



Australian Capital Territory

# University of Canberra Amendment Act 2015

A2015-8

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Australian Capital Territory

# University of Canberra Amendment Act 2015

A2015-8

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An Act to amend the *University of Canberra Act 1989*

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

**1 Name of Act**

This Act is the *University of Canberra Amendment Act 2015*.

**2 Commencement**

This Act commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This Act amends the *University of Canberra Act 1989*.

**4 Functions of university  
New section 6 (1) (ea) and (eb)**

*insert*

- (ea) to develop and provide cultural, sporting, professional, technical and vocational services to the community; and
- (eb) to participate in public discourse; and

**5 New section 6 (1) (g) and (h)**

*insert*

- (g) to commercially exploit or develop, for the university's benefit, any property of the university including any facility, resource, real property or other right or interest; and

**Example**

the practical application and development of study, research, knowledge and intellectual or real property

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (h) to exercise any other function given to it under this Act or another territory law.

**6 Values and principles of university  
New section 6A (f)**

*insert*

- (f) commitment, through education and research, to reconciliation with Aboriginal and Torres Strait Islander people.

**7 Powers of university  
Section 7 (1), new example**

*insert*

**Example**

power to enter into contracts with third parties for the purpose of commercially exploiting or developing the university's property

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**8 Section 7 (2) (a)**

*omit*

real and personal

**9 Section 7 (2) (p)**

*omit*

function

*substitute*

power

**10 Powers of council  
New section 10 (4)**

*insert*

- (4) The council may, by resolution passed by at least  $\frac{2}{3}$  of the council members, provide for a council member to be paid remuneration.

**11 Constitution of council  
Section 11 (3)**

*substitute*

- (3) The conditions of appointment of a member mentioned in subsection (1) (d) are the conditions agreed between the Executive and the member, subject to—
- (a) any resolution passed by the council under section 10 (4) (a ***council resolution***) for the member; or
  - (b) if no resolution has been passed—any determination under the ***Remuneration Tribunal Act 1995***.
- (3A) For subsection (3) (a), if a determination under the ***Remuneration Tribunal Act 1995*** applies to a member and the determination is inconsistent with a council resolution—
- (a) the council resolution prevails to the extent of the inconsistency; but
  - (b) if the member would receive a smaller entitlement or less remuneration under the council resolution than under the determination—the determination prevails to the extent of the inconsistency.
- (3B) Subsections (3) and (3A) apply despite the ***Financial Management Act 1996***, section 78 (8) (Appointment of governing board members generally).

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**12 Casual vacancies**  
**New section 16 (3)**

*insert*

- (3) In this section:

***casual vacancy***, in the membership of the council, includes an office of a member mentioned in section 11 (1) (e), (f), (g) or (h) that is vacant and cannot be filled by an election because no nomination has been received for the office.

**13 Delegation by council**  
**New section 17 (1) (d)**

*before the note, insert*

- (d) any other person approved by the council.

**14 Chancellor**  
**New section 24 (4) and (5)**

*insert*

- (4) The council may, by special resolution, end a person's appointment as chancellor if the council considers it in the best interests of the university to end the appointment.

*Note* A chancellor's appointment also ends if the chancellor resigns (see [Legislation Act](#), s 210), or may end if the chancellor fails to comply with a duty under s 12A (1) or (2) (see s 12A (4)).

- (5) In this section:

***special resolution***, of the council, means a resolution passed by at least  $\frac{2}{3}$  of the total members of the council for the time being at 2 consecutive meetings of the council.

**15 Deputy chancellor  
New section 24A (4) and (5)**

*insert*

- (4) The council may, by special resolution, end a person's appointment as deputy chancellor if the council considers it in the best interests of the university to end the appointment.

*Note* A deputy chancellor's appointment also ends if the deputy chancellor resigns (see [Legislation Act](#), s 210), or may end if the deputy chancellor fails to comply with a duty under s 12A (1) or (2) (see s 12A (4)).

- (5) In this section:

*special resolution*, of the council—see section 24 (5).

**16 New part 5**

*insert*

## **Part 5 Miscellaneous**

**43 Review of Act**

- (1) The Minister must review the operation of this Act, and any other territory law affecting the university prescribed by regulation.
- (2) Without limiting subsection (1), the review must consider the economic and other benefits gained by the university and the community in the ACT region because of—
- (a) the amendments to the Act by the *University of Canberra Amendment Act 2015*; and
  - (b) any other changes to territory law prescribed by regulation.



- (3) The Minister must present a report of the review to the Legislative Assembly not earlier than 5 years after the day the *University of Canberra Amendment Act 2015* commences but not later than 3 months after the end of that 5-year period.
- (4) This section expires 7 years after the day it commences.

**17 Dictionary, note 2**

*insert*

- Executive
- property

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 19 February 2015.

**2 Notification**

Notified under the [Legislation Act](#) on 7 April 2015.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the University of Canberra Amendment Bill 2015, which was passed by the Legislative Assembly on 24 March 2015.

Clerk of the Legislative Assembly

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