



University of Queensland Act 1998

Current as at 1 July 2014

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Queensland

University of Queensland Act 1998

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University of Queensland Act 1998

[as amended by all amendments that commenced on or before 1 July 2014]

An Act about The University of Queensland

Part 1 Preliminary

1 Short title

This Act may be cited as the *University of Queensland Act 1998*.

2 Commencement

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

3 Definitions

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

example, study, research or knowledge, or the practical application of study, research or knowledge, belonging to the university, whether alone or with someone else; and

- (i) to perform other functions given to the university under this or another Act.

6 General powers of university

- (1) The university has all the powers of an individual, and may, for example—
 - (a) enter into contracts; and
 - (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 Senate establishment and general functions and powers

7 Establishment of senate

There is a senate of the university.

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8 Functions of senate

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

9 Powers of senate

- (1) The senate may do anything necessary or convenient to be done for, or in connection with, its functions.
- (2) Without limiting subsection (1), the senate 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 Senate to promote university's interests

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

11 Delegation

- (1) The senate may delegate its powers under this Act to—
 - (a) an appropriately qualified member of the senate; or
 - (b) an appropriately qualified committee that includes 1 or more members of the senate; or
 - (c) an appropriately qualified member of the university's staff.
- (2) However, the senate 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 senate may delegate its power to approve spending of funds mentioned in that paragraph if the expenditure is for a scholarship or a prize funded by bequest, donation or special grant.

Division 3 Senate membership

12 Membership of senate

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

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 president 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 8 elected members.
- (2) The elected members are—
 - (a) 1 member of the academic board; and

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- (b) 1 member of the university's full-time or part-time academic staff; and
 - (c) 1 member of the university's full-time or part-time general staff; and
 - (d) 1 undergraduate student; and
 - (e) 1 postgraduate student; and
 - (f) 3 graduates of the university, 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 board may vote; or
 - (b) for an elected member mentioned in subsection (2)(b)—
 - (i) all the members of the full-time academic staff, and those members of the part-time academic staff eligible under a university statute, may vote; or
 - (ii) if a statute under subparagraph (i) is not in force, all the members of the full-time and part-time academic staff may vote; or
 - (c) for an elected member mentioned in subsection (2)(c)—
 - (i) all the members of the full-time general staff, and those members of the part-time general staff eligible under a university statute, may vote; or
 - (ii) if a statute under subparagraph (i) is not in force, all the members of the full-time and part-time general staff may vote; or
 - (d) for an elected member mentioned in subsection (2)(d)—all the undergraduate students may vote; or
 - (e) for an elected member mentioned in subsection (2)(e)—all the postgraduate students may vote; or
 - (f) for an elected member mentioned in subsection (2)(f)—all the graduates of the university eligible under a university statute may vote.

(4) Despite subsection (3), if a person is a member of more than 1 entity mentioned in subsection (2), a university statute may restrict the person's eligibility to stand for election, or vote for candidates, in more than 1 category of elected member.

(5) In this section—

postgraduate student 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.

undergraduate student means a student who is not a postgraduate student.

16 Additional members

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

17 When senate is taken to be properly constituted

The senate is taken to be properly constituted when it has 13 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), (c) or (f) holds office for 4 years.
- (2) An elected member mentioned in section 15(2)(d) or (e) holds office for 2 years.
- (3) An elected member's term of office starts—

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

20 Additional member’s term of office

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

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

- (1) This section applies if a casual vacancy arises in the office of an elected member.
- (2) If the member was elected by a ballot under section 15(3), the senate 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) The senate must appoint to the office a person who is eligible to be elected to the office under section 15.
- (5) A person appointed under subsection (2) or (4) is taken to have been elected under section 15.

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 senate by notice given to the entity, the Minister may appoint to the senate as many members of the entity as necessary to comply with section 15.
- (2) The senate 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.

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 senate

- (1) A person is not eligible to become an elected, appointed or additional member if—
 - (a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a).
- (2) Also, a person is not eligible to be elected or appointed as an elected, appointed or additional member if the person's election or appointment as the member would result in the person being a member for 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 senate’s leave and without reasonable excuse from every meeting of the senate 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 senate 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 senate 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

[s 26A]

- (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 senate 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 senate 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 senate 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 Senate may remove member from office

- (1) The senate 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 senate decides to remove a member from office under subsection (1), the senate 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 senate 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 senate's power to remove an appointed member from office under this section does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (iii).

Division 5 Extending terms of office

26C Minister may extend terms of office

- (1) The Minister may, by notice given to the senate, 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—

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- (a) is in the best interests of the university; and
 - (b) is necessary for the senate 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 senate

27 Who is to preside at meetings

- (1) The chancellor must preside at meetings of the senate.
- (2) However, if the chancellor and deputy chancellor are both absent from a meeting of the senate 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 senate if at least half its members are present.

29 Conduct of meetings

The senate 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 senate 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 senate.

31 **Deputy chancellor**

- (1) There is a deputy chancellor of the university.
- (2) The senate 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 senate.
- (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 senate must appoint a vice-chancellor whenever there is a vacancy in the office.
- (3) The terms of appointment are as decided by the senate.

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- (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 senate.
- (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 Colleges

34 Establishment of colleges

- (1) The senate may establish colleges of the university by university statute.
- (2) The Governor in Council must approve the establishment of the college before the senate makes the university statute establishing it.
- (3) The senate 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 senate must manage and supervise the college and property held on trust by the university for the college.

Division 2 Academic board

35 Establishment of academic board

- (1) The senate may establish an academic board of the university.
- (2) The senate must determine the membership of the academic board.
- (3) The academic board must—
 - (a) advise the senate 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.

35A President of academic board

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

Division 3 Application of Corporations legislation to bodies

35B Excluded matters for Corporations legislation

Each of the following 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—

- (a) a college;
- (b) the academic board.

Part 4A Matters relating to offices of chancellor, deputy chancellor, vice-chancellor and president

35C Disqualification from office

- (1) A person can not become, or continue as, the chancellor, vice-chancellor or president 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 senate 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 senate may—
 - (a) if the person was the chancellor, vice-chancellor or president when convicted—give notice to the person that the person—
 - (i) is restored as the chancellor, vice-chancellor or president; 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 president 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 president; 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 president under subsection (3), the person’s term of office as the chancellor, vice-chancellor or president ends when it would have ended if the person had not been convicted of the offence.

35D Senate may remove chancellor, vice-chancellor or president from office

- (1) The senate may remove the chancellor, vice-chancellor or president from office if at least 15 members are satisfied the chancellor, vice-chancellor or president has not complied with—
 - (a) section 26A(2); or
 - (b) a conduct obligation.
- (2) If the senate decides to remove the chancellor, vice-chancellor or president from office under subsection (1), the senate must as soon as practicable give the chancellor, vice-chancellor or president notice of the decision and the reasons for it.
- (3) The chancellor’s, vice-chancellor’s or president’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.

35E Particular matters about removal of vice-chancellor

- (1) The senate may remove the vice-chancellor from office under section 35D despite the vice-chancellor’s terms of appointment.

[s 35F]

- (2) If the senate removes the vice-chancellor from office under section 35D—
 - (a) the removal does not affect the vice-chancellor's right to claim compensation or other entitlements under his or her terms of appointment applying when the appointment ends; and
 - (b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—
 - (i) the appointment had been ended as permitted under the terms of appointment; or
 - (ii) his or her term of office had ended.

35F Vacation of office

- (1) The office of the chancellor, vice-chancellor or president becomes vacant if he or she—
 - (a) can not continue as the chancellor, vice-chancellor or president under section 35C; or
 - (b) is removed from office under section 35D.
- (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

36 Definition for div 1

In this division—

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

37 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 senate 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 senate 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.

38 Selection of designated purpose

- (1) In selecting the designated purpose, the senate 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.

[s 39]

- (2) However, the scheme is not invalid merely because another designated purpose may have been more properly selected under subsection (1).

39 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.

40 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.

41 Amendment of scheme

- (1) The senate may amend the scheme.
- (2) Sections 37 to 40 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.

42 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.

43 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 senate

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

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

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

Division 3 Finance

45 University is statutory body under the Financial Accountability Act 2009

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

[s 46]

46 University is statutory body under the Statutory Bodies Financial Arrangements Act 1982

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

47 Trust funds

The university may establish or administer trust funds.

48 Investment common fund

- (1) The university may establish an investment common fund for the collective investment of trust funds or other amounts held by it.
- (2) The university may add amounts to or withdraw amounts from the investment common fund, without incurring any liability for breach of trust.
- (3) The university must periodically distribute the income of the investment common fund among each of the funds forming the investment common fund (a *component fund*) having regard to the share of each component fund in the investment common fund.
- (4) Despite subsection (3), if a component fund consists of an amount received for use for a stated purpose and the amount can not or will not be used for the purpose immediately, income attributable to the share of the amount in the investment common fund may be paid into the general funds of the university if the income is not needed immediately for the stated purpose.
- (5) Also, despite subsection (3), the university may—
 - (a) add a part of the income of the investment common fund to the fund's capital; or

- (b) use a part of the income to establish or augment another fund to make provision against capital depreciation or reduction of income.

49 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.

50 Financial review

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

51 University's financial year

The university's financial year is a calendar year.

Part 6 University statutes

52 Making of university statutes

- (1) The senate 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 undertaking 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 conduct of a ballot for the election of elected members, including the voting rights of graduates, part-time academic staff and part-time general staff of the university;
 - (f) the process for removing a person from office under section 26B or 35D;
 - (g) the spending of funds under a delegation under section 11(3);
 - (h) the establishment of colleges;
 - (i) 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;
 - (j) making and notifying university rules;
 - (k) a direction, indication or requirement for a regulatory notice;
 - (l) a matter mentioned in section 15(4).

-
- (3) Without limiting subsection (2)(c), a university statute may—
- (a) authorise the senate 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.

53 University statute's status

A university statute—

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

54 University rules

- (1) The senate 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).

56 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.

56A 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.

56B 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 president, or an elected or additional member, the senate 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 senate may make a request about a person under subsection (1) or (2) only if the person has given the Minister or senate written consent for the request.

[s 56C]

- (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 senate must ensure that a report given to the Minister or senate 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.

56C Delegation by Minister

The Minister may delegate the Minister's power under section 56B(1) to an appropriately qualified officer of the department.

57 Control of traffic and conduct on university land

Schedule 1 has effect.

58 Regulation-making power

The Governor in Council may make regulations under this Act.

59 Repealed Act references

In an Act or document, a reference to the *University of Queensland Act 1965* may, if the context permits, be taken to be a reference to this Act.

Part 8 Transitional provisions

Division 1 Transitional provision for continuing in office particular members holding office in 2004

60 Continuation of particular members

- (1) This section applies to a person who was an appointed, elected or additional member immediately before the commencement of the section.
- (2) Despite sections 18, 19(1) and 20, the person continues as an appointed, elected or additional member until—
 - (a) 1 January 2006; or
 - (b) the person's office sooner becomes vacant.

Division 2 Transitional provisions for the University Legislation Amendment Act 2005

Subdivision 1 Preliminary

61 Definitions for div 2

In this division—

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

new additional members see section 67.

new appointed members see section 63(2).

pre-amended Act means this Act as in force before the commencement of the *University Legislation Amendment Act 2005*, part 6.

Subdivision 2 Provisions about membership of senate

62 Continuation of official members

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

63 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*).

64 Continuation of appointed members

- (1) This section applies to a person who was an appointed member immediately before the commencement.
- (2) Despite sections 14(1) and 60(2), the person continues as an appointed member until—
 - (a) the new appointed members' terms of office start; or
 - (b) the person's office sooner becomes vacant.

65 Continuation of elected members

Despite section 15(1) and (2), a person who was an elected member immediately before the commencement continues as an elected member until—

- (a) the person's term of office ends under section 66; or
- (b) the person's office sooner becomes vacant.

66 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 elected member 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 member mentioned in section 15(2)(b) of the post-amended Act is 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 member mentioned in section 15(2)(d) of the post-amended Act is elected under the ballot.
- (10) Subsection (11) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(e) of the pre-amended Act.
- (11) 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.

[s 67]

- (12) A person is taken to be elected under the ballot when the new appointed members' terms of office start.
- (13) 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.
- (14) Subsections (3), (5), (7), (9) and (11) apply despite sections 19(1) and (2) and 60(2).
- (15) In this section—
post-amended Act means this Act as in force after the commencement of the *University Legislation Amendment Act 2005*, part 6.

67 Appointment of new additional members

The senate must, within 1 year after the commencement, appoint 3 persons as additional members (the *new additional members*) under section 16.

68 Continuation of additional members

- (1) This section applies to a person who was an additional member immediately before the commencement.
- (2) Despite section 60(2), the person continues as an additional member until—
 - (a) the new additional members' terms of office start; or
 - (b) the person's office sooner becomes vacant.

69 Senate need not include additional members

Despite section 12, the senate need not include additional members before the new additional members' terms of office start.

70 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 66(1) is conducted.
- (2) For appointing a person to the office, the pre-amended Act continues to apply as if the *University Legislation Amendment Act 2005*, part 6, had not commenced.

Subdivision 3 Constitution of senate

71 Constitution of senate

- (1) This section applies until the new appointed members' terms of office start.
- (2) Despite section 17, the senate is taken to be properly constituted when it has 20 or more members, whether they be additional, appointed, elected or official members.

Division 3 Expiry of statutes

72 Expiry of statutes

- (1) This section applies to the following statutes—
 - *University of Queensland Statute No. 5 (Awards) 1999*
 - *University of Queensland Statute No. 6 (Fees) 1999*
- (2) Despite the *Statutory Instruments Act 1992*, section 54, each statute—
 - (a) is taken not to have expired on 1 September 2009; and
 - (b) expires on 1 September 2010 unless it is repealed before that day.

Schedule 1 Control of traffic and conduct on university land

section 57

Part 1 Authorised persons

1 Appointment

The vice-chancellor may, in writing, appoint a person who the vice-chancellor is satisfied has the necessary training, or knowledge and experience, to be an authorised person under this Act.

2 Limitation of authorised person's powers

- (1) The powers of an authorised person may be limited—
 - (a) under a condition of appointment; or
 - (b) by notice of the vice-chancellor given to the authorised person.
- (2) Notice under subsection (1)(b) may be given orally, but must be confirmed in writing as soon as possible.

3 Terms of appointment

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

4 Identity cards

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

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

5 Proof of authority

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

Part 2 Traffic control

6 Persons authorised to control traffic on university's land

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

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

7 Regulatory notice

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

Maximum penalty—10 penalty units.

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

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

8 Information notices

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

9 Removal and detention of illegally parked or abandoned vehicles

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

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

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

10 Disposal of unclaimed vehicles

- (1) This section applies if the owner of a seized vehicle does not recover the vehicle within 2 months after notice is given to the owner under section 9(4) or (5).
- (2) After publishing a notice in a newspaper circulating generally in the State, the university may sell the vehicle by public auction.
- (3) The notice must—
 - (a) identify the vehicle; and

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

11 Application of proceeds of sale

- (1) The proceeds of the sale must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in the sale;
 - (b) in payment of the reasonable cost of seizing, removing and holding the vehicle;
 - (c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (d) in payment of any balance to the owner.
- (2) Compensation is not recoverable against the university for a payment under this section.

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 senate states they are members of the academic staff.

additional member means a member of the senate appointed under section 16.

appointed member means a member of the senate 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.

chancellor means the chancellor of the university.

college means a college established under section 34.

commencement, for part 8, division 2, see section 61.

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.

deputy chancellor means the deputy chancellor of the university.

designated purpose see section 37.

donor's purpose see section 37.

elected member means a member of the senate elected under section 15.

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

graduate, of the university, means a person awarded a degree, diploma or certificate of the university or the former Queensland Agricultural College.

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

indictable offence includes an indictable offence dealt with summarily, whether or not the Criminal Code, section 659, 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 senate.

new additional members, for part 8, division 2, see section 61.

new appointed members, for part 8, division 2, see section 61.

notice means written notice.

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

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

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

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

pre-amended Act, for part 8, division 2, see section 61.

president means the president of the academic board.

regulatory notice see schedule 1, section 7.

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.

senate means the senate of the university.

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 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 entity called ‘University of Queensland Union’.

university means The University of Queensland.

university rule means a university rule made under section 54.

university statute means a university statute made under section 52.

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

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

Endnotes

1 Index to endnotes

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2 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 version
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments to	Effective	Reprint date
1	none	2 July 1998	21 July 1998
1A	none	1 January 1999	7 January 1999
1B rv	1999 Act No. 42	1 December 1999	1 December 1999
1C rv	2001 Act No. 45	15 July 2001	27 July 2001

Reprint No.	Amendments included	Effective	Notes
1D rv	2002 Act No. 75	13 December 2002	R1D rv withdrawn, see R2
2	—	13 December 2002	
2A	2003 Act No. 59	21 May 2004	
2B	2004 Act No. 44	18 November 2004	
2C	2005 Act No. 18	19 May 2005	R2C withdrawn, see R3
3	—	19 May 2005	
3A	2008 Act No. 25	1 August 2008	R3A withdrawn, see R4
4	—	1 August 2008	
4A	2009 Act No. 9	1 July 2009	
4B	2009 Act No. 39	15 October 2009	
4C	2011 Act No. 39	24 November 2011	
4D	2010 Act No. 44	30 January 2012	

Current as at 1 July 2014	Amendments included 2014 Act No. 25	Notes
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4 List of legislation

University of Queensland Act 1998 No. 5

date of assent 12 March 1998

ss 1–2 commenced on date of assent

pt 2 div 3 (ss 12–26) commenced 1 January 1999 (1998 SL No. 198)

remaining provisions commenced 2 July 1998 (1998 SL No. 198)

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))

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 10, 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)

Education Legislation Amendment Act 2004 No. 44 s 1, pt 6

date of assent 18 November 2004

commenced on date of assent

University Legislation Amendment Act 2005 No. 18 pts 1, 6, 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)

Financial Accountability Act 2009 No. 9 ss 1, 2(2), 136 sch 1

date of assent 28 May 2009

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2009 (2009 SL No. 80)

Education Legislation Amendment Act 2009 No. 39 s 1, pt 5

date of assent 15 October 2009

commenced on date of assent

Personal Property Securities (Ancillary Provisions) Act 2010 No. 44 ss 1–2, ch 4 pt 8

date of assent 14 October 2010

ss 1–2 commenced on date of assent

remaining provisions commenced 30 January 2012 (2011 SL No. 262)

Education and Training Legislation Amendment Act 2011 No. 39 s 1, pt 8

date of assent 24 November 2011

commenced on date of assent

Further Education and Training Act 2014 No. 25 ss 1–2, 223 sch 1 pt 2

date of assent 21 May 2014
ss 1–2 commenced on date of assent
remaining provisions commenced 1 July 2014 (2014 SL No. 102)

5 List of annotations

Delegation

s 11 amd 2005 No. 18 s 93

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s 12 sub 2005 No. 18 s 94

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s 13 sub 2005 No. 18 s 94

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s 14 amd 2005 No. 18 s 95

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s 15 amd 2002 No. 75 s 64; 2005 No. 18 s 96

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s 17 amd 2005 No. 18 s 98

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s 18 amd 2005 No. 18 s 99

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s 19 amd 2005 No. 18 s 100

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s 20 sub 2005 No. 18 s 101

Dealing with casual vacancy in office of an elected member

s 20A ins 2002 No. 75 s 65

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prov hdg amd 2002 No. 75 s 66(1)

s 21 amd 2002 No. 75 s 66(2)–(6); 2005 No. 18 s 165 sch

Casual vacancies

s 22 amd 2002 No. 75 s 74 sch

Ineligibility for membership of senate

s 23 sub 2005 No. 18 s 102

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s 24 amd 2005 No. 18 s 103

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s 25 amd 2005 No. 18 s 165 sch

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s 26 amd 2005 No. 18 s 165 sch

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renum 2005 No. 18 s 165 sch

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s 26A ins 2005 No. 18 s 104

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s 26B ins 2005 No. 18 s 104

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renum 2005 No. 18 s 165 sch

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s 26C ins 2005 No. 18 s 104

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pres div 1 hdg (prev div 2 hdg) renum 2005 No. 18 s 165 sch

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renum 2005 No. 18 s 165 sch

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s 45 amd 2009 No. 9 s 136 sch 1

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s 52 amd 2002 No. 75 s 74 sch; 2005 No. 18 s 111

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