h)’—	21
<i>omit, insert—</i>	22
Subsection (1)(i)	23
(6) Section 24(4), definition <i>eligible person</i> —	24
<i>omit, insert—</i>	25
<i>nomination requirements</i> means requirements	26
for eligibility to be nominated as a candidate in a	27
council election.	28

[s 159]

Clause 159	Insertion of new pt 2, div 3A	1
	Part 2—	2
	<i>insert—</i>	3
	Division 3A Council elections	4
	26AA Election policy	5
	(1) The council must—	6
	(a) make a policy (an <i>election policy</i>) about the	7
	conduct of elections required under sections	8
	15 and 20A; and	9
	(b) publish the election policy on the	10
	university's website.	11
	(2) The election policy must include—	12
	(a) provisions to ensure the integrity and	13
	security of the voting system; and	14
	(b) without limiting paragraph (a), provisions to	15
	ensure—	16
	(i) only persons who are eligible to vote	17
	may vote; and	18
	(ii) a person can not vote more than once in	19
	an election; and	20
	(iii) voting is done by secret ballot; and	21
	(iv) a person is not improperly influenced	22
	in voting; and	23
	(c) provisions stating the procedure for voting,	24
	including the procedure for issuing ballots;	25
	and	26
	(d) provisions about—	27
	(i) notifying the period during which an	28
	election is to be held; and	29

-
- (ii) nominating candidates, including 1
calling for and making nominations, 2
and fixing the day by which 3
nominations must be made; and 4
 - (iii) publishing the results of an election, 5
including the day by which the results 6
must be published; and 7
 - (iv) making and resolving complaints. 8
 - (3) Also, the election policy may include provisions 9
stating requirements for— 10
 - (a) eligibility to be nominated as a candidate for 11
a particular class of elected members; and 12
 - (b) eligibility to vote, including eligibility to 13
vote for a particular class of elected 14
members. 15
 - (4) The election policy takes effect on the day it is 16
published on the university's website or any later 17
day stated in the policy. 18

26ABConduct of election 19

An election required under section 15 or 20A 20
must be held under the election policy. 21

26ACEligibility to vote 22

A person is eligible to vote in an election for a 23
class of elected members mentioned in section 24
15(2)(a) to (c) only if the person— 25

- (a) is an eligible person for the class of elected 26
members; and 27
- (b) otherwise meets any requirements under the 28
election policy for eligibility to vote. 29

[s 160]

Clause	160	Omission of pt 4, div 2 (Colleges)	1
		Part 4, division 2—	2
		<i>omit.</i>	3
Clause	161	Amendment of s 40B (Excluded matters for Corporations legislation)	4
		Section 40B(1)—	5
		<i>omit, insert</i>	6
		(1) The academic board 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.	7
			8
			9
			10
Clause	162	Omission of pt 6 (University statutes)	11
		Part 6—	12
		<i>omit.</i>	13
Clause	163	Insertion of new pt 8, div 3	14
		Part 8—	15
		<i>insert—</i>	16
		Division 3	17
		Transitional provisions for	18
		University Legislation	19
		Amendment Act 2017	20
		94 Definition for division	21
		In this division—	22
		<i>previous</i> , for a provision of this Act, means the provision as in force from time to time before the commencement.	23
			24

95 Particular references to council election	1
A reference in the following provisions to a council election includes a reference to a ballot under previous section 15(3)—	2
(a) section 20A(2) and (3)(a);	3
(b) schedule 2, definition <i>elected member</i> , paragraph (a).	4
96 Repeal of university statutes	5
(1) This section applies to a university statute made under previous section 58 or previous section 59 that was in force immediately before the commencement.	6
(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.	7
97 Existing reviews under repealed parking statute	8
(1) This section applies if an application for a review under the repealed parking statute was made, but not decided, before the commencement.	9
(2) The review may be heard, or continue to be heard, and dealt with under the repealed parking statute as if the statute were still in force.	10
(3) In this section—	11
<i>repealed parking statute</i> means a university statute made under previous section 59.	12

Clause 164 Amendment of sch 2 (Dictionary)	13
(1) Schedule 2, definitions <i>college</i> , <i>requirement</i> , <i>university rule</i> and <i>university statute</i> —	14
<i>omit.</i>	15

[s 165]

(2) Schedule 2—	1
<i>insert—</i>	2
<i>council election</i> means an election held under part 2, division 3A.	3 4
<i>election policy</i> see section 26AA(1)(a).	5
<i>eligible person</i> , for a class of elected members mentioned in section 15(2)(a) to (c), means a person who is—	6 7 8
(a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or	9 10 11
(b) for the class mentioned in section 15(2)(b)—a member of the general staff of the university; or	12 13 14
(c) for the class mentioned in section 15(2)(c)—a student.	15 16
<i>requirement</i> , of a regulatory notice, includes a direction on the notice.	17 18
(3) Schedule 2, definition <i>elected member</i> , paragraph (a)—	19
<i>omit, insert—</i>	20
(a) generally—means a member elected at a council election; or	21 22

Chapter 4 Consequential amendments 23

Clause 165 Acts amended	24
Schedule 1 amends the Acts it mentions.	25

Schedule 1	Consequential amendments	1
	section 165	2
Part 1	Amendments commencing on assent	3
		4
James Cook University Act 1997		5
1	Particular references to s 24(1)(h)	6
	Each of the following provisions is amended by omitting ‘24(1)(h)’ and inserting ‘24(1)(i)’—	7
		8
	• section 25(1)	9
	• section 26(1)	10
Part 2	Amendments commencing by proclamation	11
		12
Central Queensland University Act 1998		13
1	Particular references to s 24(1)(h)	14
	Each of the following provisions is amended by omitting ‘24(1)(h)’ and inserting ‘24(1)(i)’—	15
		16
	• section 25(1)	17
	• section 26(1)	18
	• section 62D(1)(b)	19

Griffith University Act 1998 1

1 Particular references to s 24(1)(h) 2

Each of the following provisions is amended by omitting
'24(1)(h)' and inserting '24(1)(i)'— 3 4

- section 25(1) 5
- section 26(1) 6
- section 66D(1)(b) 7

Queensland University of Technology Act 1998 8

1 Particular references to s 24(1)(h) 9

Each of the following provisions is amended by omitting
'24(1)(h)' and inserting '24(1)(i)'— 10 11

- section 25(1) 12
- section 26(1) 13
- section 61D(1)(b) 14

University of Queensland Act 1998 15

1 Particular references to s 24(1)(h) 16

Each of the following provisions is amended by omitting
'24(1)(h)' and inserting '24(1)(i)'— 17 18

- section 25(1) 19
- section 26(1) 20
- section 56D(1)(b) 21

University of Southern Queensland Act 1998 1**1 Particular references to s 24(1)(h)** 2

Each of the following provisions is amended by omitting
'24(1)(h)' and inserting '24(1)(i)'— 3 4

- section 25(1) 5
- section 26(1) 6
- section 61D(1)(b) 7

University of the Sunshine Coast Act 1998 8**1 Particular references to s 24(1)(h)** 9

Each of the following provisions is amended by omitting
'24(1)(h)' and inserting '24(1)(i)'— 10 11

- section 25(1) 12
- section 26(1) 13
- section 64D(1)(b) 14

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