



Bond University Act 1987

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Queensland

Bond University Act 1987

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Bond University Act 1987

An Act to provide in relation to the operation of a university in Queensland under the name and style Bond University

Preamble

Whereas a company limited by guarantee has been incorporated under the Companies (Queensland) Code by the name 'Bond University Limited' having as its objects the establishment, maintenance, promotion and operation of a university in Queensland under the name and style 'Bond University'.

And whereas it is desirable that statutory provision be made in relation to the operation of Bond University and certain of the powers of the company controlling Bond University.

1 Short title

This Act may be cited as the *Bond University Act 1987*.

2 Interpretation

In this Act—

academic staff means persons employed by the employer within Bond University or within an entity established pursuant to this Act within or associated with Bond University being persons so employed for the purpose of providing education and learning to students of the university or entity.

Bond University means the centre for education and learning established by the university company in pursuance of its objects provided for by its memorandum of association.

employer means the proprietary company incorporated under the Companies (Queensland) Code by the name ‘Bond University Services Pty. Ltd.’ its successors and assigns.

employer of general staff means the proprietary company incorporated under the Companies (Queensland) Code by the name ‘Bond University Staff Services Pty. Ltd.’ its successors and assigns.

general staff means persons employed by the employer of general staff within Bond University or within an entity established pursuant to this Act within or associated with Bond University being persons other than academic staff.

university company means the company limited by guarantee incorporated under the Companies (Queensland) Code by the name ‘Bond University Limited’.

university council means the board of directors of the university company.

3 Function and powers of university company

- (1) The function of the university company is to pursue, within the limits of financial resources available to it, the objects provided by its memorandum of association, and in particular, the university company may award and confer degrees, diplomas and other awards as awards of a tertiary educational institution.
- (2) In the discharge of its function the university company has and may exercise within the limits of financial resources available to it the powers conferred on it by its memorandum of association and in particular—
 - (a) may do all such things as are necessary or reasonably desirable for the proper maintenance, promotion or operation of Bond University; and
 - (b) may establish, abolish, replace and add to faculties, departments, schools or other organisational sections or units within Bond University as the university council thinks fit.

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- (3) Nothing in this section shall be construed to excuse or exempt the university company from complying with law that apart from this Act would apply to the company.

4 Use of name ‘Bond University’

- (1) The university company and the university council is each authorised to use the name ‘Bond University’ in the discharge of its functions and exercise of its powers in relation to the conduct of Bond University.
- (2) This section applies despite any other Act or the Corporations Act.

5 Establishment of associated entities

- (1) The university company may establish or join in establishing colleges, chairs, centres for research or learning and other institutions or bodies within or associated with Bond University with a view to the proper discharge of its function or the effectual exercise of its powers.
- (2) The university council may specify terms and conditions to be observed by all persons concerned in relation to any college, chair, centre, institution or body established or to be established within or associated with Bond University and may exact such penalty as is specified by the university council for any breach of such terms and conditions.
- (3) Where any such penalty is a pecuniary sum it may be recovered by the university council from the person who has breached the terms and conditions as a debt due and owing to it by action in a court of competent jurisdiction.
- (4) This section applies despite the Corporations Act.

6 Principle of non-discrimination

- (1) No test of religion, politics, race or sex shall be administered to any person in order to entitle that person to be admitted as a student of Bond University or to hold any office therein or to

graduate therefrom or to enjoy any advantage, benefit or privilege thereof.

- (2) No person shall be denied admission as a student of Bond University or be ineligible to hold office therein or to graduate therefrom or to enjoy any advantage, benefit or privilege thereof because of that person's religious or political views or beliefs, race or sex.

7 Provisions concerning investment

- (1) The university company may establish 1 or more investment common funds for the investment of moneys held by it in any form of investment authorised by its memorandum of association, whether or not the investment is an authorised trustee investment.
- (2) Subject to express direction in or express condition of any trust binding upon it in respect of particular moneys, the university company may, from time to time without liability for breach of trust, bring into or withdraw from any such investment common fund the whole or any part of trust moneys or other moneys of the university company.
- (3) Subject to subsections (4) and (5) the university company shall periodically distribute the income of each investment common fund among the funds participating in the common fund, having regard to the extent of the participation of each fund in the common fund during the relevant accounting period.
- (4) In any case where the university company has brought into an investment common fund moneys that have been received by it to be expended for a stated purpose but that cannot or will not be expended for that purpose forthwith, there may be paid into the general funds of the university company and therein utilised the whole or any part of that part of the income of that investment common fund which is attributable to the participation of those moneys in that fund and which is not required for that stated purpose.
- (5) The university company may, if it considers it expedient so to do, from time to time add some portion of the income of an

investment common fund to the capital of the common fund or use some portion of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.

8 Gifts etc. to colleges etc.

- (1) The university company is authorised to acquire by gift, devise or bequest property upon trust to apply the same or the proceeds thereof or the income therefrom for the benefit of a college, chair, centre, institution or other body established within or associated with Bond University notwithstanding the beneficiary thereof may not be a legal entity.
- (2) A gift, devise or bequest or property purporting to be to or for the benefit of—
 - (a) a college, chair, centre, institution or other body established within or associated with Bond University;
or
 - (b) Bond University;

shall be deemed to be a gift, devise or bequest to the university company upon trust to apply the same for the purposes of the beneficiary in accordance with the terms of the gift, devise or bequest, and any act that could have been performed by the beneficiary, had it been a corporate entity, may be performed by the university company as validly and effectually as if the gift, devise or bequest had been to or for the benefit of the university company.

9 Rule as to perpetuities not applicable

The rule of law relating to perpetuities does not apply in relation to any gift, devise or bequest of property accepted by the university company.

10 Student's legal capacity re loans

In the event that the university company proposes to make loans to students of Bond University then, notwithstanding

any Act or law to the contrary, a student of the university who has not attained the age of full legal capacity to whom a loan is to be so made shall be deemed to have full capacity in law—

- (a) to contract for the loan and its repayment; and
- (b) to execute all instruments of acknowledgment and securities in respect of the loan; and
- (c) to incur all obligations provided by the contract or implied by law upon the borrower of a loan.

11 Independence of Bond University

It is declared that the university company alone is responsible for and has authority over the provision of education within Bond University and shall not be subject therein to the direction of any person.

12 Academic staff association

- (1) An association of members of the academic staff that—
 - (a) has a constitution that includes in the objects of the association the following objects—
 - (i) to enhance, promote and defend the conditions of employment of academic staff;
 - (ii) to negotiate on behalf of academic staff with the employer in relation to the conditions of employment of the academic staff;
 - (iii) to develop in conjunction with the employer a procedure for settlement of industrial disputes between the academic staff and the employer;
 - (iv) consistently with the object expressed in subparagraph (i), to advance the work of Bond University and any other entity established pursuant to this Act within or associated with Bond University and to preserve the independence, integrity and standing of the university and entity;

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- (v) consistently with the object expressed in subparagraph (i), to have regard to and foster the objects of the university company provided for by its memorandum of association; and
 - (b) if at any time there be more than 1 such association that satisfies paragraph (a)—is the first such association formed after the employer begins to employ academic staff;
shall be the academic staff association within Bond University.
- (2) The employer shall recognise the academic staff association as the appropriate entity to represent academic staff in relation to the objects referred to in subsection (1)(a).
 - (3) No provision of subsection (1) or (2) shall be construed to entitle the academic staff association or any member or officer thereof to nominate any person to be appointed as a member of the university council.
 - (4) The academic staff association 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.

13 General staff association

- (1) An association of members of the general staff that—
 - (a) has a constitution that includes in the objects of the association the following objects—
 - (i) to enhance, promote and defend the conditions of employment of general staff;
 - (ii) to negotiate on behalf of general staff with the employer in relation to the conditions of employment of the general staff;
 - (iii) to develop in conjunction with the employer a procedure for settlement of industrial disputes between the general staff and the employer;
 - (iv) consistently with the object expressed in subparagraph (i) to advance the work of Bond

University and any other entity established pursuant to this Act within or associated with Bond University and to preserve the independence, integrity and standing of the university and entity;

- (v) consistently with the object expressed in subparagraph (i) to have regard to and foster the objects of the university company provided for by its memorandum of association; and
- (b) if at any time there be more than 1 such association that satisfies paragraph (a)—is the first such association formed after the employer begins to employ general staff;

shall be the general staff association within Bond University.

- (2) The employer shall recognise the general staff association as the appropriate entity to represent general staff in relation to the objects referred to in subsection (1)(a).
- (3) No provision of subsection (1) or (2) shall be construed to entitle the general staff association or any member or officer thereof to nominate any person to be appointed as a member of the university council.
- (4) The general staff association 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.

14 Visitor

- (1) The university council may appoint a visitor.
- (2) The visitor appointed under subsection (1) shall have, in respect of members of Bond University, all of the powers and functions possessed under the law by visitors.
- (3) In this section—

members of Bond University means members of the university council, in their capacity as councillors, academic staff, graduates of Bond University and students enrolled as candidates proceeding to a degree or diploma at Bond University.