



Queensland

University Legislation Amendment Act 2017

Act No. 36 of 2017

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

[Assented to 13 October 2017]



Queensland

University Legislation Amendment Act 2017

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The Parliament of Queensland enacts—

Chapter 1 Preliminary

1 Short title

This Act may be cited as the *University Legislation Amendment Act 2017*.

2 Commencement

Chapter 3 and schedule 1, part 2 commence on a day to be fixed by proclamation.

Chapter 2 Amendments commencing on assent

Part 1 Amendment of Central Queensland University Act 1998

3 Act amended

This part amends the *Central Queensland University Act 1998*.

Note—

See also the amendments in chapter 3, part 1 and schedule 1, part 2.

[s 4]

4 Amendment of s 11 (Delegation)

(1) Section 11(2)(c)—

omit.

(2) Section 11(3)—

omit, insert—

(3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university's staff.

5 Amendment of s 23 (Ineligibility for membership of council)

Section 23(2), '12 years or more'—

omit, insert—

more than 12 years

6 Amendment of s 24 (Vacation of office)

Section 24(1)—

insert—

Note—

See section 62D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

7 Amendment of s 31 (Deputy chancellor)

(1) Section 31(4)(a), 'when there is'—

omit, insert—

during

(2) Section 31(4)(b), 'while the chancellor is absent from the State'—

omit, insert—

during all periods when the chancellor is absent
from duty

8 Amendment of s 32 (Vice-chancellor)

Section 32(5)—

insert—

Note—

See also section 11(3) in relation to the subdelegation by
the vice-chancellor of a power delegated by the council.

9 Amendment of s 40C (Disqualification from office)

Section 40C(1)—

insert—

Note—

See section 62D for the requirement to disclose the
disqualification or conviction.

10 Amendment of s 57 (Making of university statutes)

(1) Section 57(2)(g)—

omit.

(2) Section 57(2)(h) to (k)—

renumber as section 57(2)(g) to (j).

11 Insertion of new ss 62D and 62E

After section 62C—

insert—

62D Requirement to disclose particular matters

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

[s 11]

- (a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (b) is convicted of an indictable offence mentioned in section 24(1)(h) or 40C(1)(b).
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—
- (a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or
 - (b) if the person is an appointed member when disqualified or convicted—the Minister; or
 - (c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

- (3) The notice must include the following information—
- (a) if the notice is of the person's disqualification—
 - (i) the existence of the disqualification; and
 - (ii) when the disqualification took effect; and
 - (iii) sufficient details to identify the grounds for the disqualification;
 - (b) if the notice is of the person's conviction—
 - (i) the existence of the conviction; and
 - (ii) when the offence was committed; and
 - (iii) sufficient details to identify the offence; and
 - (iv) the sentence imposed on the person.
- (4) The Minister, chancellor or vice-chancellor must

ensure a notice given to the Minister, chancellor or vice-chancellor under this section is destroyed as soon as practicable after it is no longer needed for the purposes of this Act.

62E Restrictions on disclosing protected information

- (1) This section applies to a person who possesses protected information because the person is or was—
 - (a) the Minister; or
 - (b) a member; or
 - (c) a person involved in the administration of this Act, including, for example, as a public service employee; or
 - (d) a person helping the Minister, the council or a member to perform a function under this Act, including by providing administrative or other support.
- (2) The person must not, directly or indirectly, disclose the protected information to another person unless the disclosure is permitted under subsection (3) or (4).

Maximum penalty—100 penalty units.
- (3) The person may disclose the protected information to another person—
 - (a) to the extent necessary to perform the person's functions under this Act; or
 - (b) if the disclosure is authorised under an Act; or
 - (c) if the disclosure is otherwise required or permitted by law; or

[s 12]

- (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.
- (4) Also, without limiting subsection (3), the Minister, chancellor or vice-chancellor may disclose the protected information to any of the following to the extent necessary for the proper performance of the council's functions—
- (a) the council;
 - (b) a committee of the council;
 - (c) a member;
 - (d) another person.
- (5) In this section—
- function* includes power.
- perform*, a function, includes exercise a power.
- protected information* means—
- (a) a report, or information contained in a report, given under section 62B; or
 - (b) a notice, or information contained in a notice, given under section 62D.

12 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *appropriately qualified* and *indictable offence*—

omit.

[s 17]

Note—

See section 66D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

17 Amendment of s 31 (Deputy chancellor)

(1) Section 31(4)(a), ‘when there is’—

omit, insert—

during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

omit, insert—

during all periods when the chancellor is absent from duty

18 Amendment of s 32 (Vice-chancellor)

Section 32(5)—

insert—

Note—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

19 Amendment of s 32A (Disqualification from office)

Section 32A(1)—

insert—

Note—

See section 66D for the requirement to disclose the disqualification or conviction.

20 Insertion of new ss 66D and 66E

After section 66C—

insert—

66D Requirement to disclose particular matters

- (1) This section applies if a person who is a member—
 - (a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (b) is convicted of an indictable offence mentioned in section 24(1)(h) or 32A(1)(b).
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—
 - (a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or
 - (b) if the person is an appointed member when disqualified or convicted—the Minister; or
 - (c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

- (3) The notice must include the following information—
 - (a) if the notice is of the person's disqualification—
 - (i) the existence of the disqualification; and
 - (ii) when the disqualification took effect; and
 - (iii) sufficient details to identify the grounds for the disqualification;
 - (b) if the notice is of the person's conviction—
 - (i) the existence of the conviction; and
 - (ii) when the offence was committed; and

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- (iii) sufficient details to identify the offence; and
 - (iv) the sentence imposed on the person.
- (4) The Minister, chancellor or vice-chancellor must ensure a notice given to the Minister, chancellor or vice-chancellor under this section is destroyed as soon as practicable after it is no longer needed for the purposes of this Act.

66E Restrictions on disclosing protected information

- (1) This section applies to a person who possesses protected information because the person is or was—
- (a) the Minister; or
 - (b) a member; or
 - (c) a person involved in the administration of this Act, including, for example, as a public service employee; or
 - (d) a person helping the Minister, the council or a member to perform a function under this Act, including by providing administrative or other support.
- (2) The person must not, directly or indirectly, disclose the protected information to another person unless the disclosure is permitted under subsection (3) or (4).
- Maximum penalty—100 penalty units.
- (3) The person may disclose the protected information to another person—
- (a) to the extent necessary to perform the person's functions under this Act; or

- (b) if the disclosure is authorised under an Act;
or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.
- (4) Also, without limiting subsection (3), the Minister, chancellor or vice-chancellor may disclose the protected information to any of the following to the extent necessary for the proper performance of the council's functions—
- (a) the council;
 - (b) a committee of the council;
 - (c) a member;
 - (d) another person.
- (5) In this section—
- function*** includes power.
- perform***, a function, includes exercise a power.
- protected information*** means—
- (a) a report, or information contained in a report, given under section 66B; or
 - (b) a notice, or information contained in a notice, given under section 66D.

[s 21]

21 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *appropriately qualified* and *indictable offence*—
omit.

Part 3 Amendment of James Cook University Act 1997

22 Act amended

This part amends the *James Cook University Act 1997*.

Note—

See also the amendments in schedule 1, part 1.

23 Amendment of s 11 (Delegation)

Section 11(2) and (3)—

omit, insert—

- (2) However, the council may not delegate its power—
 - (a) to make an election policy; or
 - (b) to adopt the university's annual budget.
- (3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university's staff.

24 Replacement of pt 2, div 3, hdg (Council membership)

Part 2, division 3, heading—

omit, insert—

**Division 3 Council membership—no
membership resolution**

25 Insertion of new s 11A

Part 2, division 3, before section 12—

insert—

11A Application of division

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

26 Replacement of s 13 (Official members)

Section 13—

omit, insert—

13 Official members

The official members are—

- (a) the chancellor; and
- (b) the vice-chancellor; and
- (c) if the chairperson is not the vice-chancellor—the chairperson.

27 Amendment of s 15 (Elected members)

- (1) Section 15(2)(b), ‘general staff’—

omit, insert—

professional and technical staff

- (2) Section 15(3)—

omit, insert—

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

[s 28]

28 Amendment of s 16 (Additional member)

Section 16(3)—

omit, insert—

- (3) The additional member must not be a member of the university's staff or a student.

29 Replacement of s 17 (When council is taken to be properly constituted)

Section 17—

omit, insert—

17 When council is taken to be properly constituted

- (1) The council is taken to be properly constituted if the total number of members holding office under this division is—
- (a) if there is an official member under section 13(c)—at least 12; or
- (b) otherwise—at least 11.
- (2) For subsection (1), it does not matter whether the members are official, appointed, elected or additional members.

30 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

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

omit, insert—

at a council election

- (2) Section 20A(2)(a), 'ballot'—

omit, insert—

council election

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

31 Replacement of s 21 (Failure to elect elected members)

Section 21—

omit, insert—

21 Failure to elect elected members

- (1) This section applies if, by the end of the relevant day—
- (a) insufficient persons are elected for a class of elected members mentioned in section 15(2)(a), (b) or (f) (each a *relevant class*) to comply with section 15(2); or
 - (b) a person is not elected for a class of elected members mentioned in section 15(2)(c) to (e) (also each a *relevant class*).
- (2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).
- (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election for the relevant class.

[s 32]

(5) This section applies to the periodic election of members and an election required because of a casual vacancy.

(6) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

32 Insertion of new pt 2, div 3A and pt 2, div 3B, hdg

After section 22—

insert—

Division 3A Council membership—membership resolution

Subdivision 1 Preliminary

22A Definitions for division

In this division—

class, of elected members, see section 22F(1).

current membership resolution means the most recent membership resolution passed by the council.

effective day see section 22J(5).

end day, of a member, means the day the member's term of office ends.

membership class means—

(a) official members; or

- (b) appointed members; or
- (c) elected members who are members of the academic staff of the university; or
- (d) elected members who are members of the professional and technical staff of the university; or
- (e) elected members who are students; or
- (f) additional members.

membership resolution means a resolution under section 22J.

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

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

Subdivision 2 Council membership

22B Application of subdivision

This subdivision applies if the council passes a membership resolution.

22C Membership of council

The council consists of the following members—

- (a) official members;
- (b) appointed members;
- (c) elected members;
- (d) additional members.

22D Official members

The official members are—

- (a) the chancellor; and
- (b) the vice-chancellor; and
- (c) if the chairperson is not the vice-chancellor—the chairperson.

22E Appointed members

The Governor in Council may appoint a person as an appointed member for a term of not more than 4 years.

22F Elected members

- (1) The elected members consist of the following (each a *class* of elected members)—
 - (a) members of the academic staff of the university;
 - (b) members of the professional and technical staff of the university;
 - (c) students.
- (2) Each elected member is to be elected at a council election.
- (3) An elected member holds office for—
 - (a) if the elected member is a student—2 years; or
 - (b) otherwise—4 years.
- (4) An elected member's term of office starts—
 - (a) if the member is re-elected—on the day after the day when the member's previous term of office ends; or

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

22G Additional members

- (1) The council may appoint a person as an additional member for a term of not more than 4 years.
- (2) An additional member must not be a member of the university's staff or a student.
- (3) At least 2 of the additional members must be graduates of the university.
- (4) In this section—

university includes—

 - (a) the University College of Townsville established under the repealed *University of Queensland Act 1965*, section 27; and
 - (b) the James Cook University of North Queensland established under the repealed *James Cook University of North Queensland Act 1970*, section 4.

22H Particular provisions subject to sdiv 4

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

22I When council is taken to be properly constituted

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

[s 32]

division is—

- (a) if the current membership resolution has taken effect for each membership class—more than half of the total number of members stated in the resolution; or

Note—

See section 22M for when a membership resolution takes effect for a membership class.

- (b) otherwise—more than half of the total number of members stated in the previous membership resolution.
- (2) For subsection (1), it does not matter whether the members are official, appointed, elected or additional members.

Subdivision 3 Membership resolutions

22J Council may pass resolution

- (1) The council may pass a resolution under this section stating all of the following—
 - (a) the number of members who are to constitute the council (the ***total number of members***);
 - (b) the numbers of official, appointed, elected and additional members;
 - (c) the number of each class of elected members.
- (2) The total number of members must be at least 11, but not more than 21.
- (3) For subsection (1)(b), the numbers must be—
 - (a) for official members—2 or 3; and

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

Note—

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

22K Current members not affected

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

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

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

22M When membership resolution takes effect for membership class

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

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

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

22N Restriction on passing further membership resolution

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

Subdivision 4 Casual vacancies and related matters

22O Dealing with casual vacancy in office of elected member

- (1) This section applies if a casual vacancy arises, or will arise, in the office of an elected member, whether—
- (a) before a membership resolution takes effect for elected members of the class (the *relevant class*) of which the elected member was, or is, a member; or
 - (b) otherwise.
- (2) If the elected member was elected at a council election, the council must appoint to the office the one person, if any, who—
- (a) was a candidate for the office in the council election; and
 - (b) was not elected; and

[s 32]

- (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) Subsections (4) to (6) apply if—
- (a) the elected member was not elected at a council election; or
 - (b) no-one is eligible for appointment under subsection (2).
- (4) If the casual vacancy arises before a membership resolution takes effect for elected members of the relevant class, the council may appoint to the office a person who—
- (a) is eligible, under this Act, to be a member; and
 - (b) is an eligible person for the relevant class; and
 - (c) otherwise meets any nomination requirements under the election policy for the relevant class.
- (5) If the casual vacancy does not arise before a membership resolution takes effect for elected members of the relevant class, a person is to be elected to the office at a council election.
- (6) Despite subsection (5), if the elected member was a student, the council may appoint to the office a student who—
- (a) is eligible, under this Act, to be a member; and
 - (b) otherwise meets any nomination requirements under the election policy for

the class of elected members mentioned in section 22F(1)(c).

- (7) A person appointed under subsection (2), (4) or (6) is taken, other than for subsection (2) or (3)(a), to have been elected at a council election.

22P Failure to elect elected members

- (1) This section applies if, by the end of the relevant day, insufficient persons are elected for a class of elected members to comply with the current membership resolution.
- (2) The Minister may appoint, as elected members for the class, the number of persons required to comply with the current membership resolution.
- (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken, other than for section 22O(2) or (3)(a), to have been elected at a council election for the class of elected members.
- (5) This section applies to the periodic election of members and an election required because of a casual vacancy.
- (6) In this section—
relevant day, in relation to a class of elected members, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the class.

22Q Casual vacancies

A person appointed or elected to fill a casual

[s 33]

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

Division 3B Matters relating to offices of appointed, elected and additional members

33 Amendment of s 23 (Ineligibility for membership of council)

Section 23(2), '12 years or more'—

omit, insert—

more than 12 years

34 Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b) and (c)—

omit, insert—

(b) for an elected member of a class mentioned in section 15(2)(a) to (f) or 22F(1)(a) to (c)—

(i) if the election policy in effect when the member was elected included nomination requirements for the class—the member ceases to meet the nomination requirements under the policy; or

(ii) otherwise—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(d) ceases to be a postgraduate student.

-
- (ba) for an additional member—the member becomes a member of the university’s staff or a student; or
- (c) the member is absent, without the council’s leave, from 3 consecutive meetings of the council of which proper notice has been given to the member; or
- (2) Section 24(1)(e)(ii) and (3), ‘vice-chancellor’—
omit, insert—
chancellor
- (3) Section 24(1)(h), ‘paragraph (g)’—
omit, insert—
paragraph (h)
- (4) Section 24(1)(ba) to (h)—
renumber as section 24(1)(c) to (i).
- (5) Section 24(1)—
insert—
Note—
See section 62D for the requirement to disclose a matter mentioned in paragraph (h) or (i).
- (6) Section 24(2), ‘Subsection (1)(h)’—
omit, insert—
Subsection (1)(i)
- (7) Section 24(4)—
omit.

35 Insertion of new pt 2, div 3C

After section 26—
insert—

Division 3C Council elections

26AA Election policy

- (1) The council must—
 - (a) make a policy (an *election policy*) about the conduct of elections required under sections 15, 20A, 22F and 22O; and
 - (b) publish the election policy on the university's website.
- (2) The election policy must include—
 - (a) provisions to ensure the integrity and security of the voting system; and
 - (b) without limiting paragraph (a), provisions to ensure—
 - (i) only persons who are eligible to vote may vote; and
 - (ii) a person can not vote more than once in an election; and
 - (iii) voting is done by secret ballot; and
 - (iv) a person is not improperly influenced in voting; and
 - (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and
 - (d) provisions about—
 - (i) notifying the period during which an election is to be held; and
 - (ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and

-
- (iii) publishing the results of an election, including the day by which the results must be published; and
 - (iv) making and resolving complaints.
- (3) Also, the election policy may include provisions stating requirements for—
- (a) eligibility to be nominated as a candidate for a particular class of elected members; and
 - (b) eligibility to vote, including eligibility to vote for a particular class of elected members.
- (4) The election policy takes effect on the day it is published on the university’s website or any later day stated in the policy.

26AB Conduct of election

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

26AC Eligibility to vote

A person is eligible to vote in an election for a class of elected members mentioned in section 15(2)(a) to (f) or 22F(1)(a) to (c) only if the person—

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

36 Amendment of s 26B (Council may remove member from office)

Section 26B(1), ‘15 members’—

[s 37]

omit, insert—

two-thirds of its members

37 Amendment of s 26C (Minister may extend terms of office)

(1) Section 26C(4)(b)—

omit, insert—

(b) applies despite sections 18, 19(1) and (2), 20, 22E, 22F(3) and 22G(1).

(2) Section 26C—

insert—

(5) However, this section does not apply if a membership resolution has been passed, but has not taken effect for each membership class.

38 Amendment of s 30 (Chancellor)

Section 30(4), ‘academic staff or general staff’—

omit, insert—

staff

39 Amendment of s 31 (Deputy chancellor)

Section 31(4)—

omit, insert—

(4) The deputy chancellor is to act as chancellor—

(a) during a vacancy in the office of chancellor;
and

(b) during all periods when the chancellor is absent from duty or, for another reason, can not perform the functions of the office.

40 Amendment of s 32 (Vice-chancellor)

Section 32(5)—

insert—

Note—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

41 Amendment of s 33 (Establishment of convocation)

Section 33(2), ‘by university statute’—

omit.

42 Omission of pt 4, div 3 (Colleges)

Part 4, division 3—

omit.

43 Amendment of s 40 (Establishment of academic board)

Section 40(2) and (3)—

omit, insert—

(2) The council is to decide—

- (a) the membership of the academic board; and
- (b) the functions of the academic board in relation to academic matters, including teaching and learning, academic policies and research.

44 Amendment of s 40B (Excluded matters for Corporations legislation)

(1) Section 40B(1)(b)—

omit.

[s 45]

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

45 Amendment of s 40C (Disqualification from office)

Section 40C(1)—

insert—

Note—

See section 62D for the requirement to disclose the disqualification or conviction.

46 Amendment of s 40D (Council may remove chancellor, vice-chancellor or chairperson from office)

Section 40D(1), ‘15 members’—

omit, insert—

two-thirds of its members

47 Omission of pt 6 (University statutes)

Part 6—

omit.

48 Amendment of s 62B (Report about person’s criminal history)

Section 62B(1), after ‘section 14(2)’—

insert—

or 22E

49 Insertion of new ss 62D and 62E

After section 62C—

insert—

62D Requirement to disclose particular matters

- (1) This section applies if a person who is a member—
 - (a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (b) is convicted of an indictable offence mentioned in section 24(1)(i) or 40C(1)(b).
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—
 - (a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or
 - (b) if the person is an appointed member when disqualified or convicted—the Minister; or
 - (c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

- (3) The notice must include the following information—
 - (a) if the notice is of the person's disqualification—
 - (i) the existence of the disqualification; and
 - (ii) when the disqualification took effect; and
 - (iii) sufficient details to identify the grounds for the disqualification;
 - (b) if the notice is of the person's conviction—
 - (i) the existence of the conviction; and
 - (ii) when the offence was committed; and

[s 49]

- (iii) sufficient details to identify the offence; and
 - (iv) the sentence imposed on the person.
- (4) The Minister, chancellor or vice-chancellor must ensure a notice given to the Minister, chancellor or vice-chancellor under this section is destroyed as soon as practicable after it is no longer needed for the purposes of this Act.

62E Restrictions on disclosing protected information

- (1) This section applies to a person who possesses protected information because the person is or was—
- (a) the Minister; or
 - (b) a member; or
 - (c) a person involved in the administration of this Act, including, for example, as a public service employee; or
 - (d) a person helping the Minister, the council or a member to perform a function under this Act, including by providing administrative or other support.
- (2) The person must not, directly or indirectly, disclose the protected information to another person unless the disclosure is permitted under subsection (3) or (4).
- Maximum penalty—100 penalty units.
- (3) The person may disclose the protected information to another person—
- (a) to the extent necessary to perform the person's functions under this Act; or

-
- (b) if the disclosure is authorised under an Act;
or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.
- (4) Also, without limiting subsection (3), the Minister, chancellor or vice-chancellor may disclose the protected information to any of the following to the extent necessary for the proper performance of the council's functions—
- (a) the council;
 - (b) a committee of the council;
 - (c) a member;
 - (d) another person.
- (5) In this section—
- function* includes power.
- perform*, a function, includes exercise a power.
- protected information* means—
- (a) a report, or information contained in a report, given under section 62B; or
 - (b) a notice, or information contained in a notice, given under section 62D.

50 Insertion of new pt 8, div 3

Part 8—

insert—

Division 3 Transitional provisions for University Legislation Amendment Act 2017

79 Definitions for division

In this division—

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

transition period means the period—

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

80 Particular references to council election

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

- (a) section 20A(2) and (3)(a);
- (b) section 22O(2) and (3)(a);
- (c) schedule 2, definition *elected member*.

81 Majority required for first membership resolution

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

members provided for under sections 13 to 16 as in force immediately before the resolution is voted on.

82 Council must give Minister notice of first membership resolution

- (1) The council must, after passing the first membership resolution, give the Minister a notice stating—
 - (a) the number stated in the resolution for appointed members; and
 - (b) the date the resolution was passed.
- (2) The notice must be given at least 6 months before the earliest end day of the appointed members who hold office when the membership resolution is passed.

83 Membership and constitution of council during transition period

- (1) A person who was an elected member mentioned in section 15(2)(f) when the council passed its first membership resolution continues to hold office as an elected member until—
 - (a) the term for which the person held office under section 19(1) ends; or
 - (b) the person's office sooner becomes vacant under section 24.
- (2) Despite sections 22C(c) and 22F(1), during the transition period the council also consists of any person—
 - (a) whose office as an elected member is continued under subsection (1); or

[s 50]

- (b) who is appointed under section 85 to the office of an elected member mentioned in section 15(2)(f).
- (3) Despite section 22I(1)(b), the council is taken to be properly constituted during the transition period if it has the number of members provided for under section 17 as in force immediately before the start of the transition period.

84 Convocation elected members to be disregarded for s 22J(6)(a)

During the transition period, the following persons must be disregarded in calculating the number of elected members for section 22J(6)(a)—

- (a) a person whose office as an elected member is continued under section 83(1);
- (b) a person who is appointed under section 85 to the office of an elected member mentioned in section 15(2)(f).

85 Dealing with casual vacancy in office of convocation elected member at start of, or during, transition period

- (1) This section applies if a casual vacancy in the office of an elected member mentioned in section 15(2)(f)—
 - (a) exists at the start of the transition period; or
 - (b) arises during the transition period.
- (2) If the elected member was elected by a ballot under previous section 15(3) or at a council election, the council may appoint to the office the one person, if any, who—

- (a) was a candidate for the office in the ballot or election; 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 under previous section 15(3) or at a council election; or
 - (b) no-one is eligible for appointment under subsection (2).
- (4) The council may appoint to the office a member of the convocation who—
- (a) is eligible under this Act to be a member; and
 - (b) otherwise meets any nomination requirements under the election policy for the class of elected members mentioned in section 15(2)(f).
- (5) A person appointed under this section—
- (a) is appointed for the balance of the term of office of the person's predecessor; and
 - (b) is taken, other than for subsection (2) or (3)(a), to have been elected at a council election.

86 Repeal of university statutes

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

[s 51]

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

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

51 Amendment of sch 2 (Dictionary)

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

omit.

- (2) Schedule 2—

insert—

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

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

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

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

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

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

elected member means a member elected at a council election.

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

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

- (a) for the class mentioned in section 15(2)(a) or 22F(1)(a)—a member of the academic staff of the university; or
- (b) for the class mentioned in section 15(2)(b) or 22F(1)(b)—a member of the professional and technical staff of the university; or
- (c) for the class mentioned in section 15(2)(c), (d) or (e) or 22F(1)(c)—a student; or
- (d) for the class mentioned in section 15(2)(f)—a member of the convocation.

end day, of a member, see section 22A.

membership class see section 22A.

membership resolution see section 22A.

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

official member means an official member under section 13 or 22D.

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

professional and technical staff, of the university, means the staff of the university other than its academic staff.

requirement, of a regulatory notice, includes a direction on the notice.

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

Note—

See section 61D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

56 Amendment of s 31 (Deputy chancellor)

(1) Section 31(4)(a), ‘when there is’—

omit, insert—

during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

omit, insert—

during all periods when the chancellor is absent from duty

57 Amendment of s 32 (Vice-chancellor)

Section 32(5)—

insert—

Note—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

58 Amendment of s 39B (Disqualification from office)

Section 39B(1)—

insert—

Note—

See section 61D for the requirement to disclose the disqualification or conviction.

59 Amendment of s 56 (Making of university statutes)

(1) Section 56(2)(h)—

[s 60]

omit.

- (2) Section 56(2)(i) to (l)—
renumber as section 56(2)(h) to (k).

60 Insertion of new ss 61D and 61E

After section 61C—

insert—

61D Requirement to disclose particular matters

- (1) This section applies if a person who is a member—
- (a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (b) is convicted of an indictable offence mentioned in section 24(1)(h) or 39B(1)(b).
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—
- (a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or
 - (b) if the person is an appointed member when disqualified or convicted—the Minister; or
 - (c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

- (3) The notice must include the following information—
- (a) if the notice is of the person's disqualification—
 - (i) the existence of the disqualification; and

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

61E Restrictions on disclosing protected information

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

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person unless the disclosure is permitted under subsection (3) or (4).

Maximum penalty—100 penalty units.

- (3) The person may disclose the protected information to another person—
- (a) to the extent necessary to perform the person's functions under this Act; or
 - (b) if the disclosure is authorised under an Act; or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.
- (4) Also, without limiting subsection (3), the Minister, chancellor or vice-chancellor may disclose the protected information to any of the following to the extent necessary for the proper performance of the council's functions—
- (a) the council;
 - (b) a committee of the council;
 - (c) a member;
 - (d) another person.
- (5) In this section—

function includes power.

perform, a function, includes exercise a power.

protected information means—

- (a) a report, or information contained in a report, given under section 61B; or
- (b) a notice, or information contained in a notice, given under section 61D.

61 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *appropriately qualified* and *indictable offence*—

omit.

Part 5 Amendment of University of Queensland Act 1998

62 Act amended

This part amends the *University of Queensland Act 1998*.

Note—

See also the amendments in chapter 3, part 4 and schedule 1, part 2.

63 Amendment of s 11 (Delegation)

- (1) Section 11(2)(c)—

omit.

- (2) Section 11(3)—

omit, insert—

- (3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university's staff.

[s 64]

64 Amendment of s 23 (Ineligibility for membership of senate)

Section 23(2), ‘12 years or more’—

omit, insert—

more than 12 years

65 Amendment of s 24 (Vacation of office)

Section 24(1)—

insert—

Note—

See section 56D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

66 Amendment of s 31 (Deputy chancellor)

(1) Section 31(4)(a), ‘when there is’—

omit, insert—

during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

omit, insert—

during all periods when the chancellor is absent from duty

67 Amendment of s 32 (Vice-chancellor)

Section 32(5)—

insert—

Note—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the senate.

68 Amendment of s 35A (President of academic board)

Section 35A(3), ‘1 year’—

omit, insert—

3 years

69 Amendment of s 35C (Disqualification from office)

Section 35C(1)—

insert—

Note—

See section 56D for the requirement to disclose the disqualification or conviction.

70 Amendment of s 52 (Making of university statutes)

(1) Section 52(2)(g)—

omit.

(2) Section 52(2)(h) to (l)—

renumber as section 52(2)(g) to (k).

71 Insertion of new ss 56D and 56E

After section 56C—

insert—

56D Requirement to disclose particular matters

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

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

(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 35C(1)(b).

(2) The person must, unless the person has a

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reasonable excuse, immediately give notice of the disqualification or conviction to—

- (a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or
- (b) if the person is an appointed member when disqualified or convicted—the Minister; or
- (c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

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

56E Restrictions on disclosing protected information

- (1) This section applies to a person who possesses protected information because the person is or was—
 - (a) the Minister; or
 - (b) a member; or
 - (c) a person involved in the administration of this Act, including, for example, as a public service employee; or
 - (d) a person helping the Minister, the senate or a member to perform a function under this Act, including by providing administrative or other support.
- (2) The person must not, directly or indirectly, disclose the protected information to another person unless the disclosure is permitted under subsection (3) or (4).

Maximum penalty—100 penalty units.

- (3) The person may disclose the protected information to another person—
 - (a) to the extent necessary to perform the person's functions under this Act; or
 - (b) if the disclosure is authorised under an Act; or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or

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- (f) if the information is, or has been, lawfully accessible to the public.
- (4) Also, without limiting subsection (3), the Minister, chancellor or vice-chancellor may disclose the protected information to any of the following to the extent necessary for the proper performance of the senate's functions—
 - (a) the senate;
 - (b) a committee of the senate;
 - (c) a member;
 - (d) another person.
- (5) In this section—
 - function* includes power.
 - perform*, a function, includes exercise a power.
 - protected information* means—
 - (a) a report, or information contained in a report, given under section 56B; or
 - (b) a notice, or information contained in a notice, given under section 56D.

72 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *appropriately qualified* and *indictable offence*—
omit.

Part 6 **Amendment of University of Southern Queensland Act 1998**

73 Act amended

This part amends the *University of Southern Queensland Act 1998*.

Note—

See also the amendments in chapter 3, part 5 and schedule 1, part 2.

74 Amendment of s 11 (Delegation)

(1) Section 11(2)(c)—

omit.

(2) Section 11(3)—

omit, insert—

(3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university's staff.

75 Amendment of s 23 (Ineligibility for membership of council)

Section 23(2), '12 years or more'—

omit, insert—

more than 12 years

76 Amendment of s 24 (Vacation of office)

Section 24(1)—

insert—

[s 77]

Note—

See section 61D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

77 Amendment of s 31 (Deputy chancellor)

(1) Section 31(4)(a), ‘when there is’—

omit, insert—

during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

omit, insert—

during all periods when the chancellor is absent from duty

78 Amendment of s 32 (Vice-chancellor)

Section 32(5)—

insert—

Note—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

79 Amendment of s 39C (Disqualification from office)

Section 39C(1)—

insert—

Note—

See section 61D for the requirement to disclose the disqualification or conviction.

80 Amendment of s 56 (Making of university statutes)

(1) Section 56(2)(g)—

omit.

- (2) Section 56(2)(h) to (k)—
renumber as section 56(2)(g) to (j).

81 Insertion of new ss 61D and 61E

After section 61C—

insert—

61D Requirement to disclose particular matters

- (1) This section applies if a person who is a member—
- (a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (b) is convicted of an indictable offence mentioned in section 24(1)(h) or 39C(1)(b).
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—
- (a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or
 - (b) if the person is an appointed member when disqualified or convicted—the Minister; or
 - (c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

- (3) The notice must include the following information—
- (a) if the notice is of the person's disqualification—
 - (i) the existence of the disqualification; and

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

61E Restrictions on disclosing protected information

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

person unless the disclosure is permitted under subsection (3) or (4).

Maximum penalty—100 penalty units.

- (3) The person may disclose the protected information to another person—
- (a) to the extent necessary to perform the person's functions under this Act; or
 - (b) if the disclosure is authorised under an Act; or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.
- (4) Also, without limiting subsection (3), the Minister, chancellor or vice-chancellor may disclose the protected information to any of the following to the extent necessary for the proper performance of the council's functions—
- (a) the council;
 - (b) a committee of the council;
 - (c) a member;
 - (d) another person.
- (5) In this section—

function includes power.

perform, a function, includes exercise a power.

protected information means—

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- (a) a report, or information contained in a report, given under section 61B; or
- (b) a notice, or information contained in a notice, given under section 61D.

82 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *appropriately qualified* and *indictable offence*—

omit.

Part 7 Amendment of University of the Sunshine Coast Act 1998

83 Act amended

This part amends the *University of the Sunshine Coast Act 1998*.

Note—

See also the amendments in chapter 3, part 6 and schedule 1, part 2.

84 Amendment of s 11 (Delegation)

- (1) Section 11(2)(c)—

omit.

- (2) Section 11(3)—

omit, insert—

- (3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university's staff.

85 Amendment of s 23 (Ineligibility for membership of council)

Section 23(2), ‘12 years or more’—
omit, insert—
more than 12 years

86 Amendment of s 24 (Vacation of office)

Section 24(1)—
insert—

Note—

See section 64D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

87 Amendment of s 31 (Deputy chancellor)

(1) Section 31(4)(a), ‘when there is’—
omit, insert—

during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

omit, insert—

during all periods when the chancellor is absent from duty

88 Amendment of s 32 (Vice-chancellor)

Section 32(5)—
insert—

Note—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

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89 Amendment of s 40C (Disqualification from office)

Section 40C(1)—

insert—

Note—

See section 64D for the requirement to disclose the disqualification or conviction.

90 Amendment of s 58 (Making of university statutes)

(1) Section 58(2)(g)—

omit.

(2) Section 58(2)(h) to (k)—

renumber as section 58(2)(g) to (j).

91 Insertion of new ss 64D and 64E

After section 64C—

insert—

64D Requirement to disclose particular matters

- (1) This section applies if a person who is a member—
 - (a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (b) is convicted of an indictable offence mentioned in section 24(1)(h) or 40C(1)(b).
- (2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—
 - (a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or

- (b) if the person is an appointed member when disqualified or convicted—the Minister; or
 - (c) otherwise—the chancellor.
- Maximum penalty—100 penalty units.
- (3) The notice must include the following information—
- (a) if the notice is of the person’s disqualification—
 - (i) the existence of the disqualification; and
 - (ii) when the disqualification took effect; and
 - (iii) sufficient details to identify the grounds for the disqualification;
 - (b) if the notice is of the person’s conviction—
 - (i) the existence of the conviction; and
 - (ii) when the offence was committed; and
 - (iii) sufficient details to identify the offence; and
 - (iv) the sentence imposed on the person.
- (4) The Minister, chancellor or vice-chancellor must ensure a notice given to the Minister, chancellor or vice-chancellor under this section is destroyed as soon as practicable after it is no longer needed for the purposes of this Act.

64E Restrictions on disclosing protected information

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

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- (a) the Minister; or
 - (b) a member; or
 - (c) a person involved in the administration of this Act, including, for example, as a public service employee; or
 - (d) a person helping the Minister, the council or a member to perform a function under this Act, including by providing administrative or other support.
- (2) The person must not, directly or indirectly, disclose the protected information to another person unless the disclosure is permitted under subsection (3) or (4).

Maximum penalty—100 penalty units.

- (3) The person may disclose the protected information to another person—
- (a) to the extent necessary to perform the person's functions under this Act; or
 - (b) if the disclosure is authorised under an Act; or
 - (c) if the disclosure is otherwise required or permitted by law; or
 - (d) if the person to whom the information relates consents to the disclosure; or
 - (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
 - (f) if the information is, or has been, lawfully accessible to the public.
- (4) Also, without limiting subsection (3), the Minister, chancellor or vice-chancellor may disclose the protected information to any of the following to the extent necessary for the proper

performance of the council's functions—

- (a) the council;
- (b) a committee of the council;
- (c) a member;
- (d) another person.

(5) In this section—

function includes power.

perform, a function, includes exercise a power.

protected information means—

- (a) a report, or information contained in a report, given under section 64B; or
- (b) a notice, or information contained in a notice, given under section 64D.

92 Amendment of sch 2 (Dictionary)

Schedule 2, definitions *appropriately qualified* and *indictable offence*—

omit.

Chapter 3 Amendments commencing by proclamation

Part 1 Amendment of Central Queensland University Act 1998

93 Act amended

This part amends the *Central Queensland University Act 1998*.

Note—

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

94 Amendment of s 11 (Delegation)

Section 11(2)(a)—

omit, insert—

- (a) to make an election policy; or

95 Amendment of s 15 (Elected members)

Section 15(3)—

omit, insert—

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

96 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

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

omit, insert—

at a council election

- (2) Section 20A(2)(a), ‘ballot’—

omit, insert—

council election

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

omit, insert—

at a council election

- (4) Section 20A(6)—

omit, insert—

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

97 Replacement of s 21 (Failure to elect elected member)

Section 21—

omit, insert—

21 Failure to elect elected member

- (1) This section applies if, by the end of the relevant day, a person is not elected for a class of elected members mentioned in section 15(2)(a) to (c) (each a *relevant class*).
- (2) The Minister may appoint a person as the elected member for the relevant class.
- (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election for the relevant class.

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(5) This section applies to the periodic election of members and an election required because of a casual vacancy.

(6) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

98 Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b)—

omit, insert—

(b) for an elected member of a class mentioned in section 15(2)(a) to (c)—

(i) if the election policy in effect when the member was elected included nomination requirements for the class—the member ceases to meet the nomination requirements under the policy; or

(ii) otherwise—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(c) ceases to be a student.

(ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

(2) Section 24(1)(h), ‘paragraph (g)’—

omit, insert—

paragraph (h)

-
- (3) Section 24(1)(ba) to (h)—
renumber as section 24(1)(c) to (i).
- (4) Section 24(1), note, ‘paragraph (g) or (h)’—
omit, insert—
paragraph (h) or (i)
- (5) Section 24(2), ‘Subsection (1)(h)’—
omit, insert—
Subsection (1)(i)
- (6) Section 24(4), definition *eligible person*—
omit, insert—
nomination requirements means requirements
for eligibility to be nominated as a candidate in a
council election.

99 Insertion of new pt 2, div 3A

Part 2—

insert—

Division 3A Council elections

26AA Election policy

- (1) The council must—
- (a) make a policy (an *election policy*) about the conduct of elections required under sections 15 and 20A; and
 - (b) publish the election policy on the university’s website.
- (2) The election policy must include—
- (a) provisions to ensure the integrity and security of the voting system; and

- (b) without limiting paragraph (a), provisions to ensure—
 - (i) only persons who are eligible to vote may vote; and
 - (ii) a person can not vote more than once in an election; and
 - (iii) voting is done by secret ballot; and
 - (iv) a person is not improperly influenced in voting; and
- (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and
- (d) provisions about—
 - (i) notifying the period during which an election is to be held; and
 - (ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and
 - (iii) publishing the results of an election, including the day by which the results must be published; and
 - (iv) making and resolving complaints.
- (3) Also, the election policy may include provisions stating requirements for—
 - (a) eligibility to be nominated as a candidate for a particular class of elected members; and
 - (b) eligibility to vote, including eligibility to vote for a particular class of elected members.
- (4) The election policy takes effect on the day it is published on the university's website or any later

day stated in the policy.

26AB Conduct of election

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

26AC Eligibility to vote

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

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

100 Omission of pt 4, div 2 (Colleges)

Part 4, division 2—

omit.

101 Amendment of s 40B (Excluded matters for Corporations legislation)

Section 40B(1)—

omit, insert—

- (1) The academic board is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

102 Omission of pt 6 (University statutes)

Part 6—

omit.

103 Insertion of new pt 8, div 3

Part 8—

insert—

Division 3 Transitional provisions for University Legislation Amendment Act 2017

90 Definition for division

In this division—

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

91 Particular references to council election

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

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

92 Repeal of university statutes

- (1) This section applies to a university statute made under previous section 57 that was in force immediately before the commencement.
- (2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

104 Amendment of sch 2 (Dictionary)

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

omit.

(2) Schedule 2—

insert—

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

elected member means a member elected at a council election.

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

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

- (a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or
- (b) for the class mentioned in section 15(2)(b)—a member of the general staff of the university; or
- (c) for the class mentioned in section 15(2)(c)—a student.

requirement, of a regulatory notice, includes a direction on the notice.

Part 2 Amendment of Griffith University Act 1998

105 Act amended

This part amends the *Griffith University Act 1998*.

Note—

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

[s 106]

106 Amendment of s 11 (Delegation)

Section 11(2)(a)—

omit, insert—

- (a) to make an election policy; or

107 Amendment of s 15 (Elected members)

Section 15(3)—

omit, insert—

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

108 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

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

omit, insert—

at a council election

- (2) Section 20A(2)(a), ‘ballot’—

omit, insert—

council election

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

omit, insert—

at a council election

- (4) Section 20A(4) and (5)—

omit, insert—

- (4) The council must appoint to the office a person who—

- (a) is eligible, under this Act, to be a member;
and

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

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

Section 21—

omit, insert—

21 Failure to elect elected members

- (1) This section applies if, by the end of the relevant day—
 - (a) insufficient persons are elected for a class of elected members mentioned in section 15(2)(a) (a **relevant class**) to comply with section 15(2); or
 - (b) a person is not elected for a class of elected members mentioned in section 15(2)(b) to (d) (also each a **relevant class**).
- (2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).
- (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election for the relevant class.

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(5) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

110 Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b)—

omit, insert—

(b) for an elected member of a class mentioned in section 15(2)(a) to (d)—

(i) if the election policy in effect when the member was elected included nomination requirements for the class—the member ceases to meet the nomination requirements under the policy; or

(ii) otherwise—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(d) ceases to be a postgraduate student.

(ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

(2) Section 24(1)(h), ‘paragraph (g)’—

omit, insert—

paragraph (h)

(3) Section 24(1)(ba) to (h)—

renumber as section 24(1)(c) to (i).

- (4) Section 24(1), note, ‘paragraph (g) or (h)’—

omit, insert—

paragraph (h) or (i)

- (5) Section 24(2), ‘Subsection (1)(h)’—

omit, insert—

Subsection (1)(i)

- (6) Section 24(4)—

omit.

111 Insertion of new pt 2, div 3A

Part 2—

insert—

Division 3A Council elections

26AA Election policy

- (1) The council must—
- (a) make a policy (an *election policy*) about the conduct of elections required under section 15; and
 - (b) publish the election policy on the university’s website.
- (2) The election policy must include—
- (a) provisions to ensure the integrity and security of the voting system; and
 - (b) without limiting paragraph (a), provisions to ensure—
 - (i) only persons who are eligible to vote may vote; and

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- (ii) a person can not vote more than once in an election; and
 - (iii) voting is done by secret ballot; and
 - (iv) a person is not improperly influenced in voting; and
- (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and
- (d) provisions about—
 - (i) notifying the period during which an election is to be held; and
 - (ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and
 - (iii) publishing the results of an election, including the day by which the results must be published; and
 - (iv) making and resolving complaints.
- (3) Also, the election policy may include provisions stating requirements for—
 - (a) eligibility to be nominated as a candidate for a particular class of elected members; and
 - (b) eligibility to vote, including eligibility to vote for a particular class of elected members.
- (4) The election policy takes effect on the day it is published on the university's website or any later day stated in the policy.

26ABConduct of election

An election required under section 15 must be

held under the election policy.

26ACEligibility to vote

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

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

112 Amendment of s 33 (Establishment of convocation)

Section 33(2), ‘by university statute’—

omit.

113 Omission of pt 6 (University statutes)

Part 6—

omit.

114 Insertion of new pt 8, div 3

Part 8—

insert—

Division 3 Transitional provisions for University Legislation Amendment Act 2017

92 Definition for division

In this division—

previous, for a provision of this Act, means the

provision as in force from time to time before the commencement.

93 Particular references to council election

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

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

94 Repeal of university statutes

- (1) This section applies to a university statute made under previous section 61 that was in force immediately before the commencement.
- (2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

115 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *elected member*, *requirement*, *university rule* and *university statute*—
omit.
- (2) Schedule 2—
insert—

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

elected member means a member elected at a council election.

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

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

- (a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or
- (b) for the class mentioned in section 15(2)(b)—a member of the general staff of the university; or
- (c) for the class mentioned in section 15(2)(c)—an undergraduate student; or
- (d) for the class mentioned in section 15(2)(d)—a postgraduate student.

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

requirement, of a regulatory notice, includes a direction on the notice.

Part 3 **Amendment of Queensland University of Technology Act 1998**

116 **Act amended**

This part amends the *Queensland University of Technology Act 1998*.

Note—

See also the amendments in chapter 2, part 4 and schedule 1, part 2.

117 **Amendment of s 11 (Delegation)**

Section 11(2)(a)—

omit, insert—

- (a) to make an election policy; or

[s 118]

118 Amendment of s 15 (Elected members)

Section 15(3)—

omit, insert—

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

119 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

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

omit, insert—

at a council election

- (2) Section 20A(2)(a), ‘ballot’—

omit, insert—

council election

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

omit, insert—

at a council election

- (4) Section 20A(6)—

omit, insert—

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

120 Replacement of s 21 (Failure to elect elected members)

Section 21—

omit, insert—

21 Failure to elect elected members

- (1) This section applies if, by the end of the relevant day, insufficient persons are elected for a class of

-
- elected members mentioned in section 15(2)(a) to (d) (each a *relevant class*) to comply with section 15(2).
- (2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).
 - (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
 - (4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election for the relevant class.
 - (5) This section applies to the periodic election of members and an election required because of a casual vacancy.
 - (6) In this section—
relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

121 Amendment of s 24 (Vacation of office)

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

[s 122]

nomination requirements under the policy; or

- (ii) otherwise—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(c) ceases to be a student.

- (ba) for an additional member—the member becomes a student or a member of the academic staff or professional staff of the university; or

- (2) Section 24(1)(h), ‘paragraph (g)’—

omit, insert—

paragraph (h)

- (3) Section 24(1)(ba) to (h)—

renumber as section 24(1)(c) to (i).

- (4) Section 24(1), note, ‘paragraph (g) or (h)’—

omit, insert—

paragraph (h) or (i)

- (5) Section 24(2), ‘Subsection (1)(h)’—

omit, insert—

Subsection (1)(i)

- (6) Section 24(4), definition *eligible person*—

omit, insert—

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

122 Insertion of new pt 2, div 3A

Part 2—

insert—

Division 3A Council elections

26AA Election policy

- (1) The council must—
 - (a) make a policy (an *election policy*) about the conduct of elections required under sections 15 and 20A; and
 - (b) publish the election policy on the university's website.
- (2) The election policy must include—
 - (a) provisions to ensure the integrity and security of the voting system; and
 - (b) without limiting paragraph (a), provisions to ensure—
 - (i) only persons who are eligible to vote may vote; and
 - (ii) a person can not vote more than once in an election; and
 - (iii) voting is done by secret ballot; and
 - (iv) a person is not improperly influenced in voting; and
 - (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and
 - (d) provisions about—
 - (i) notifying the period during which an election is to be held; and
 - (ii) nominating candidates, including calling for and making nominations,

[s 123]

- and fixing the day by which nominations must be made; and
 - (iii) publishing the results of an election, including the day by which the results must be published; and
 - (iv) making and resolving complaints.
- (3) Also, the election policy may include provisions stating requirements for—
- (a) eligibility to be nominated as a candidate for a particular class of elected members; and
 - (b) eligibility to vote, including eligibility to vote for a particular class of elected members.
- (4) The election policy takes effect on the day it is published on the university's website or any later day stated in the policy.

26AB Conduct of election

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

26ACEligibility to vote

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

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

123 Amendment of s 33 (Establishment of QUT Alumni)

Section 33(2), 'by university statute'—

omit.

124 Omission of pt 4, div 3 (Colleges)

Part 4, division 3—

omit.

125 Amendment of s 39A (Excluded matters for Corporations legislation)

Section 39A(1)—

omit, insert—

- (1) QUT Alumni 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.

126 Omission of pt 6 (University statutes)

Part 6—

omit.

127 Insertion of new pt 9

After part 8—

insert—

**Part 9 Transitional provisions
for University
Legislation
Amendment Act 2017**

71 Definition for part

In this part—

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

72 Particular references to council election

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

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

73 Repeal of university statutes

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

128 Amendment of sch 2 (Dictionary)

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

omit.

- (2) Schedule 2—

insert—

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

elected member means a member elected at a council election.

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

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

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

132 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

- (1) Section 20A(2), ‘by a ballot under section 15(3)’—
omit, insert—
at a senate election
- (2) Section 20A(2)(a), ‘ballot’—
omit, insert—
senate election
- (3) Section 20A(3)(a), ‘by a ballot’—
omit, insert—
at a senate election
- (4) Section 20A(4) and (5)—
omit, insert—
- (4) The senate must appoint to the office a person who—
- (a) is eligible, under this Act, to be a member; and
- (b) is an eligible person for the class of elected members of which the elected member was a member; and
- (c) otherwise meets any nomination requirements under the election policy for that class of elected members.
- (5) A person appointed under subsection (2) or (4) is taken, other than for subsection (2) or (3)(a), to have been elected at a senate election.

133 Replacement of s 21 (Failure to elect elected members)

Section 21—

omit, insert—

21 Failure to elect elected members

- (1) This section applies if, by the end of the relevant day—
 - (a) a person is not elected for a class of elected members mentioned in section 15(2)(a) to (e) (each a *relevant class*); or
 - (b) insufficient persons are elected for a class of elected members mentioned in section 15(2)(f) (also a *relevant class*) to comply with section 15(2).
- (2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).
- (3) The senate may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a senate election for the relevant class.
- (5) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a senate election for an elected member of the relevant class.

134 Amendment of s 24 (Vacation of office)

- (1) Section 24(1)(b)—

omit, insert—

[s 134]

- (b) for an elected member of a class mentioned in section 15(2)(a) to (f)—
 - (i) if the election policy in effect when the member was elected included nomination requirements for the class—the member ceases to meet the nomination requirements under the policy; or
 - (ii) otherwise—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(e) ceases to be a postgraduate student.

- (ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

- (2) Section 24(1)(h), ‘paragraph (g)’—

omit, insert—

paragraph (h)

- (3) Section 24(1)(ba) to (h)—

renumber as section 24(1)(c) to (i).

- (4) Section 24(1), note, ‘paragraph (g) or (h)’—

omit, insert—

paragraph (h) or (i)

- (5) Section 24(2), ‘Subsection (1)(h)’—

omit, insert—

Subsection (1)(i)

- (6) Section 24(4)—

omit.

135 Insertion of new pt 2, div 3A

Part 2—

insert—

Division 3A Senate elections

26AA Election policy

- (1) The senate must—
 - (a) make a policy (an *election policy*) about the conduct of elections required under section 15; and
 - (b) publish the election policy on the university's website.
- (2) The election policy must include—
 - (a) provisions to ensure the integrity and security of the voting system; and
 - (b) without limiting paragraph (a), provisions to ensure—
 - (i) only persons who are eligible to vote may vote; and
 - (ii) a person can not vote more than once in an election; and
 - (iii) voting is done by secret ballot; and
 - (iv) a person is not improperly influenced in voting; and
 - (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and
 - (d) provisions about—
 - (i) notifying the period during which an election is to be held; and

[s 135]

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

26ABCConduct of election

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

26ACEEligibility to vote

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

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

136 Omission of pt 4, div 1 (Colleges)

Part 4, division 1—

omit.

137 Replacement of s 35B (Excluded matters for Corporations legislation)

Section 35B—

omit, insert—

35B Excluded matters for Corporations legislation

The academic board is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

138 Omission of pt 6 (University statutes)

Part 6—

omit.

139 Insertion of new pt 8, div 4

Part 8—

insert—

**Division 4 Transitional provisions for
University Legislation
Amendment Act 2017**

73 Definition for division

In this division—

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

74 Particular references to senate election

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

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

75 Repeal of university statutes

- (1) This section applies to a university statute made under previous section 52 that was in force immediately before the commencement.
- (2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

140 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *college*, *elected member*, *requirement*, *university rule* and *university statute*—
omit.
- (2) Schedule 2—
insert—

elected member means a member elected at a senate election.

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

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

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

- (b) for the class mentioned in section 15(2)(b)—a member of the academic staff of the university; or
- (c) for the class mentioned in section 15(2)(c)—a member of the general staff of the university; or
- (d) for the class mentioned in section 15(2)(d)—an undergraduate student; or
- (e) for the class mentioned in section 15(2)(e)—a postgraduate student; or
- (f) for the class mentioned in section 15(2)(f)—a graduate of the university.

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

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.

requirement, of a regulatory notice, includes a direction on the notice.

senate election means an election held under part 2, division 3A.

undergraduate student means a student other than a postgraduate student.

Part 5

Amendment of University of Southern Queensland Act 1998

141 Act amended

This part amends the *University of Southern Queensland Act 1998*.

[s 142]

Note—

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

142 Amendment of s 11 (Delegation)

Section 11(2)(a)—

omit, insert—

- (a) to make an election policy; or

143 Amendment of s 15 (Elected members)

Section 15(3)—

omit, insert—

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

144 Amendment of s 20A (Dealing with casual vacancy in office of elected member)

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

omit, insert—

at a council election

- (2) Section 20A(2)(a), ‘ballot’—

omit, insert—

council election

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

omit, insert—

at a council election

- (4) Section 20A(6)—

omit, insert—

- (6) A person appointed under subsection (2) or (5) is

taken, other than for subsection (2) or (3)(a), to have been elected at a council election.

145 Replacement of s 21 (Failure to elect elected member)

Section 21—

omit, insert—

21 Failure to elect elected member

- (1) This section applies if, by the end of the relevant day, a person is not elected for a class of elected members mentioned in section 15(2)(a) to (c) (each a *relevant class*).
- (2) The Minister may appoint a person as the elected member for the relevant class.
- (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election for the relevant class.
- (5) This section applies to the periodic election of members and an election required because of a casual vacancy.
- (6) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

146 Amendment of s 24 (Vacation of office)

- (1) Section 24(1)(b)—

[s 146]

omit, insert—

- (b) for an elected member of a class mentioned in section 15(2)(a) to (c)—
 - (i) if the election policy in effect when the member was elected included nomination requirements for the class—the member ceases to meet the nomination requirements under the policy; or
 - (ii) otherwise—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(c) ceases to be a student.

- (ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

- (2) Section 24(1)(h), ‘paragraph (g)’—

omit, insert—

paragraph (h)

- (3) Section 24(1)(ba) to (h)—
renumber as section 24(1)(c) to (i).

- (4) Section 24(1), note, ‘paragraph (g) or (h)’—

omit, insert—

paragraph (h) or (i)

- (5) Section 24(2), ‘Subsection (1)(h)’—

omit, insert—

Subsection (1)(i)

- (6) Section 24(4), definition *eligible person*—

omit, insert—

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

147 Insertion of new pt 2, div 3A

Part 2—

insert—

Division 3A Council elections

26AA Election policy

- (1) The council must—
 - (a) make a policy (an *election policy*) about the conduct of elections required under sections 15 and 20A; and
 - (b) publish the election policy on the university's website.
- (2) The election policy must include—
 - (a) provisions to ensure the integrity and security of the voting system; and
 - (b) without limiting paragraph (a), provisions to ensure—
 - (i) only persons who are eligible to vote may vote; and
 - (ii) a person can not vote more than once in an election; and
 - (iii) voting is done by secret ballot; and
 - (iv) a person is not improperly influenced in voting; and
 - (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and

- (d) provisions about—
 - (i) notifying the period during which an election is to be held; and
 - (ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and
 - (iii) publishing the results of an election, including the day by which the results must be published; and
 - (iv) making and resolving complaints.
- (3) Also, the election policy may include provisions stating requirements for—
 - (a) eligibility to be nominated as a candidate for a particular class of elected members; and
 - (b) eligibility to vote, including eligibility to vote for a particular class of elected members.
- (4) The election policy takes effect on the day it is published on the university's website or any later day stated in the policy.

26ABCConduct of election

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

26ACEEligibility to vote

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

- (a) is an eligible person for the class of elected members; and

- (b) otherwise meets any requirements under the election policy for eligibility to vote.

148 Omission of pt 4, div 2 (Colleges)

Part 4, division 2—

omit.

149 Amendment of s 39B (Excluded matters for Corporations legislation)

Section 39B(2)—

omit, insert—

- (2) The academic board is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

150 Omission of pt 6 (University statutes)

Part 6—

omit.

151 Insertion of new pt 8, div 3

Part 8—

insert—

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

88 Definition for division

In this division—

previous, for a provision of this Act, means the

provision as in force from time to time before the commencement.

89 Particular references to council election

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

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

90 Repeal of university statutes

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

152 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *college*, *elected member*, *requirement*, *university rule* and *university statute*—
omit.
- (2) Schedule 2—
insert—

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

elected member means a member elected at a council election.

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

eligible person, for a class of elected members mentioned in section 15(2)(a) to (c), means a person who—

-
- (a) for the class mentioned in section 15(2)(a)—is a member of the academic staff of the university; or
 - (b) for the class mentioned in section 15(2)(b)—is a member of the general staff of the university; or
 - (c) for the class mentioned in section 15(2)(c)—
 - (i) is a student; and
 - (ii) is not a member of academic staff or general staff of the university.

requirement, of a regulatory notice, includes a direction on the notice.

Part 6 **Amendment of University of the Sunshine Coast Act 1998**

153 Act amended

This part amends the *University of the Sunshine Coast Act 1998*.

Note—

See also the amendments in chapter 2, part 7 and schedule 1, part 2.

154 Amendment of s 11 (Delegation)

Section 11(2)(a)—

omit, insert—

- (a) to make an election policy; or

155 Amendment of s 15 (Elected members)

Section 15(3)—

[s 156]

omit, insert—

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

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

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

omit, insert—

at a council election

- (2) Section 20A(2)(a), ‘ballot’—

omit, insert—

council election

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

omit, insert—

at a council election

- (4) Section 20A(6)—

omit, insert—

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

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

Section 21—

omit, insert—

21 Failure to elect elected members

- (1) This section applies if, by the end of the relevant day—
 - (a) insufficient persons are elected for a class of elected members mentioned in section

-
- 15(2)(a) or (c) (each a *relevant class*) to comply with section 15(2); or
- (b) a person is not elected for a class of elected members mentioned in section 15(2)(b) (also a *relevant class*).
- (2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).
- (3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).
- (4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election for the relevant class.
- (5) This section applies to the periodic election of members and an election required because of a casual vacancy.
- (6) In this section—
- relevant day*, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

158 Amendment of s 24 (Vacation of office)

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

[s 158]

class—the member ceases to meet the nomination requirements under the policy; or

- (ii) otherwise—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(c) ceases to be a student.

- (ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

- (2) Section 24(1)(h), ‘paragraph (g)’—

omit, insert—

paragraph (h)

- (3) Section 24(1)(ba) to (h)—

renumber as section 24(1)(c) to (i).

- (4) Section 24(1), note, ‘paragraph (g) or (h)’—

omit, insert—

paragraph (h) or (i)

- (5) Section 24(2), ‘Subsection (1)(h)’—

omit, insert—

Subsection (1)(i)

- (6) Section 24(4), definition *eligible person*—

omit, insert—

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

159 Insertion of new pt 2, div 3A

Part 2—

insert—

Division 3A Council elections

26AA Election policy

- (1) The council must—
 - (a) make a policy (an *election policy*) about the conduct of elections required under sections 15 and 20A; and
 - (b) publish the election policy on the university's website.
- (2) The election policy must include—
 - (a) provisions to ensure the integrity and security of the voting system; and
 - (b) without limiting paragraph (a), provisions to ensure—
 - (i) only persons who are eligible to vote may vote; and
 - (ii) a person can not vote more than once in an election; and
 - (iii) voting is done by secret ballot; and
 - (iv) a person is not improperly influenced in voting; and
 - (c) provisions stating the procedure for voting, including the procedure for issuing ballots; and
 - (d) provisions about—
 - (i) notifying the period during which an election is to be held; and

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

26ABCConduct of election

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

26ACEEligibility to vote

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

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

160 Omission of pt 4, div 2 (Colleges)

Part 4, division 2—

omit.

161 Amendment of s 40B (Excluded matters for Corporations legislation)

Section 40B(1)—

omit, insert

- (1) The academic board is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

162 Omission of pt 6 (University statutes)

Part 6—

omit.

163 Insertion of new pt 8, div 3

Part 8—

insert—

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

94 Definition for division

In this division—

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

95 Particular references to council election

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

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

96 Repeal of university statutes

- (1) This section applies to a university statute made under previous section 58 or previous section 59 that was in force immediately before the commencement.
- (2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

97 Existing reviews under repealed parking statute

- (1) This section applies if an application for a review under the repealed parking statute was made, but not decided, before the commencement.
- (2) The review may be heard, or continue to be heard, and dealt with under the repealed parking statute as if the statute were still in force.
- (3) In this section—

repealed parking statute means a university statute made under previous section 59.

164 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *college*, *requirement*, *university rule* and *university statute*—
omit.

(2) Schedule 2—

insert—

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

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

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

- (a) for the class mentioned in section 15(2)(a)—a member of the academic staff of the university; or
- (b) for the class mentioned in section 15(2)(b)—a member of the general staff of the university; or
- (c) for the class mentioned in section 15(2)(c)—a student.

requirement, of a regulatory notice, includes a direction on the notice.

(3) Schedule 2, definition *elected member*, paragraph (a)—

omit, insert—

- (a) generally—means a member elected at a council election; or

Chapter 4 Consequential amendments

165 Acts amended

Schedule 1 amends the Acts it mentions.

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Schedule 1 Consequential amendments

section 165

Part 1 Amendments commencing on assent

James Cook University Act 1997

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

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

- section 25(1)
- section 26(1)

Part 2 Amendments commencing by proclamation

Central Queensland University Act 1998

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

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

- section 25(1)
- section 26(1)
- section 62D(1)(b)

Griffith University Act 1998

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

Each of the following provisions is amended by omitting ‘24(1)(h)’ and inserting ‘24(1)(i)’—

- section 25(1)
- section 26(1)
- section 66D(1)(b)

Queensland University of Technology Act 1998

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

Each of the following provisions is amended by omitting ‘24(1)(h)’ and inserting ‘24(1)(i)’—

- section 25(1)
- section 26(1)
- section 61D(1)(b)

University of Queensland Act 1998

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

Each of the following provisions is amended by omitting ‘24(1)(h)’ and inserting ‘24(1)(i)’—

- section 25(1)
- section 26(1)
- section 56D(1)(b)

University of Southern Queensland Act 1998

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

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

- section 25(1)
- section 26(1)
- section 61D(1)(b)

University of the Sunshine Coast Act 1998

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

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

- section 25(1)
- section 26(1)
- section 64D(1)(b)

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