

GRIFFITH UNIVERSITY AND BRISBANE COLLEGE OF ADVANCED EDUCATION (MOUNT GRAVATT CAMPUS) AMALGAMATION ACT

No. 105 of 1989

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Queensland



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No. 105 of 1989

**An Act to provide for the amalgamation of the Mount Gravatt
Campus of the Brisbane College of Advanced
Education and certain matters and things connected
therewith with Griffith University and for related
purposes**

[ASSENTED TO 25TH OCTOBER, 1989]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. Short title. This Act may be cited as the *Griffith University and Brisbane College of Advanced Education (Mount Gravatt Campus) Amalgamation Act 1989*.

2. Commencement. (1) Section 1 and this section shall commence on the day this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act or the provisions thereof specified in the Proclamation shall commence on the day or days appointed by Proclamation for the commencement of this Act or, as the case may be, those provisions.

3. Interpretation. In this Act, unless the contrary intention appears—

“College” means the Brisbane College of Advanced Education established under the *Education Act 1964-1989*;

“Council” means the Council of the University constituted under the *Griffith University Act 1971-1989*;

“Council of the College” means the Council of the Brisbane College of Advanced Education constituted under the *Education Act 1964-1989*;

“Minister” includes any Minister of the Crown for the time being performing the duties of the Minister;

“Mount Gravatt Campus” means Reserve number R. 2217 in the County of Stanley, Parish of Yeerongpilly being portion 779, as shown on plan Sl.8520 deposited in the Department of Geographic Information;

“University” means the Griffith University established and incorporated under the *Griffith University Act 1971-1989*.

4. Transfer of control and management etc. of Mount Gravatt Campus to the University. (1) On and from the commencement of this section—

- (a) the Mount Gravatt Campus and all improvements, fixtures, fittings, plant and equipment thereon cease to be under the control and management of the Council of the College and come under the control and management of the University;
- (b) the property of the Council of the College in respect of Mount Gravatt Campus is transferred to and is vested in or comes under the control and management of the University (subject to any trusts or conditions under which it was held immediately before such commencement) to be applied by the University for the purposes for which the University is established.

(2) On and from the commencement of this section, all rights, liabilities and obligations of the Council of the College in respect of the

Mount Gravatt Campus and in respect of anything transferred to the control and management of the University under subsection (1), become rights, liabilities and, as the case may be, obligations of the University.

(3) On the date of commencement of this section, the Council of the College shall give the University full and complete delivery of possession of the Mount Gravatt Campus and improvements, fixtures, fittings, plant, equipment and property transferred to or to the control of the University under this section and on that date the University shall take delivery and enter into possession of the same.

5. Employment of staff of the Council of the College. (1) In this section and section 6, “employee of Mount Gravatt Campus” means a person who immediately prior to the commencement of this section held any paid employment with the Council of the College in respect of Mount Gravatt Campus or had been appointed to the staff of the College in respect of that Campus but had not taken up duty.

(2) On the commencement of this section, every employee of Mount Gravatt Campus becomes an employee of the University, subject to any applicable award or industrial agreement—

- (a) at a level of salary or wages determined by the Council but not less than the level of salary or wages at which he was employed immediately before that commencement;
and
- (b) on such other terms and conditions as the Council may determine.

(3) A person who becomes an employee of the University pursuant to subsection (2) shall be entitled to receive annual, sick and long service leave and any similar entitlement accrued or accruing to him as an employee of Mount Gravatt Campus, and his service as an employee of Mount Gravatt Campus shall be deemed to be service as an employee of the University for the purposes of calculating that entitlement.

(4) A person who becomes an employee of the University pursuant to this section is not entitled to claim, both under this Act and any other Act, benefits in respect of the same period of service.

6. Superannuation entitlements. (1) A person who, pursuant to section 5, becomes an employee of the University shall—

- (a) retain all entitlements accrued or accruing to him as a contributor to a fund under the *Public Service Superannuation Act 1958-1989*, the *State Service Superannuation Act 1972-1989* or the *Superannuation (Government and Other Employees) Act 1988*;
and
- (b) be deemed to be an officer or member, as the case may be, within the meaning of each of those Acts and shall—
 - (i) subject to subsection (2), continue to contribute to that fund;

and

- (ii) be entitled to payments and other benefits therefrom in respect of himself, his widow and any child of his.

(2) Without derogating from the provisions of subsection (1), an employee of the University within a class or classes to be prescribed by Statute may contribute to such other superannuation scheme established or participated in pursuant to section 17A of the *Griffith University Act 1971-1989* in lieu of continuing to contribute to the scheme or schemes referred to in subsection (1): Provided that a person's eligibility to continue to be a member under the *Superannuation (Government and Other Employees) Act 1988* shall not be affected by any arrangements made pursuant to this subsection.

7. Enrolment of students in courses. (1) Each person who immediately prior to the commencement of this section was a student of the College enrolled in a course conducted on Mount Gravatt Campus shall, subject to University enrolment requirements, be eligible to become, on that commencement, a student of the University and be enrolled in a course of study that is substantially the same in academic content as the course in which the student was enrolled at the College.

(2) The University shall provide such courses of study as are necessary for the purposes of subsection (1).

(3) If a student is enrolled in a course of study pursuant to subsection (1), the University, as far as it may practicably do so, shall give the student credit in that course of study for any subject or work completed by the student in the course in which the student was previously enrolled.

8. Savings. (1) Unless otherwise expressly prescribed, every approval, determination, authority, certificate, direction, notification, order, permission, appointment, arrangement, prohibition, refusal, registration or other act of authority made, granted, issued, done, or otherwise originated by the Council of the College under—

- (a) Division III of Part VIIA, Part VIII and Divisions I, II, III, V and VI of Part VIIIA of the *Education Act 1964-1989*, in respect of the Mount Gravatt Campus or any matter or thing connected therewith;

or

- (b) any regulation, by-law or rule made in respect of the Mount Gravatt Campus or any matter or thing connected therewith, under the *Education Act 1964-1989* in relation to the subject matter or operation of the Divisions and Parts referred to in subparagraph (a),

shall, subject as hereinafter provided, continue in force as fully and effectually as if it had been granted, issued, done or otherwise originated under a corresponding provision of the *Griffith University Act 1971-1989* including a corresponding regulation, Statute or rule (and shall, where necessary, be deemed to have so originated) until it expires by effluxion of time or is rescinded, repealed, revoked, cancelled, suspended,

or otherwise determined by the Council (the Council being hereby empowered so to do): Provided that every such approval, determination, authority, certificate, direction, notification, order, permission, appointment, arrangement, prohibition, refusal, registration or other act of authority shall be read and construed subject to this Act.

(2) Nothing in this section limits the operation and effect of the *Acts Interpretation Act 1954-1989*.

9. Determination of certain matters. (1) Where a matter of contention arising in connexion with the operation, implementation or effect of this Act remains unresolved, the matter may be referred to the Minister who may make a determination thereon, which determination shall be final and shall be given effect to by all parties.

(2) For the purposes of making a determination under subsection (1), the Minister shall have regard to the views of an Advisory Committee appointed by the Minister which Advisory Committee shall consist of—

- (a) the Vice-Chancellor of the University who shall, on appointment be designated and shall be chairman;
- (b) six representatives of the University, nominated by the Council;
- (c) seven representatives of the College, nominated by the Council of the College.

(3) A certificate of the Minister as to a determination under this section is evidence, for any purpose, of the matters contained in the certificate.

10. Protection in respect of administering Act. No act or thing done or omitted by any person for the purposes of this Act or done or omitted in good faith and without negligence by any person purporting to act for the purposes of this Act shall subject the Crown, the Minister or any person acting in aid of any of them to liability in respect thereof.

11. Governor in Council may prescribe. The Governor in Council may by Order in Council prescribe with respect to all matters that are necessary or desirable for effectually achieving the objects and purposes of this Act.