



Griffith University Act 1998

Reprinted as in force on 1 August 2008

Reprint No. 4

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

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

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

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

Also see endnotes for information about—

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

Spelling

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

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

Griffith University Act 1998

Contents

		Page
Part 1	Preliminary	
1	Short title	7
2	Commencement	7
3	Definitions	7
Part 2	The university and its council	
Division 1	University establishment and general functions and powers	
4	Establishment of university	7
5	Functions of university	8
6	General powers of university	9
Division 2	Council establishment and general functions and powers	
7	Establishment of council	9
8	Functions of council	9
9	Powers of council	10
10	Council to promote university's interests	10
11	Delegation	10
Division 3	Council membership	
12	Membership of council	11
13	Official members	11
14	Appointed members	11
15	Elected members	11
16	Additional members	12
17	When council is taken to be properly constituted	12
18	Appointed member's term of office	12
19	Elected member's term of office	12
20	Additional member's term of office	13
20A	Dealing with casual vacancy in office of an elected member	13
21	Failure to elect elected members	14

Contents

22	Casual vacancies	14
23	Ineligibility for membership of council.	14
24	Vacation of office	15
25	Discretion where appointed member convicted of indictable offence	16
26	Discretion where elected or additional member convicted of indictable offence	16
Division 4	Members' function, and removing elected, appointed and additional members from office	
26A	Member's function, and obligations about function	17
26B	Council may remove member from office.	18
Division 5	Extending terms of office	
26C	Minister may extend terms of office	18
Division 6	Meetings of the council	
27	Who is to preside at meetings	19
28	Quorum	19
29	Conduct of meetings	19
Part 3	Certain officers of the university	
Division 1	Chancellor, deputy chancellor and vice-chancellor	
30	Chancellor	20
31	Deputy chancellor.	20
32	Vice-chancellor.	20
Division 2	Matters about disqualification or removal from office	
32A	Disqualification from office	21
32B	Council may remove chancellor or vice-chancellor from office.	22
32C	Particular matters about removal of vice-chancellor.	23
32D	Vacation of office	23
Part 4	Bodies connected with the university	
Division 1	Convocation	
33	Establishment of convocation.	24
Division 2	University student council	
34	Establishment of university student council	24
35	Membership	24
36	Role	25
37	General powers	25
38	Constitution	25

Division 3	Gold Coast Student Guild	
39	Establishment	25
40	Membership	26
41	Role	26
42	General powers	26
43	Constitution	26
Division 4	Application of Corporations legislation to bodies	
44A	Excluded matters for Corporations legislation	27
Part 5	Property and finance	
Division 1	Property held on trust or conditions	
45	Definition for div 1	28
46	Amendment of terms of trusts and gifts	28
47	Selection of designated purpose	29
48	Property to be held for designated purpose	29
49	Certain persons to be given notice of scheme	29
50	Amendment of scheme	29
51	University's powers under other laws not limited	29
52	University may carry out conditions of gift etc.	30
Division 2	Dealing with State land by council	
53	Application of Land Act 1994	30
Division 3	Finance	
54	University is statutory body under the Financial Administration and Audit Act 1977	30
55	University is statutory body under the Statutory Bodies Financial Arrangements Act 1982	30
56	Trust funds	31
57	Investment common fund	31
58	Application of revenue	31
59	Financial review	32
60	University's financial year	32
Part 6	University statutes	
61	Making of university statutes	32
62	University statute's status	33
63	University statutes affecting university student council or student guild	34
64	University rules	34

Contents

Part 7	Miscellaneous	
65	Forming and taking part in corporations.	35
66	Use of facilities and staff.	36
66A	Protection from liability	36
66B	Report about person’s criminal history.	36
66C	Delegation by Minister	37
67	Control of traffic and conduct on university land.	37
68	Regulation-making power.	38
69	Repealed Act references	38
Part 8	Transitional provisions	
Division 1	Transitional provisions for the Education (Miscellaneous Amendments) Act 2002	
Subdivision 1	Preliminary	
70	Definitions for div 1.	38
Subdivision 2	Provisions about the council	
71	Conduct of ballot for elected members.	39
72	When particular members’ term of office ends.	39
Subdivision 3	Provisions about Gold Coast student body	
73	Continuation of Gold Coast student body.	40
74	Student guild is legal successor.	40
75	Continuation of constitution	40
76	Board members and office holders continue in office	40
77	Assets and liabilities etc.	41
78	Proceedings	41
79	References to Gold Coast student body.	41
Subdivision 4	Provision about colleges	
80	Dissolution of colleges	42
Division 2	Transitional provisions for the University Legislation Amendment Act 2005	
Subdivision 1	Preliminary	
81	Definitions for div 2.	42
Subdivision 2	Provisions about council membership	
82	Continuation of official member	42
83	Appointment of new appointed members.	43
84	Continuation, and term of office, of appointed members	43
85	Continuation of elected members.	43

86	Ballot, and term of office, for elected members	43
87	Appointment of new additional members	45
88	Continuation, and term of office, of additional members	45
89	Council need not include additional members	45
90	Dealing with casual vacancy in office of elected member	45
Subdivision 3	Constitution of council	
91	Constitution of council	45
Schedule 1	Control of traffic and conduct on university land	47
Part 1	Authorised persons	
1	Appointment	47
2	Limitation of authorised person's powers	47
3	Terms of appointment.	47
4	Identity cards	48
5	Proof of authority	48
Part 2	Traffic control	
6	Persons authorised to control traffic on university's land	49
7	Regulatory notice	49
8	Information notices	50
9	Removal and detention of illegally parked or abandoned vehicles	50
10	Disposal of unclaimed vehicles	51
11	Application of proceeds of sale	52
Part 3	Conduct on university land	
12	Conduct causing a public nuisance	52
13	Power to deal with persons causing a public nuisance	52
Schedule 2	Dictionary	54
 Endnotes		
1	Index to endnotes	57
2	Date to which amendments incorporated.	57
3	Key	57
4	Table of reprints	58
5	List of legislation.	58
6	List of annotations	59

Griffith University Act 1998

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

An Act about the Griffith University

Part 1 Preliminary

1 Short title

This Act may be cited as the *Griffith University Act 1998*.

2 Commencement

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

3 Definitions

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

Part 2 The university and its council

Division 1 University establishment and general functions and powers

4 Establishment of university

(1) The Griffith University is established.

[s 5]

- (2) The university—
- (a) is a body corporate; and
 - (b) has a seal; and
 - (c) may sue and be sued in its corporate name.

5 Functions of university

The university's functions are—

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

6 General powers of university

- (1) The university has all the powers of an individual, and may, for example—
 - (a) enter into contracts; and
 - (b) acquire, hold, dispose of, and deal with property; and
 - (c) appoint agents and attorneys; and
 - (d) engage consultants; and
 - (e) fix charges, and other terms, for services and other facilities it supplies; and
 - (f) do anything else necessary or convenient to be done for, or in connection with, its functions.
- (2) Without limiting subsection (1), the university has the powers given to it under this or another Act.
- (3) The university may exercise its powers inside or outside Queensland.
- (4) Without limiting subsection (3), the university may exercise its powers outside Australia.

Division 2 Council establishment and general functions and powers

7 Establishment of council

There is a council of the university.

8 Functions of council

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

[s 9]

9 Powers of council

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

10 Council to promote university's interests

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

11 Delegation

- (1) The council may delegate its powers under this Act to—
 - (a) an appropriately qualified member of the council; or
 - (b) an appropriately qualified committee that includes 1 or more members of the council; or
 - (c) an appropriately qualified member of the university's staff.
- (2) However, the council may not delegate its power—
 - (a) to make university statutes or rules; or
 - (b) to adopt the university's annual budget; or
 - (c) to approve spending of funds available to the university by way of bequest, donation or special grant.

Division 3 Council membership

12 Membership of council

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

13 Official members

- (1) There are 2 official members.
- (2) The official members are—
 - (a) the chancellor; and
 - (b) the vice-chancellor.

14 Appointed members

- (1) There are 7 appointed members.
- (2) The Governor in Council is to appoint the appointed members.

15 Elected members

- (1) There are 5 elected members.
- (2) The elected members are—
 - (a) 2 members of the academic staff; and
 - (b) 1 member of the general staff; and
 - (c) 1 undergraduate student, other than a person eligible for membership under paragraph (a) or (b); and
 - (d) 1 postgraduate student, other than a person eligible for membership under paragraph (a) or (b).
- (3) Each elected member is to be elected by a ballot at which—
 - (a) for an elected member mentioned in subsection (2)(a)—all the members of the academic staff may vote;
or

[s 16]

- (b) for an elected member mentioned in subsection (2)(b)—all the members of the general staff may vote; or
- (c) for an elected member mentioned in subsection (2)(c)—all the undergraduate students may vote; or
- (d) for an elected member mentioned in subsection (2)(d)—all the postgraduate students may vote.

16 Additional members

- (1) There are 4 additional members.
- (2) The council must appoint the additional members.
- (3) The council must appoint at least 2 graduates of the university as additional members.
- (4) An additional member must not be a student or a member of the university's academic staff or general staff.

17 When council is taken to be properly constituted

The council is taken to be properly constituted when it has 11 or more members, whether they be additional, appointed, elected or official members.

18 Appointed member's term of office

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

19 Elected member's term of office

- (1) An elected member mentioned in section 15(2)(a) or (b) holds office for 4 years.
- (2) An elected member mentioned in section 15(2)(c) or (d) holds office for 2 years.
- (3) An elected member's term of office starts—

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

20 Additional member’s term of office

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

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

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

[s 21]

21 Failure to elect elected members

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

22 Casual vacancies

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

23 Ineligibility for membership of council

- (1) A person is not eligible to become an elected, appointed or additional member if—
 - (a) the person is disqualified from managing corporations under the Corporations Act, part 2D.6; or
 - (b) the person has a conviction for an indictable offence, other than an offence in relation to which the person is not eligible under paragraph (a).
- (2) Also, a person is not eligible to be elected or appointed as an elected, appointed or additional member if the person's election or appointment as the member would result in the person being a member for 12 years or more, whether continuously or not.
- (3) Subsection (2) does not apply to a person if a majority of members agree the person may be elected or appointed as an elected, appointed or additional member.
- (4) Subsection (1)(b) is subject to sections 25 and 26.

24 Vacation of office

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

eligible person, for an entity, means a person whom the entity may elect or appoint as a member.

25 Discretion where appointed member convicted of indictable offence

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

26 Discretion where elected or additional member convicted of indictable offence

- (1) If the council considers it would be reasonable, having regard to the circumstances of the indictable offence mentioned in section 23(1)(b) or 24(1)(h) of which a person has been convicted, the council may—
 - (a) if the person was an elected or additional member when convicted—give notice to the person that the person is restored as an elected or additional member, and may be subsequently re-elected or reappointed, despite the conviction; or

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

Division 4 Members’ function, and removing elected, appointed and additional members from office

26A Member’s function, and obligations about function

- (1) A member has the function of ensuring the council performs its functions and exercises its powers appropriately, effectively and efficiently.
- (2) In performing the function, a member—
 - (a) must act honestly and in the best interests of the university; and
 - (b) must exercise reasonable skill, care and diligence; and
 - (c) must disclose to the council any conflict that may arise between the member’s personal interests and the interests of the university; and
 - (d) must not make improper use of his or her position as a member, or of information acquired because of his or

[s 26B]

her position as a member, to gain, directly or indirectly, an advantage for the member or another person.

26B Council may remove member from office

- (1) The council may remove an elected, appointed or additional member from office if at least 12 members are satisfied the member has not complied with—
 - (a) section 26A(2); or
 - (b) a conduct obligation.
- (2) If the council decides to remove a member from office under subsection (1), the council must as soon as practicable—
 - (a) give the member notice of the decision and the reasons for it; and
 - (b) if the member is an appointed member—give the Minister a copy of the notice.
- (3) If the council gives a member a notice under subsection (2)(a), the member's term of office ends on the later of the following—
 - (a) the day the member receives the notice;
 - (b) the day, if any, stated in the notice for that purpose.
- (4) The council's power to remove an appointed member from office under this section does not limit the Governor in Council's powers under the *Acts Interpretation Act 1954*, section 25(1)(b)(i) or (iii).

Division 5 Extending terms of office

26C Minister may extend terms of office

- (1) The Minister may, by notice given to the council, extend the terms of office of elected, appointed and additional members for not more than 1 year if the Minister is satisfied the extension—

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

Division 6 Meetings of the council

27 Who is to preside at meetings

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

28 Quorum

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

29 Conduct of meetings

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

Part 3 **Certain officers of the university**

Division 1 **Chancellor, deputy chancellor and vice-chancellor**

30 **Chancellor**

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

31 **Deputy chancellor**

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

32 **Vice-chancellor**

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

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

Division 2 Matters about disqualification or removal from office

32A Disqualification from office

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

[s 32B]

- (b) otherwise—give written approval for the person to become the chancellor or vice-chancellor despite the conviction.
- (3) On the day the person receives a notice under subsection (2)(a)—
 - (a) the person is restored as the chancellor or vice-chancellor; and
 - (b) if another person has been elected or appointed to fill the vacancy—the other person’s term of office ends.
- (4) If a person is restored as the chancellor or vice-chancellor under subsection (3), the person’s term of office as the chancellor or vice-chancellor ends when it would have ended if the person had not been convicted of the offence.

32B Council may remove chancellor or vice-chancellor from office

- (1) The council may remove the chancellor or vice-chancellor from office if at least 12 members are satisfied the chancellor or vice-chancellor has not complied with—
 - (a) section 26A(2); or
 - (b) a conduct obligation.
- (2) If the council decides to remove the chancellor or vice-chancellor from office under subsection (1), the council must as soon as practicable give the chancellor or vice-chancellor notice of the decision and the reasons for it.
- (3) The chancellor’s or vice-chancellor’s term of office ends on the later of the following—
 - (a) the day he or she receives the notice;
 - (b) the day, if any, stated in the notice for that purpose.

32C Particular matters about removal of vice-chancellor

- (1) The council may remove the vice-chancellor from office under section 32B despite the vice-chancellor's terms of appointment.
- (2) If the council removes the vice-chancellor from office under section 32B—
 - (a) the removal does not affect the vice-chancellor's right to claim compensation or other entitlements under his or her terms of appointment applying when the appointment ends; and
 - (b) the vice-chancellor may only claim compensation and other entitlements under his or her terms of appointment as if—
 - (i) the appointment had been ended as permitted under the terms of appointment; or
 - (ii) his or her term of office had ended.

32D Vacation of office

- (1) The office of the chancellor or vice-chancellor becomes vacant if he or she—
 - (a) can not continue as the chancellor or vice-chancellor under section 32A; or
 - (b) is removed from office under section 32B.
- (2) The office of the deputy chancellor becomes vacant if his or her office as a member becomes vacant under section 24 or he or she otherwise stops being a member.

Part 4 Bodies connected with the university

Division 1 Convocation

33 Establishment of convocation

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

Division 2 University student council

34 Establishment of university student council

- (1) The Griffith University Student Representative Council is established.
- (2) The university student council—
 - (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name.

35 Membership

The persons who are eligible to be members of the university student council are—

- (a) undergraduate students, other than students studying at the Gold Coast campus of the university; and
- (b) persons eligible for membership under the university student council's constitution.

36 Role

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

37 General powers

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

38 Constitution

- (1) The university student council must have a written constitution.
- (2) The university student council's constitution, and each amendment of the constitution, must be submitted to the council of the university for its approval.
- (3) The constitution or amendment has no effect until approved by the council of the university.

Division 3 Gold Coast Student Guild

39 Establishment

- (1) The Gold Coast Student Guild is established.

[s 40]

- (2) The student guild—
- (a) is a body corporate with perpetual succession; and
 - (b) has a common seal; and
 - (c) may sue and be sued in its corporate name.

40 Membership

The persons who are eligible to be members of the student guild are—

- (a) students studying at the Gold Coast campus of the university; and
- (b) persons eligible for membership under the student guild's constitution.

41 Role

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

42 General powers

Without limiting section 41, the student guild has all the powers of an individual, including, for example, the power to acquire, hold, dispose of, and deal with, property.

43 Constitution

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

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

Division 4 Application of Corporations legislation to bodies

44A Excluded matters for Corporations legislation

- (1) The convocation 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.
- (2) Each of the following is declared to be an excluded matter for the Corporations Act, section 5F, in relation to the provisions of that Act for which a statutory body within the meaning of the *Statutory Bodies Financial Arrangements Act 1982* is declared to be an excluded matter under section 13A of that Act—
- (a) the university student council;
 - (b) the student guild.

Editor's note—

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

Part 5 Property and finance

Division 1 Property held on trust or conditions

45 Definition for div 1

In this division—

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

46 Amendment of terms of trusts and gifts

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

47 Selection of designated purpose

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

48 Property to be held for designated purpose

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

49 Certain persons to be given notice of scheme

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

50 Amendment of scheme

- (1) The council may amend the scheme.
- (2) Sections 46 to 49 apply to the amendment of a scheme as if a reference to the donor's purpose is a reference to the designated purpose of the scheme that is to be amended.

51 University's powers under other laws not limited

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

[s 52]

52 University may carry out conditions of gift etc.

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

Division 2 Dealing with State land by council

53 Application of Land Act 1994

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

Division 3 Finance

54 University is statutory body under the Financial Administration and Audit Act 1977

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

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

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

56 Trust funds

The university may establish or administer trust funds.

57 Investment common fund

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

58 Application of revenue

- (1) Subject to the terms of a relevant trust, amounts received by the university from any source are to be applied solely to university purposes.

[s 59]

- (2) To remove any doubt, each of the following purposes is a university purpose—
 - (a) enabling a student or staff member, or former student or staff member, of the university to undertake study or research at the university or elsewhere;
 - (b) the advancement of learning generally;
 - (c) helping a body affiliated or associated with the university.

59 Financial review

- (1) The council must, in each year, adopt a budget for the university for the next year.
- (2) In framing the budget the council need not take account of amounts mentioned in subsection (4).
- (3) The council must control its spending as nearly as possible within the limits of the approved budget.
- (4) The council must undertake an annual review of—
 - (a) amounts available, or expected to be available, to the university by way of bequest, donation or special grant; and
 - (b) the spending of the amounts.

60 University's financial year

The university's financial year is a calendar year.

Part 6 University statutes

61 Making of university statutes

- (1) The council may make university statutes.

-
- (2) A university statute may only be made about the following matters—
- (a) the admission and enrolment of students;
 - (b) the entitlement to degrees and other awards;
 - (c) the disciplining of students and other persons undertaking courses at the university;
 - (d) the fees to be paid—
 - (i) for examinations; or
 - (ii) for attendance at lectures and classes of the university; or
 - (iii) for the use of the university’s facilities;
 - (e) the membership of the convocation;
 - (f) the conduct of a ballot for the election of elected members;
 - (g) the process for removing a person from office under section 26B or 32B;
 - (h) the ownership and exploitation of intellectual property brought into existence by the university’s staff or as a result of using the university’s facilities;
 - (i) making and notifying university rules;
 - (j) a direction, indication or requirement for a regulatory notice.
- (3) Without limiting subsection (2)(c), a university statute may—
- (a) authorise the council to impose a penalty of not more than 10 penalty units for a breach of a university statute about the disciplining of persons mentioned in subsection (2)(c); and
 - (b) provide for its recovery and enforcement.

62 University statute’s status

A university statute—

[s 63]

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

63 University statutes affecting university student council or student guild

- (1) A university statute affecting the university student council's, or the student guild's, role or powers may be made only if the council—
 - (a) has given the university student council or student guild a copy of the proposed statute at least 28 days before making it; and
 - (b) has considered any comments given to it by the university student council or student guild under subsection (2).
- (2) The university student council or student guild may give the council written comments about the proposed university statute within 14 days after receiving the copy.
- (3) The council may amend the proposed university statute to take account of any of the comments.
- (4) If the council amends the proposed university statute to take account of any of the comments, it does not have to give the university student council or student guild a copy of the proposed statute before making it.

64 University rules

- (1) The council may make university rules under a university statute.
- (2) If a university rule is inconsistent with this Act or a university statute, the rule is invalid to the extent of the inconsistency.
- (3) A university rule—
 - (a) must be notified in the way required by university statute; and

[s 66]

- (f) seeking or encouraging gifts to the university or for the university's purposes;
 - (g) another object, consistent with this Act, that the council considers is appropriate in the circumstances.
- (2) The university, or a corporation managed by the university or of which the university is a member, may enter into an agreement or arrangement with a corporation whose objects include an object mentioned in subsection (1) for achieving the object.
- (3) This section applies despite the Corporations Act.

66 Use of facilities and staff

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

66A Protection from liability

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

66B Report about person's criminal history

- (1) To decide whether to recommend to the Governor in Council a person for appointment under section 14(2) as an appointed member, the Minister may ask the commissioner of the police service for—
 - (a) a written report about the person's criminal history; and
 - (b) a brief description of the circumstances of a conviction mentioned in the criminal history.

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

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

66C Delegation by Minister

The Minister may delegate the Minister’s power under section 66B(1) to an appropriately qualified officer of the department.

67 Control of traffic and conduct on university land

Schedule 1 has effect.

[s 68]

68 Regulation-making power

The Governor in Council may make regulations under this Act.

69 Repealed Act references

In an Act or document, a reference to the *Griffith University Act 1971* may, if the context permits, be taken to be a reference to this Act.

Part 8 Transitional provisions

Division 1 Transitional provisions for the Education (Miscellaneous Amendments) Act 2002

Subdivision 1 Preliminary

70 Definitions for div 1

In this division—

college means a college established under section 39 of the pre-amended Act.

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

Gold Coast college means the college established under the *Griffith University Statute No. 1.1 (Establishment of a College of Griffith University) 1999*.

Gold Coast student body means the college student body established under the *Griffith University Statute No. 1.4 (Establishment of a Student Representative Guild of a College of Griffith University at the Gold Coast) 1999*.

pre-amended Act means this Act as in force before the commencement of the *Education (Miscellaneous Amendments) Act 2002*, part 7.

Subdivision 2 Provisions about the council

71 Conduct of ballot for elected members

- (1) A ballot under section 15(3) for elected members (*new members*) of the council must be conducted as soon as practicable after the commencement.
- (2) Subsection (3) applies to a person who is an elected member immediately before the ballot is conducted.
- (3) Despite section 19(1) and (2), the term of office of the member ends at the end of the day the new member who is the member's successor is elected under the ballot.
- (4) No compensation is payable to a person because of subsection (3).

72 When particular members' term of office ends

- (1) This section applies to a person who, immediately before the commencement, was a member mentioned in section 15(2)(e) of the pre-amended Act.
- (2) Despite section 19(2) of the pre-amended Act, the term of office of the member ends on the commencement.
- (3) No compensation is payable to a person because of subsection (2).

[s 73]

Subdivision 3 Provisions about Gold Coast student body

73 Continuation of Gold Coast student body

The Gold Coast student body is continued as the student guild.

74 Student guild is legal successor

The student guild is the successor in law of the Gold Coast student body.

75 Continuation of constitution

- (1) Subsection (2) applies until the student guild's constitution is approved under section 43(3).
- (2) The Gold Coast student body's constitution in force immediately before the commencement is taken to be the student guild's constitution.

76 Board members and office holders continue in office

- (1) This section applies to a person who, immediately before the commencement—
 - (a) is a member of the board of the Gold Coast student body; or
 - (b) holds an office under the Gold Coast student body's constitution.
- (2) Subject to the student guild's constitution, the person continues—
 - (a) as a member of the board of the student guild; or
 - (b) to hold the office under the student guild's constitution.

77 Assets and liabilities etc.

On the commencement—

- (a) the assets and liabilities of the Gold Coast student body immediately before the commencement vest in the student guild; and
- (b) any contracts entered into by or for the Gold Coast student body and all guarantees, undertakings and securities given by, for or to the Gold Coast student body, in force immediately before the commencement, are taken to have been entered into or given by, for or to the student guild and may be enforced against or by the student guild.

78 Proceedings

(1) This section applies to a proceeding that—

- (a) was taken by or against either of the following before the commencement—
 - (i) the Gold Coast student body;
 - (ii) a person who held an office on the Gold Coast student body in the person's capacity as an office holder of the Gold Coast student body.

(2) From the commencement, the proceeding may be continued and finished by or against the student guild.

79 References to Gold Coast student body

A reference in an Act or document to the Gold Coast student body may, if the context permits, be taken as a reference to the student guild.

[s 80]

Subdivision 4 Provision about colleges

80 Dissolution of colleges

On the commencement, each college is dissolved.

Division 2 Transitional provisions for the University Legislation Amendment Act 2005

Subdivision 1 Preliminary

81 Definitions for div 2

In this division—

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

new additional members see section 87.

new appointed members see section 83(2).

pre-amended Act means this Act as in force before the commencement of the *University Legislation Amendment Act 2005*, part 3.

Subdivision 2 Provisions about council membership

82 Continuation of official member

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

83 Appointment of new appointed members

- (1) The Minister must, within 1 year after the commencement, recommend to the Governor in Council 7 persons for appointment, under section 14(2), as appointed members.
- (2) The Governor in Council may appoint the persons as appointed members (the *new appointed members*).

84 Continuation, and term of office, of appointed members

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

85 Continuation of elected members

- (1) This section applies to a person who was an elected member immediately before the commencement.
- (2) Despite section 15(1) and (2), the person continues as an elected member until—
 - (a) the person's term of office ends under section 86; or
 - (b) the person's office sooner becomes vacant.
- (3) Despite section 19(1) and (2), the person's term of office is 3 years.

86 Ballot, and term of office, for elected members

- (1) At least 14 days before the new appointed members are appointed, a ballot under section 15(3) of the post-amended Act must be conducted for elected members.

[s 86]

- (2) Subsection (3) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(a) of the pre-amended Act.
- (3) The person's term of office ends when the elected members mentioned in section 15(2)(a) of the post-amended Act are elected under the ballot.
- (4) Subsection (5) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(b) of the pre-amended Act.
- (5) The person's term of office ends when the elected member mentioned in section 15(2)(b) of the post-amended Act is elected under the ballot.
- (6) Subsection (7) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(c) of the pre-amended Act.
- (7) The person's term of office ends when the elected member mentioned in section 15(2)(c) of the post-amended Act is elected under the ballot.
- (8) Subsection (9) applies to a person who, immediately before the ballot is conducted, is an elected member mentioned in section 15(2)(d) of the pre-amended Act.
- (9) The person's term of office ends when the new additional members' terms of office start.
- (10) A person is taken to be elected under the ballot when the new appointed members' terms of office start.
- (11) Despite section 19(3), the term of office of a person elected under the ballot starts when the new appointed members' terms of office start.
- (12) Subsections (3), (5), (7) and (9) apply despite section 85(3).
- (13) In this section—

post-amended Act means this Act as in force after the commencement of the *University Legislation Amendment Act 2005*, part 3.

87 Appointment of new additional members

The council must, within 1 year after the commencement, appoint 4 persons as additional members (the *new additional members*) under section 16.

88 Continuation, and term of office, of additional members

- (1) A person who was an additional member immediately before the commencement continues as an additional member until—
 - (a) the person's term of office ends under subsection (2); or
 - (b) the person's office sooner becomes vacant.
- (2) Despite section 20, the person's term of office ends when the new additional members' terms of office start.

89 Council need not include additional members

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

90 Dealing with casual vacancy in office of elected member

- (1) This section applies if a casual vacancy arises in the office of an elected member after the commencement and before the ballot mentioned in section 86(1) is conducted.
- (2) For appointing or electing a person to the office, the pre-amended Act continues to apply as if the *University Legislation Amendment Act 2005*, part 3, had not commenced.

Subdivision 3 Constitution of council

91 Constitution of council

- (1) This section applies until the new appointed members' terms of office start.

[s 91]

- (2) Despite section 17, the council is taken to be properly constituted when it has 15 or more members, whether they be additional, appointed, elected or official members.

Schedule 1 Control of traffic and conduct on university land

section 67

Part 1 Authorised persons

1 Appointment

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

2 Limitation of authorised person's powers

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

3 Terms of appointment

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

4 Identity cards

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

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

5 Proof of authority

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

Part 2 Traffic control

6 Persons authorised to control traffic on university's land

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

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

7 Regulatory notice

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

Maximum penalty—10 penalty units.

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

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

8 Information notices

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

9 Removal and detention of illegally parked or abandoned vehicles

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

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

10 Disposal of unclaimed vehicles

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

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

11 Application of proceeds of sale

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

Part 3 Conduct on university land

12 Conduct causing a public nuisance

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

Maximum penalty—20 penalty units.

13 Power to deal with persons causing a public nuisance

- (1) This section applies if an authorised person—

- (a) finds a person contravening section 12; or
 - (b) finds a person in circumstances that leads the authorised person to suspect on reasonable grounds that the person has just contravened section 12; or
 - (c) has information that leads the authorised person to suspect on reasonable grounds that a person has just contravened section 12; or
 - (d) reasonably believes, having regard to the way a person is behaving, that the person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
 - (e) has information that leads the authorised person to believe, on reasonable grounds, that a person's presence may pose a threat to the safety of someone else on, entering or leaving the land; or
 - (f) reasonably believes that a person is on the land without lawful justification or excuse.
- (2) The authorised person may direct the person to leave the university's land or a part of the university's land.
- (3) A person must comply with a direction given to the person under subsection (2), unless the person has a reasonable excuse for not complying with it.

Maximum penalty—10 penalty units.

Schedule 2 Dictionary

section 3

academic staff, of the university, means—

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

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

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

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

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

chancellor means the chancellor of the university.

college, for part 8, division 1, see section 70.

commencement—

- (a) for part 8, division 1, see section 70; and
- (b) for part 8, division 2, see section 81.

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

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

conviction means a conviction other than a spent conviction.

convocation means the convocation of the university.

council means the council of the university.

deputy chancellor means the deputy chancellor of the university.

designated purpose see section 46.

donor's purpose see section 46.

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

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

Gold Coast college, for part 8, division 1, see section 70.

Gold Coast student body, for part 8, division 1, see section 70.

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

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

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

member means a member of the council.

new additional members, for part 8, division 2, see section 81.

new appointed members, for part 8, division 2, see section 81.

notice means written notice.

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

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

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

- (a) the *Transport Operations (Road Use Management) Act 1995*; or

(b) the corresponding law of another State or a Territory.

pre-amended Act—

(a) for part 8, division 1, see section 70; and

(b) for part 8, division 2, see section 81.

regulatory notice see schedule 1, section 7.

requirement, of a regulatory notice, includes—

(a) a direction on a regulatory notice; and

(b) a direction, indication or requirement, declared by university statute as being a requirement of the notice.

spent conviction means a conviction—

(a) for which the rehabilitation period under the *Criminal Law (Rehabilitation of Offenders) Act 1986* has expired under that Act; and

(b) that is not revived as prescribed by section 11 of that Act.

State land means land—

(a) granted in trust, or reserved and set apart for a purpose, under the *Land Act 1994*; and

(b) vested in or placed under the control of the university.

student means a student enrolled in the university.

student guild means the Gold Coast Student Guild established under section 39.

university means the Griffith University.

university rule means a university rule made under section 64.

university statute means a university statute made under section 61.

university student council means the Griffith University Student Representative Council.

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

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

Endnotes

1 Index to endnotes

	Page
2	Date to which amendments incorporated.57
3	Key57
4	Table of reprints58
5	List of legislation58
6	List of annotations59

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 August 2008. Future amendments of the Griffith University Act 1998 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of reprints

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

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

Reprint No.	Amendments to	Effective	Reprint date
1	none	13 March 1999	22 March 1999
1A	1999 Act No. 42	1 December 1999	1 December 1999
1B	2001 Act No. 45	15 July 2001	27 July 2001

Reprint No.	Amendments included	Effective	Notes
1C	2002 Act No. 75	13 December 2002	R1C withdrawn, see R2
2	—	13 December 2002	
2A	2003 Act No. 59	21 May 2004	
2B	2005 Act No. 18	19 May 2005	R2B withdrawn, see R3
3	—	19 May 2005	
3A	2008 Act No. 25	1 August 2008	R3A withdrawn, see R4
4	—	1 August 2008	

5 List of legislation

Griffith University Act 1998 No. 3

date of assent 12 March 1998

ss 1–2 commenced on date of assent

remaining provisions commenced 13 March 1999 (automatic commencement under AIA s 15DA(2))

amending legislation—

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

date of assent 2 September 1999

ss 1–2 commenced on date of assent

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

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

date of assent 28 June 2001

ss 1–2 commenced on date of assent

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

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

Education (Miscellaneous Amendments) Act 2002 No. 75 s 1, pt 7, s 74 sch

date of assent 13 December 2002

commenced on date of assent

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

date of assent 18 September 2003

ss 1–2 commenced on date of assent

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

University Legislation Amendment Act 2005 No. 18 pts 1, 3, s 165 sch

date of assent 19 May 2005

commenced on date of assent

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

date of assent 9 May 2008

ss 1–2 commenced on date of assent

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

6 List of annotations

PART 2—THE UNIVERSITY AND ITS COUNCIL**Functions of university**

s 5 amd 2002 No. 75 s 44

Membership of council

s 12 sub 2005 No. 18 s 29

Official members

s 13 sub 2005 No. 18 s 29

Appointed members

s 14 amd 2002 No. 75 s 45; 2005 No. 18 s 30

Elected members

s 15 amd 2002 No. 75 s 46; 2005 No. 18 s 31

Additional members

s 16 sub 2005 No. 18 s 32

When council is taken to be properly constituted

s 17 amd 2005 No. 18 s 33

Appointed member's term of office

s 18 amd 2005 No. 18 s 34

Elected member's term of office

s 19 amd 2002 No. 75 s 74 sch; 2005 No. 18 s 35

Additional member's term of office

s 20 sub 2005 No. 18 s 36

Dealing with casual vacancy in office of an elected member

s 20A ins 2002 No. 75 s 47

Failure to elect elected members

prov hdg amd 2002 No. 75 s 48(1)

s 21 amd 2002 No. 75 s 48(2)–(6); 2005 No. 18 s 165 sch

Casual vacancies

s 22 amd 2002 No. 75 s 74 sch

Ineligibility for membership of council

s 23 sub 2005 No. 18 s 37

Vacation of office

s 24 amd 2005 No. 18 s 38

Discretion where appointed member convicted of indictable offence

s 25 amd 2005 No. 18 s 165 sch

Discretion where elected or additional member convicted of indictable offence

s 26 amd 2005 No. 18 s 165 sch

Division 4—Members’ function, and removing elected, appointed and additional members from office

div hdg (prev div 3A hdg) ins 2005 No. 18 s 39

renum 2005 No. 18 s 165 sch

Member’s function, and obligations about function

s 26A ins 2005 No. 18 s 39

Council may remove member from office

s 26B ins 2005 No. 18 s 39

Division 5—Extending terms of office

div hdg (prev div 3B hdg) ins 2005 No. 18 s 39

renum 2005 No. 18 s 165 sch

Minister may extend terms of office

s 26C ins 2005 No. 18 s 39

Division 6—Meetings of the council

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

PART 3—CERTAIN OFFICERS OF THE UNIVERSITY

Division 1—Chancellor, deputy chancellor and vice-chancellor

div hdg ins 2005 No. 18 s 165 sch

Chancellor

s 30 amd 2005 No. 18 s 40

Deputy chancellor

s 31 amd 2005 No. 18 s 41

Division 2—Matters about disqualification or removal from office

div 2 (ss 32A–32D) ins 2005 No. 18 s 42

PART 4—BODIES CONNECTED WITH THE UNIVERSITY**Membership**

s 35 sub 2002 No. 75 s 49

Division 3—Gold Coast Student Guild

div hdg sub 2002 No. 75 s 50

Establishment

s 39 sub 2002 No. 75 s 50

Membership

s 40 sub 2002 No. 75 s 50

Role

s 41 sub 2002 No. 75 s 50

General powers

s 42 sub 2002 No. 75 s 50

Constitution

s 43 sub 2002 No. 75 s 50

Constitution of college student body

s 44 om 2002 No. 75 s 50

Division 4—Application of Corporations legislation to bodies

div hdg ins 2001 No. 45 s 29 sch 3

Excluded matters for Corporations legislation

s 44A ins 2001 No. 45 s 29 sch 3
amd 2002 No. 75 s 51

Making of university statutes

s 61 amd 2002 No. 75 s 52; 2005 No. 18 s 43

University statutes affecting university student council or student guild

prov hdg amd 2002 No. 75 s 53(1)
s 63 amd 2002 No. 75 s 53(2)–(3)

Forming and taking part in corporations

s 65 amd 2001 No. 45 s 29 schs 2–3; 2005 No. 18 s 44

Protection from liability

s 66A ins 2005 No. 18 s 45

Report about person's criminal history

s 66B ins 2005 No. 18 s 45

Delegation by Minister

s 66C ins 2005 No. 18 s 45

PART 8—TRANSITIONAL PROVISIONS

pt hdg prev pt hdg exp 13 March 2000 (see s 85)
pres pt hdg ins 2002 No. 75 s 54
sub 2005 No. 18 s 46(1)

Division 1—Transitional provisions for the Education (Miscellaneous Amendments) Act 2002

div hdg ins 2002 No. 75 s 54
sub 2005 No. 18 s 46(2)

Subdivision 1—Preliminary

sdiv hdg ins 2005 No. 18 s 46(2)

Definitions for div 1

prov hdg sub 2005 No. 18 s 165 sch
s 70 prev s 70 exp 13 March 2000 (see s 85)
pres s 70 ins 2002 No. 75 s 54
amd 2005 No. 18 s 165 sch

Division 2—Provisions about the council

div hdg ins 2002 No. 75 s 54
om 2005 No. 18 s 46(3)

Subdivision 2—Provisions about the council

sdiv hdg ins 2005 No. 18 s 46(3)

Conduct of ballot for elected members

s 71 prev s 71 exp 13 March 2000 (see s 85)
pres s 71 ins 2002 No. 75 s 54

When particular members' term of office ends

s 72 prev s 72 exp 13 March 2000 (see s 85)
pres s 72 ins 2002 No. 75 s 54

Division 3—Provisions about Gold Coast student body

div hdg ins 2002 No. 75 s 54
om 2005 No. 18 s 46(4)

Subdivision 3—Provisions about Gold Coast student body

sdiv hdg ins 2005 No. 18 s 46(4)

Continuation of Gold Coast student body

s 73 prev s 73 exp 13 March 2000 (see s 85)
pres s 73 ins 2002 No. 75 s 54

Student guild is legal successor

s 74 prev s 74 exp 13 March 2000 (see s 85)
pres s 74 ins 2002 No. 75 s 54

Continuation of constitution

s 75 prev s 75 exp 13 March 2000 (see s 85)
pres s 75 ins 2002 No. 75 s 54

Board members and office holders continue in office

s 76 prev s 76 exp 13 March 2000 (see s 85)
pres s 76 ins 2002 No. 75 s 54

Assets and liabilities etc.

s 77 prev s 77 exp 13 March 2000 (see s 85)
 pres s 77 ins 2002 No. 75 s 54

Proceedings

s 78 prev s 78 exp 13 March 2000 (see s 85)
 pres s 78 ins 2002 No. 75 s 54

References to Gold Coast student body

s 79 prev s 79 exp 13 March 2000 (see s 85)
 pres s 79 ins 2002 No. 75 s 54

Division 4—Provision about colleges

div hdg ins 2002 No. 75 s 54
 om 2005 No. 18 s 46(5)

Subdivision 4—Provision about colleges

sdiv hdg ins 2005 No. 18 s 46(5)

Dissolution of colleges

s 80 prev s 80 exp 13 March 2000 (see s 85)
 pres s 80 ins 2002 No. 75 s 54

Division 2—Transitional provisions for the University Legislation Amendment Act 2005

div hdg ins 2005 No. 18 s 47

Subdivision 1—Preliminary

sdiv hdg ins 2005 No. 18 s 47

Definitions for div 2

s 81 prev s 81 exp 13 March 2000 (see s 85)
 pres s 81 ins 2005 No. 18 s 47

Subdivision 2—Provisions about council membership

sdiv hdg ins 2005 No. 18 s 47

Continuation of official member

s 82 prev s 82 exp 13 March 2000 (see s 85)
 pres s 82 ins 2005 No. 18 s 47

Appointment of new appointed members

s 83 prev s 83 exp 13 March 2000 (see s 85)
 pres s 83 ins 2005 No. 18 s 47

Continuation, and term of office, of appointed members

s 84 prev s 84 exp 13 March 2000 (see s 85)
 pres s 84 ins 2005 No. 18 s 47

Continuation of elected members

s 85 prev s 85 exp 13 March 2000 (see s 85)
 pres s 85 ins 2005 No. 18 s 47

Ballot, and term of office, for elected members

s 86 ins 2005 No. 18 s 47

Appointment of new additional members

s 87 ins 2005 No. 18 s 47

Continuation, and term of office, of additional members

s 88 ins 2005 No. 18 s 47

Council need not include additional members

s 89 ins 2005 No. 18 s 47

Dealing with casual vacancy in office of elected member

s 90 ins 2005 No. 18 s 47

Subdivision 3—Constitution of council

sdiv hdg ins 2005 No. 18 s 47

Constitution of council

s 91 ins 2005 No. 18 s 47

SCHEDULE 1—CONTROL OF TRAFFIC AND CONDUCT ON UNIVERSITY LAND

Limitation of authorised person’s powers

s 2 amd 2005 No. 18 s 165 sch

Removal and detention of illegally parked or abandoned vehicles

s 9 amd 2005 No. 18 s 165 sch

SCHEDULE 2—DICTIONARY

def “college” om 2002 No. 75 s 55(1)

ins 2005 No. 18 s 48(2)

def “college student body” om 2002 No. 75 s 55(1)

def “commencement” ins 2005 No. 18 s 48(2)

def “conduct obligation” ins 2005 No. 18 s 48(2)

def “conviction” ins 2005 No. 18 s 48(2)

def “elected member” amd 2002 No. 75 s 55(3)

def “Gold Coast college” om 2002 No. 75 s 55(1)

ins 2005 No. 18 s 48(2)

def “Gold Coast student body” ins 2005 No. 18 s 48(2)

def “higher education award” sub 2003 No. 59 s 103 sch 1; 2008 No. 25 s 164 sch 1

def “indictable offence” ins 2002 No. 75 s 74 sch

sub 2005 No. 18 s 48

def “official traffic sign” amd 1999 No. 42 s 54(3) sch pt 3

def “owner” amd 1999 No. 42 s 54(3) sch pt 3

def “new additional members” ins 2005 No. 18 s 48(2)

def “new appointed members” ins 2005 No. 18 s 48(2)

def “notice” ins 2005 No. 18 s 48(2)

def “pre-amended Act” ins 2005 No. 18 s 48(2)

def “spent conviction” ins 2005 No. 18 s 48(2)

def “student guild” ins 2002 No. 75 s 55(2)

def “vehicle” amd 1999 No. 42 s 54(3) sch pt 3