



# **James Cook University Act 1997**

**Reprinted as in force on 1 August 2008**

**Reprint No. 3A**

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

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

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

**Also see endnotes for information about—**

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

## Spelling

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

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Queensland

# James Cook University Act 1997

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# **James Cook University Act 1997**

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

## **An Act about the James Cook University**

### **Part 1 Preliminary**

#### **1 Short title**

This Act may be cited as the *James Cook University Act 1997*.

#### **2 Commencement**

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

#### **3 Definitions**

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

### **Part 2 The university and its council**

#### **Division 1 University establishment and general functions and powers**

##### **4 Establishment of university**

- (1) The James Cook University is established.
- (2) The university—
  - (a) is a body corporate; and

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

## **5 Functions of university**

The university's functions are—

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

## **6 General powers of university**

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

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

## **Division 2                      Council establishment and general functions and powers**

### **7                      Establishment of council**

There is a council of the university.

### **8                      Functions of council**

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

### **9                      Powers of council**

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

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

## **10 Council to promote university's interests**

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

## **11 Delegation**

- (1) The council may delegate its powers under this Act to—
  - (a) an appropriately qualified member of the council; or
  - (b) a committee consisting of appropriately qualified persons, but which must include 1 or more members of the council; or
  - (c) an appropriately qualified member of the university's staff.
- (2) However, the council may not delegate its power—
  - (a) to make university statutes or rules; or
  - (b) to adopt the university's annual budget; or
  - (c) to approve spending of funds available to the university by way of bequest, donation or special grant.
- (3) Despite subsection (2)(c), the council may delegate its power to approve spending of funds available to the university by way of bequest, donation or special grant if—
  - (a) the expenditure is for a matter funded by bequest, donation or special grant; and
  - (b) the amount of expenditure for the matter is not more than \$100000.

## **Division 3                      Council membership**

### **12            Membership of council**

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

### **13            Official members**

- (1) There are 3 official members.
- (2) The official members are—
  - (a) the chancellor; and
  - (b) the vice-chancellor; and
  - (c) the chairperson of the academic board.

### **14            Appointed members**

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

### **15            Elected members**

- (1) There are 10 elected members.
- (2) The elected members are—
  - (a) 3 members of the academic staff; and
  - (b) 2 members of the general staff; and
  - (c) 1 undergraduate student; and
  - (d) 1 postgraduate student; and
  - (e) 1 undergraduate or postgraduate student; and
  - (f) 2 members of the convocation, other than persons eligible for membership under paragraph (a), (b), (c), (d) or (e).
- (3) Each elected member is to be elected by a ballot at which—

- (a) for an elected member mentioned in subsection (2)(a)—all the members of the academic staff may vote; or
- (b) for an elected member mentioned in subsection (2)(b)—all the members of the general staff may vote; or
- (c) for an elected member mentioned in subsection (2)(c), (d) or (e)—all the students may vote; or
- (d) for an elected member mentioned in subsection (2)(f)—all the members of the convocation may vote.

## **16 Additional member**

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

## **17 When council is taken to be properly constituted**

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

## **18 Appointed member's term of office**

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

## **19 Elected member's term of office**

- (1) An elected member mentioned in section 15(2)(a), (b) or (f) holds office for 4 years.
- (2) An elected member mentioned in section 15(2)(c), (d) or (e) holds office for 2 years.
- (3) An elected member's term of office starts—
  - (a) if the member is re-elected—the day after the day when the member's previous term of office ends; or

- (b) if paragraph (a) does not apply—the day after the day when the term of office of the member’s predecessor ends.

## **20 Additional member’s term of office**

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

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

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

- (6) A person appointed under subsection (2) or (5) is taken to have been elected under section 15.
- (7) In this section—  
*member of the convocation* does not include a member of the convocation who is eligible for membership of the council under section 15(2)(a), (b), (c), (d) or (e).

## **21 Failure to elect elected members**

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

## **22 Casual vacancies**

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

## **23 Ineligibility for membership of council**

- (1) A person is not eligible to become an elected, appointed or additional member if—
  - (a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6;<sup>1</sup> or
  - (b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a).

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<sup>1</sup> Corporations Act, part 2D.6 (Disqualification from managing corporations)

- (2) Also, a person is not eligible to be elected or appointed as an elected, appointed or additional member if the person's election or appointment as the member would result in the person being a member for 12 years or more, whether continuously or not.
- (3) Subsection (2) does not apply to a person if a majority of members agree the person may be elected or appointed as an elected, appointed or additional member.
- (4) Subsection (1)(b) is subject to sections 25 and 26.

## **24 Vacation of office**

- (1) The office of an elected, appointed or additional member becomes vacant if—
  - (a) the member dies; or
  - (b) for an elected or additional member—the member ceases to be an eligible person for the entity that elected or appointed the person; or
  - (c) the member is absent without the council's leave and without reasonable excuse from every meeting of the council in a period of 6 months; or
  - (d) the member becomes an official member; or
  - (e) the member resigns from office by signed notice—
    - (i) if the member is an appointed member—given to the Minister; or
    - (ii) if the member is an elected or additional member—given to the vice-chancellor; or
  - (f) the member is removed from office under section 26B; or
  - (g) the member is disqualified from managing corporations under the Corporations Act, part 2D.6; or
  - (h) the member is convicted of an indictable offence, other than an offence in relation to which the member's office becomes vacant under paragraph (g).
- (2) Subsection (1)(h) is subject to sections 25 and 26.

- (3) A resignation takes effect on the day the notice of resignation is given to the Minister or the vice-chancellor or, if a later day of effect is stated in the notice, the later day.
- (4) In this section—  
*eligible person*, for an entity, means a person whom the entity may elect or appoint as a member.

## **25 Discretion where appointed member convicted of indictable offence**

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

## **26 Discretion where elected or additional member convicted of indictable offence**

- (1) If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in section 23(1)(b) or 24(1)(h) of which a person has been convicted, the council may—

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

## **Division 4                      Members' function, and removing elected, appointed and additional members from office**

### **26A    Member's function, and obligations about function**

- (1) A member has the function of ensuring the council performs its functions and exercises its powers appropriately, effectively and efficiently.
- (2) In performing the function, a member—
  - (a) must act honestly and in the best interests of the university; and
  - (b) must exercise reasonable skill, care and diligence; and
  - (c) must disclose to the council any conflict that may arise between the member's personal interests and the interests of the university; and

- (d) must not make improper use of his or her position as a member, or of information acquired because of his or her position as a member, to gain, directly or indirectly, an advantage for the member or another person.

## **26B Council may remove member from office**

- (1) The council may remove an elected, appointed or additional member from office if at least 15 members are satisfied the member has not complied with—
  - (a) section 26A(2); or
  - (b) a conduct obligation.
- (2) If the council decides to remove a member from office under subsection (1), the council must as soon as practicable—
  - (a) give the member notice of the decision and the reasons for it; and
  - (b) if the member is an appointed member—give the Minister a copy of the notice.
- (3) If the council gives a member a notice under subsection (2)(a), the member's term of office ends on the later of the following—
  - (a) the day the member receives the notice;
  - (b) the day, if any, stated in the notice for that purpose.
- (4) The council's power to remove an appointed member from office under this section does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (iii).<sup>2</sup>

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<sup>2</sup> *Acts Interpretation Act 1954*, section 25 (Powers of appointment imply certain incidental powers)

## **Division 5                    Extending terms of office**

### **26C    Minister may extend terms of office**

- (1) The Minister may, by notice given to the council, extend the terms of office of the elected, appointed and additional members for not more than 1 year if the Minister is satisfied the extension—
  - (a) is in the best interests of the university; and
  - (b) is necessary for the council to perform its functions and exercise its powers appropriately, effectively and efficiently.
- (2) If the Minister acts under subsection (1), the Minister must extend, by the same amount, the terms of office of all elected, appointed and additional members.
- (3) The extension applies only to members holding office when the notice is given under subsection (1).
- (4) This section—
  - (a) does not allow the Minister to extend the terms of office of the members for more than 1 year by again acting under subsection (1); and
  - (b) applies despite sections 18, 19(1) and (2) and 20.

## **Division 6                    Meetings of the council**

### **27    Who is to preside at meetings**

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

### **28    Quorum**

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

**29 Conduct of meetings**

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

**Part 3 Certain officers of the university****30 Chancellor**

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

**31 Deputy chancellor**

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

**32 Vice-chancellor**

- (1) There is a vice-chancellor of the university.

- (2) The council must appoint a vice-chancellor whenever there is a vacancy in the office.
- (3) The terms of appointment are as decided by the council.
- (4) The vice-chancellor is the chief executive officer of the university and may exercise the powers and perform the functions conferred on the vice-chancellor by this or another Act or the council.
- (5) The vice-chancellor may delegate powers of the vice-chancellor under this or another Act to an appropriately qualified member of the university's staff.

## **Part 4                      Bodies connected with the university**

### **Division 1                  Convocation**

#### **33            Establishment of convocation**

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

## **Division 2                      Union**

### **34            Establishment of union**

- (1) The James Cook University Union is established.
- (2) The union—
  - (a) is a body corporate with perpetual succession; and
  - (b) has a common seal; and
  - (c) may sue and be sued in its corporate name.

### **35            Composition**

The persons who are eligible to be members of the union are—

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

### **36            Role**

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

### **37            General powers**

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

### **38            Constitution**

- (1) The union must have a written constitution.
- (2) The union's constitution, and each amendment of the constitution, must be submitted to the council for its approval.

- (3) The constitution or amendment has no effect until approved by the council.

## **Division 3                      Colleges**

### **39                      Establishment of colleges**

- (1) The council may establish colleges of the university by university statute.
- (2) The Governor in Council must approve the establishment of the college before the council makes the university statute establishing it.
- (3) The council may establish an advisory council for each college and decide its membership and functions.
- (4) On the establishment of a college, property vested in or acquired by a person on trust for the college vests in the university on trust for the college.
- (5) The council must manage and supervise the college and property held on trust by the university for the college.

## **Division 4                      Academic board**

### **40                      Establishment of academic board**

- (1) The council may establish an academic board of the university.
- (2) The council is to determine the membership of the academic board.
- (3) The academic board is to—
  - (a) advise the council about teaching, scholarship and research matters concerning the university; and
  - (b) formulate proposals for the academic policies of the university; and
  - (c) monitor the academic activities of the university's faculties; and

- (d) promote and encourage scholarship and research at the university.

#### **40A Chairperson of academic board**

- (1) There is to be a chairperson of the academic board.
- (2) The council must decide who is the chairperson.
- (3) The chairperson holds office for the term, not longer than 2 years, decided by the council.

### **Division 5                      Application of Corporations legislation to bodies**

#### **40B Excluded matters for Corporations legislation**

- (1) Each of the following is declared to be an excluded matter for the Corporations Act, section 5F,<sup>3</sup> in relation to parts 5.7 and 5.7B<sup>4</sup> of that Act—
  - (a) the convocation;
  - (b) a college established under section 39;
  - (c) the academic board.
- (2) The union is declared to be an excluded matter for the Corporations Act, section 5F, in relation to the provisions of that Act<sup>5</sup> for which a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982* is declared to be an excluded matter under section 13A of that Act.

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3 Corporations Act, section 5F (Corporations legislation does not apply to matters declared by State or Territory law to be an excluded matter)

4 Corporations Act, parts 5.7 (Winding up bodies other than companies) and 5.7B (Recovering property or compensation for the benefit of creditors of insolvent company)

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

## **Part 4A**

# **Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and chairperson**

### **40C Disqualification from office**

- (1) A person can not become, or continue as, the chancellor, vice-chancellor or chairperson if—
  - (a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or
  - (b) subject to subsections (2) to (4), the person has a conviction for an indictable offence other than an offence in relation to which the person is disqualified from office under paragraph (a).
- (2) If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in subsection (1)(b) of which the person has been convicted, the council may—
  - (a) if the person was the chancellor, vice-chancellor or chairperson when convicted—give notice to the person that the person—
    - (i) is restored as the chancellor, vice-chancellor or chairperson; and
    - (ii) may be later re-elected or reappointed, despite the conviction; or
  - (b) otherwise—give written approval for the person to become the chancellor, vice-chancellor or chairperson despite the conviction.
- (3) On the day the person receives a notice under subsection (2)(a)—
  - (a) the person is restored as the chancellor, vice-chancellor or chairperson; and
  - (b) if another person has been elected or appointed to fill the vacancy—the other person's term of office ends.

- (4) If a person is restored as the chancellor, vice-chancellor or chairperson under subsection (3), the person's term of office as the chancellor, vice-chancellor or chairperson ends when it would have ended if the person had not been convicted of the offence.

#### **40D Council may remove chancellor, vice-chancellor or chairperson from office**

- (1) The council may remove the chancellor, vice-chancellor or chairperson from office if at least 15 members are satisfied the chancellor, vice-chancellor or chairperson has not complied with—
- (a) section 26A(2);<sup>6</sup> or
  - (b) a conduct obligation.
- (2) If the council decides to remove the chancellor, vice-chancellor or chairperson from office under subsection (1), the council must as soon as practicable give the chancellor, vice-chancellor or chairperson notice of the decision and the reasons for it.
- (3) The chancellor's, vice-chancellor's or chairperson's term of office ends on the later of the following—
- (a) the day he or she receives the notice;
  - (b) the day, if any, stated in the notice for that purpose.

#### **40E Particular matters about removal of vice-chancellor**

- (1) The council may remove the vice-chancellor from office under section 40D despite the vice-chancellor's terms of appointment.
- (2) If the council removes the vice-chancellor from office under section 40D—
- (a) the removal does not affect the vice-chancellor's right to claim compensation or other entitlements under his or her terms of appointment applying when the appointment ends; and

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<sup>6</sup> Section 26A (Member's function, and obligations about function)

- (b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—
  - (i) the appointment had been ended as permitted under the terms of appointment; or
  - (ii) his or her term of office had ended.

#### **40F Vacation of office**

- (1) The office of the chancellor, vice-chancellor or chairperson becomes vacant if he or she—
  - (a) can not continue as the chancellor, vice-chancellor or chairperson under section 40C; or
  - (b) is removed from office under section 40D.
- (2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.

## **Part 5 Property and finance**

### **Division 1 Property held on trust or conditions**

#### **41 Definition for div 1**

In this division—

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

#### **42 Amendment of terms of trusts and gifts**

- (1) This section applies if—
  - (a) property is held by the university on terms requiring the property to be used for a particular purpose (the *donor's purpose*); and

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

#### **43 Selection of designated purpose**

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

#### **44 Property to be held for designated purpose**

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

**45 Certain persons to be given notice of scheme**

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

**46 Amendment of scheme**

- (1) The council may amend the scheme.
- (2) Sections 42 to 45 apply to the amendment of a scheme as if a reference to the donor's purpose is a reference to the designated purpose of the scheme that is to be amended.

**47 University's powers under other laws not limited**

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

**48 University may carry out conditions of gift etc.**

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

**Division 2 Dealing with State land by council****49 Application of Land Act 1994**

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

## **Division 3                      Finance**

### **50            University is statutory body under the Financial Administration and Audit Act 1977**

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

### **51            University is statutory body under the Statutory Bodies Financial Arrangements Act 1982**

- (1) Under the *Statutory Bodies Financial Arrangements Act 1982*, the university is a statutory body.
- (2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B<sup>7</sup> sets out the way in which the university's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

### **52            Trust funds**

The university may establish or administer trust funds.

### **53            Investment common fund**

- (1) The university may establish an investment common fund for the collective investment of trust funds or other amounts held by it.
- (2) The university may add amounts to or withdraw amounts from the investment common fund, without incurring any liability for breach of trust.
- (3) The university must periodically distribute the income of the investment common fund among each of the funds forming the investment common fund (a *component fund*) having regard to the share of each component fund in the investment common fund.

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

- (4) Despite subsection (3), if a component fund consists of an amount received for use for a stated purpose and the amount can not or will not be used for the purpose immediately, income attributable to the share of the amount in the investment common fund may be paid into the general funds of the university if the income is not needed immediately for the stated purpose.
- (5) Also, despite subsection (3), the university may—
  - (a) add a part of the income of the investment common fund to the fund's capital; or
  - (b) use a part of the income to establish or augment another fund to make provision against capital depreciation or reduction of income.

#### **54 Application of revenue**

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

#### **55 Financial review**

- (1) The council must, in each year, adopt a budget for the university for the next year.
- (2) In framing the budget the council need not take account of amounts mentioned in subsection (4).
- (3) The council must control its spending as nearly as possible within the limits of the approved budget.
- (4) The council must undertake an annual review of—

- (a) amounts available, or expected to be available, to the university by way of bequest, donation or special grant; and
- (b) the spending of the amounts.

## **56 University's financial year**

The university's financial year is a calendar year.

# **Part 6 University statutes**

## **57 Making of university statutes**

- (1) The council may make university statutes.
- (2) A university statute may only be made about the following matters—
  - (a) the admission and enrolment of students;
  - (b) the entitlement to degrees and other awards;
  - (c) the disciplining of students and other persons taking courses at the university;
  - (d) the fees to be paid—
    - (i) for examinations; or
    - (ii) for attendance at lectures and classes of the university; or
    - (iii) for the use of the university's facilities;
  - (e) the membership of convocation;
  - (f) the conduct of a ballot for the election of elected members;
  - (g) the process for removing a person from office under section 26B or 40D;<sup>8</sup>

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<sup>8</sup> Section 26B (Council may remove member from office) or 40D (Council may remove chancellor, vice-chancellor or chairperson from office)

- (h) the spending of funds under a delegation under section 11(3);
  - (i) the establishment of colleges;
  - (j) the ownership and exploitation of intellectual property brought into existence by the university's staff or as a result of using the university's facilities;
  - (k) making and notifying university rules;
  - (l) a direction, indication or requirement for a regulatory notice.
- (3) Without limiting subsection (2)(c), a university statute may—
- (a) authorise the council to impose a penalty of not more than 10 penalty units for a breach of a university statute about the disciplining of persons mentioned in subsection (2)(c); and
  - (b) provide for its recovery and enforcement.

## **58 University statute's status**

A university statute—

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

## **59 University statutes affecting union**

- (1) A university statute affecting the union's role or powers may be made only if the council—
  - (a) has given the union a copy of the proposed statute at least 28 days before making it; and
  - (b) has considered any comments given to it by the union under subsection (2).
- (2) The union may give the council written comments about the proposed university statute within 14 days after receiving the copy.
- (3) The council may amend the proposed university statute to take account of any of the comments.

- (4) If the council amends the proposed university statute to take account of any of the comments, it does not have to give the union a copy of the proposed statute before making it.

## **60 University rules**

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

## **Part 7 Miscellaneous**

### **61 Forming and taking part in corporations**

- (1) The university may be a member of, form, take part in forming or manage a corporation whose objects include any of the following—
  - (a) making available facilities for study, research or education;
  - (b) providing teaching, research, development, consultancy or other services for public or private entities;

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

## **62 Use of facilities and staff**

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

## **62A Protection from liability**

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

**62B Report about person's criminal history**

- (1) To decide whether to recommend to the Governor in Council a person for appointment under section 14(2) as an appointed member, the Minister may ask the commissioner of the police service for—
  - (a) a written report about the person's criminal history; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (2) To decide whether a person is eligible to be the chancellor, vice-chancellor or chairperson, or an elected or additional member, the council may ask the commissioner of the police service for—
  - (a) a written report about the person's criminal history; and
  - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.
- (3) The commissioner of the police service must comply with a request under subsection (1) or (2).
- (4) However, the Minister or council may make a request about a person under subsection (1) or (2) only if the person has given the Minister or council written consent for the request.
- (5) The duty imposed on the commissioner of the police service to comply with the request applies only to information in the commissioner's possession or to which the commissioner has access.
- (6) The Minister or council must ensure that a report given to the Minister or council under this section is destroyed as soon as practicable after it is no longer needed for the purpose for which it was requested.
- (7) In this section—

*criminal history*, of a person, means the person's criminal history as defined under the *Criminal Law (Rehabilitation of Offenders) Act 1986*, other than spent convictions.

**62C Delegation by Minister**

The Minister may delegate the Minister's power under section 62B(1) to an appropriately qualified officer of the department.

**63 Control of traffic and conduct on university land**

Schedule 1 has effect.

**64 Regulation-making power**

The Governor in Council may make regulations under this Act.

**65 Repealed Act references**

In an Act or document, a reference to the *James Cook University of North Queensland Act 1970* may, if the context permits, be taken to be a reference to this Act.

**Part 8 Repeal and transitional provisions****Division 1 Repeal provision****67 Repeal**

The James Cook University of North Queensland Act 1970 No. 19 is repealed.

## **Division 2                    Transitional provisions for the University Legislation Amendment Act 2005**

### **Subdivision 1            Preliminary**

#### **68            Definitions for div 2**

In this division—

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

*new additional member* see section 74.

*new appointed members* see section 70(2).

*pre-amended Act* means this Act as in force before the commencement of the *University Legislation Amendment Act 2005*, part 4.

### **Subdivision 2            Provisions about council membership**

#### **69            Continuation of official members**

Despite section 13, a person who was an official member under section 13(2)(c), (e) or (f) of the pre-amended Act continues as an official member until the new appointed members' terms of office start.

#### **70            Appointment of new appointed members**

- (1) The Minister must, within 1 year after the commencement, recommend to the Governor in Council 8 persons for appointment, under section 14(2), as appointed members.
- (2) The Governor in Council may appoint the persons as appointed members (the *new appointed members*).

**71 Continuation, and term of office, of appointed members**

- (1) This section applies to a person who was an appointed member immediately before the commencement.
- (2) Despite section 14(1), the person continues as an appointed member until—
  - (a) the person's term of office ends under subsection (3); or
  - (b) the person's office sooner becomes vacant.
- (3) Despite section 18, the person's term of office ends when the new appointed members' terms of office start.

**72 Continuation of elected members**

- (1) This section applies to a person who was an elected member immediately before the commencement.
- (2) Despite section 15(1) and (2), the person continues as an elected member until—
  - (a) the person's term of office ends under section 73; or
  - (b) the person's office sooner becomes vacant.
- (3) Despite section 19(1) and (2), the person's term of office is 3 years.

**73 Ballot, and term of office, for elected members**

- (1) At least 14 days before the new appointed members are appointed, a ballot under section 15(3) of the post-amended Act must be conducted for elected members.
- (2) Subsection (3) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(a) of the pre-amended Act.
- (3) The person's term of office ends when the person who is the member's successor is elected under the ballot.
- (4) Subsection (5) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(b) of the pre-amended Act.

- (5) The person's term of office ends when the elected members mentioned in section 15(2)(b) of the post-amended Act are elected under the ballot.
- (6) Subsection (7) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(c) of the pre-amended Act.
- (7) The person's term of office ends when the elected member mentioned in section 15(2)(c) of the post-amended Act is elected under the ballot.
- (8) Subsection (9) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(d) of the pre-amended Act.
- (9) The person's term of office ends when the elected members mentioned in section 15(2)(f) of the post-amended Act are elected under the ballot.
- (10) A person is taken to be elected under the ballot when the new appointed members' terms of office start.
- (11) Despite section 19(3), the term of office of a person elected under the ballot starts when the new appointed members' terms of office start.
- (12) Subsections (3), (5), (7) and (9) apply despite section 72(3).
- (13) In this section—

*post-amended Act* means this Act as in force after the commencement of the *University Legislation Amendment Act 2005*, part 4.

#### **74 Appointment of new additional member**

The council must, within 1 year after the commencement, appoint a person as the additional member (the *new additional member*) under section 16.

#### **75 Continuation, and term of office, of additional members**

- (1) A person who was an additional member immediately before the commencement continues as an additional member until—

- (a) the person's term of office ends under subsection (2); or
  - (b) the person's office sooner becomes vacant.
- (2) Despite section 20, the person's term of office ends when the new additional member's term of office starts.

## **76 Council need not include additional members**

Despite section 12, the council need not include an additional member before the new additional member's term of office starts.

## **77 Dealing with casual vacancy in office of elected member**

- (1) This section applies if a casual vacancy arises in the office of an elected member after the commencement and before the ballot mentioned in section 73(1) is conducted.
- (2) For appointing or electing a person to the office, the pre-amended Act continues to apply as if the *University Legislation Amendment Act 2005*, part 4, had not commenced.

## **Subdivision 3 Constitution of council**

### **78 Constitution of council**

- (1) This section applies until the new appointed members' terms of office start.
- (2) Despite section 17, the council is taken to be properly constituted when it has 15 or more members, whether they be additional, appointed, elected or official members.

## **Schedule 1            Control of traffic and conduct                                  on university land**

section 63

### **Part 1                    Authorised persons and                                  security officers**

#### **1            Appointment of authorised persons and security officers**

- (1) The vice-chancellor may, in writing, appoint a person who the vice-chancellor is satisfied has the necessary training, or knowledge and experience, to be an authorised person under this Act.
- (2) The vice-chancellor may, in writing, appoint a person who the vice-chancellor is satisfied has the necessary training, or knowledge and experience, to be a security officer under this Act.
- (3) A person may be appointed both an authorised person and a security officer.

#### **2            Terms of appointment**

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

#### **3            Identity cards**

- (1) The vice-chancellor must issue an identity card to each authorised person and security officer.

**Schedule 1 (continued)**

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

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

**4 Proof of authority**

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

## Schedule 1 (continued)

**Part 2                      Traffic control****5                      Persons authorised to control traffic on university's land**

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

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

**6                      Regulatory notice**

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

Maximum penalty—10 penalty units.

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

**Schedule 1 (continued)**

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

**7 Information notices**

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

**8 Removal and detention of illegally parked or abandoned vehicles**

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

**Schedule 1 (continued)**

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

**vehicle** includes a part of the vehicle and anything attached to, or contained in, the vehicle.

**9 Disposal of unclaimed vehicles**

- (1) This section applies if the owner of a seized vehicle does not recover the vehicle within 2 months after notice is given to the owner under section 8(4) or (5).
- (2) After publishing a notice in a newspaper circulating generally in the State, the university may sell the vehicle by public auction.
- (3) The notice must—
  - (a) identify the vehicle; and
  - (b) state that the vehicle is to be sold by auction; and

**Schedule 1 (continued)**

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

**10 Application of proceeds of sale**

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

**Part 3 Conduct on university land****11 Conduct causing a public nuisance**

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

Maximum penalty—20 penalty units.

**12 Power to deal with persons causing a public nuisance**

- (1) This section applies if a security officer—

**Schedule 1 (continued)**

- (a) finds a person contravening section 11; or
  - (b) finds a person in circumstances that leads the security officer to suspect on reasonable grounds that the person has just contravened section 11; or
  - (c) has information that leads the security officer to suspect on reasonable grounds that a person has just contravened section 11; or
  - (d) reasonably believes, having regard to the way a person is behaving, that the person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
  - (e) has information that leads the security officer to believe, on reasonable grounds, that a person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
  - (f) reasonably believes that a person is on the land without lawful justification or excuse.
- (2) The security officer may direct the person to leave the university's land or a part of the university's land.
- (3) A person must comply with a direction given to the person under subsection (2), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

## Schedule 2      Dictionary

### section 3

***academic board*** means the academic board of the university.

***academic staff***, of the university, means—

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

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

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

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

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

***chairperson*** means the chairperson of the academic board.

***chancellor*** means the chancellor of the university.

***college*** includes a university institution.

***commencement***, for part 8, division 2, see section 68.

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

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

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

***convocation*** means the convocation of the university.

## Schedule 2 (continued)

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

**deputy chancellor** means the deputy chancellor of the university.

**designated purpose** see section 42.

**donor's purpose** see section 42.

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

**general staff** means staff, other than academic staff, of the university.

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

**indictable offence** includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659,<sup>9</sup> applies to the indictable offence.

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

**member** means a member of the council.

**new additional member**, for part 8, division 2, see section 68.

**new appointed members**, for part 8, division 2, see section 68.

**notice** means written notice.

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

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

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

- (a) the *Transport Operations (Road Use Management) Act 1995*; or
- (b) the corresponding law of another State or a Territory.

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<sup>9</sup> Criminal Code, section 659 (Effect of summary conviction for indictable offences)

## Schedule 2 (continued)

**pre-amended Act**, for part 8, division 2, see section 68.

**regulatory notice** see schedule 1, section 6.

**requirement**, of a regulatory notice, includes—

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

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

**spent conviction** means a conviction—

- (a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and
- (b) that is not revived as prescribed by section 11<sup>10</sup> of that Act.

**staff association** means the industrial union or other entity that represents members of the academic staff on industrial matters.

**State land** means land—

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

**student** means a student enrolled in the university.

**union** means the James Cook University Union.

**university** means the James Cook University.

**university rules** means university rules made under section 60.

**university statute** means a university statute made under section 57.

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<sup>10</sup> *Criminal Law (Rehabilitation of Offenders) Act 1986*, section 11 (Revival of convictions)

**Schedule 2 (continued)**

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

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

## Endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 August 2008. Future amendments of the James Cook University Act 1997 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

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

## 4 Table of reprints

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

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

Reprint No.	Amendments to	Effective	Reprint date
1	none	13 April 1998	28 April 1998
1A	1999 Act No. 42	1 December 1999	1 December 1999
1B	1999 Act No. 81	1 January 2000	12 January 2000
1C	2001 Act No. 45	15 July 2001	6 August 2001

  

Reprint No.	Amendments included	Effective	Notes
1D	2002 Act No. 75	13 December 2002	R1D withdrawn, see R2
2	—	13 December 2002	
2A	2003 Act No. 59	21 May 2004	R2B withdrawn, see R3
2B	2005 Act No. 18	19 May 2005	
3	—	19 May 2005	
3A	2008 Act No. 25	1 August 2008	

## 5 List of legislation

### **James Cook University Act 1997 No. 45**

date of assent 29 August 1997

ss 1–2 commenced on date of assent

ss 12–27, 30–32 commenced 13 April 1998 (1997 SL No. 465)

remaining provisions commenced 1 January 1998 (1997 SL No. 465)

amending legislation—

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

date of assent 2 September 1999

ss 1–2 commenced on date of assent

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

### **Education and Other Legislation Amendment Act 1999 No. 81 pts 1, 7**

date of assent 14 December 1999

ss 1–2 commenced on date of assent

remaining provisions commenced 1 January 2000 (see s 2)

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

date of assent 28 June 2001

ss 1–2 commenced on date of assent

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

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

**Education (Miscellaneous Amendments) Act 2002 No. 75 s 1, pt 8, s 74 sch**

date of assent 13 December 2002

commenced on date of assent

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

date of assent 18 September 2003

ss 1–2 commenced on date of assent

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

**University Legislation Amendment Act 2005 No. 18 pts 1, 4, s 165 sch**

date of assent 19 May 2005

commenced on date of assent

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

date of assent 9 May 2008

ss 1–2 commenced on date of assent

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

## **6 List of annotations**

### **PART 2—THE UNIVERSITY AND ITS COUNCIL**

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#### **Delegation**

**s 11** amd 2005 No. 18 s 50

#### **Membership of council**

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#### **Official members**

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#### **Appointed members**

**s 14** amd 2005 No. 18 s 52

#### **Elected members**

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#### **Additional member**

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#### **When council is taken to be properly constituted**

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#### **Appointed member's term of office**

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#### **Elected member's term of office**

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**Additional member's term of office**

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**Dealing with casual vacancy in office of an elected member**s 20A ins 2002 No. 75 s 57  
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sub 2005 No. 18 s 59A**Casual vacancies**

s 22 amd 2002 No. 75 s 74 sch

**Ineligibility for membership of council**

s 23 sub 2005 No. 18 s 60

**Vacation of office**

s 24 amd 2005 No. 18 s 61

**Discretion where appointed member convicted of indictable offence**

s 25 amd 2005 No. 18 s 165 sch

**Discretion where elected or additional member convicted of indictable offence**

s 26 amd 2005 No. 18 s 165 sch

**Division 4—Members' function, and removing elected, appointed and additional members from office**div hdg (prev div 3A hdg) ins 2005 No. 18 s 62  
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renum 2005 No. 18 s 165 sch**Minister may extend terms of office**

s 26C ins 2005 No. 18 s 62

**Division 6—Meetings of the council**

div hdg (prev div 4 hdg) renum 2005 No. 18 s 165 sch

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renum 2005 No. 18 s 165 sch

**Division 5—Application of Corporations legislation to bodies****div hdg** ins 2001 No. 45 s 29 sch 3**Excluded matters for Corporations legislation****s 40B** (prev s 40A) ins 2001 No. 45 s 29 sch 3  
renum 2005 No. 18 s 165 sch**PART 4A—MATTERS RELATING TO OFFICES OF CHANCELLOR, DEPUTY  
CHANCELLOR, VICE-CHANCELLOR AND CHAIRPERSON****pt 4A (ss 40C–40F)** ins 2005 No. 18 s 66**Making of university statutes****s 57** amd 1999 No. 81 s 43; 2005 No. 18 s 67**Forming and taking part in corporations****s 61** amd 2001 No. 45 s 29 schs 2–3; 2005 No. 18 s 68**Protection from liability****s 62A** ins 2005 No. 18 s 69**Report about person’s criminal history****s 62B** ins 2005 No. 18 s 69**Delegation by Minister****s 62C** ins 2005 No. 18 s 69**PART 8—REPEAL AND TRANSITIONAL PROVISIONS****pt hdg** amd 2002 No. 75 s 74 sch  
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def “**conduct obligation**” ins 2005 No. 18 s 71(2)

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def “**owner**” amd 1999 No. 42 s 54(3) sch pt 3  
def “**pre-amended Act**” ins 2005 No. 18 s 71(2)  
def “**spent conviction**” ins 2005 No. 18 s 71(2)  
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