



Australian Capital Territory

# **University of Canberra Act 1989 No 179**

## **Republication No 2**

Republication date: 31 January 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *University of Canberra Act 1989* as in force on 31 January 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# University of Canberra Act 1989

## Contents

---

	Page	
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title	2
3	Definitions for Act	2
<b>Part 2</b>	<b>University of Canberra</b>	
<b>Division 2.1</b>	<b>Establishment of university</b>	
4	Establishment of university	3
6	Functions of university	3
6A	Values and principles of university	4
7	Powers of university	4
8	Organisation of university	6
<b>Division 2.2</b>	<b>The council</b>	
9	Council	6

---

## Contents

---

	Page
10 Powers of council	6
11 Constitution of council	6
12 Qualifications for membership of council	7
13 Meetings of council	8
14 Disclosure of interests of members	8
15 Vacation of office	9
16 Casual vacancies	10
17 Delegation to member of council etc.	10
18 Delegation to committee of council	10
<b>Division 2.3 The board</b>	
19 Academic board	11
20 Constitution of board	11
21 Chairperson of board	11
22 Terms of office of board members	12
23 Meetings of board	12
<b>Division 2.4 Senior officers of university</b>	
24 Chancellor	13
24A Deputy chancellor	13
25 Vice-chancellor and president	13
27 Acting appointments	14
<b>Division 2.5 Miscellaneous</b>	
28 Execution of contracts	14
29 Validity of acts and proceedings	14
29A Immunity from suit	15
<b>Part 3 Financial and commercial matters</b>	
<b>Division 3.1 Fees</b>	
30 Fees	16
<b>Division 3.2 Finances of university</b>	
33 Application of fees and other money	16
34 Borrowing	16
35 Application of Financial Management Act, pt 6 and pt 8	17
36 Annual report	19

---

	Page
<b>Division 3.3</b>	
<b>Companies and joint ventures</b>	
37	19
38	20
<b>Part 4</b>	
<b>Statutes</b>	
40	21
41	24
42	24
<b>Endnotes</b>	
1	26
2	26
3	27
4	28
5	33

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# University of Canberra Act 1989

---

An Act to establish the University of Canberra

---

## Part 1 Preliminary

### 1 Short title

This Act may be cited as the *University of Canberra Act 1989*.

### 3 Definitions for Act

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

*academic staff* means the persons who are to be regarded as members of the academic staff because of statutes made under section 40 (2) (d).

*board* means the Academic Board established by section 19.

*chancellor* means the Chancellor of the university appointed under section 24.

*council* means the Council referred to in section 9.

*deputy chancellor* means the Deputy Chancellor of the university appointed under section 24A.

*elect* includes re-elect.

*general staff* means members of the staff of the university other than—

- (a) the vice-chancellor; and
- (b) the members of the academic staff.

*statute* means a statute of the university made by the council under part 4.

*university* means the University established by section 4.

*vice-chancellor* means the Vice-Chancellor and President of the University of Canberra appointed under section 25.

## **Part 2**                      **University of Canberra**

### **Division 2.1**              **Establishment of university**

#### **4**        **Establishment of university**

- (1) A university is established.
- (2) The name of the university is the University of Canberra.
- (3) The university—
  - (a) is a body corporate; and
  - (b) is to have a seal; and
  - (c) may acquire, hold and dispose of real and personal property.
- (4) The seal of the university shall be kept in such custody as the council directs and shall not be used except as authorised by the council.
- (5) All courts, judges and persons acting judicially shall take judicial notice of the imprint of the seal of the university appearing on a document and shall presume that it was duly fixed.

#### **6**        **Functions of university**

- (1) The functions of the university include—
  - (a) to transmit and advance knowledge by undertaking teaching and research of the highest quality; and
  - (b) to encourage, and provide facilities for, postgraduate study and research; and
  - (c) to provide facilities and courses for higher education generally, including education appropriate to professional and other occupations, for students from within Australia and overseas; and



- (d) to award and confer degrees, diplomas and certificates, whether in its own right, jointly with other institutions or as otherwise determined by the council; and
  - (e) to provide opportunities for persons, including those who already have post-secondary qualifications, to obtain higher education qualifications; and
  - (f) to engage in extension activities.
- (2) In the performance of its functions, the university shall pay special attention to the needs of the ACT and the surrounding regions.

#### **6A Values and principles of university**

The university shall have an objective of implementing the following values and principles:

- (a) service to scholarship and the education of the Australian people;
- (b) responsiveness to the needs of Australia;
- (c) fairness and integrity;
- (d) efficiency and effectiveness;
- (e) accountability for the performance of the university's functions.

#### **7 Powers of university**

- (1) Subject to division 3.2, the university has power to do all things that are necessary or convenient to be done for, or in connection with, the performance of its functions.
- (2) The powers of the university under subsection (1) include, but are not limited to, the following powers:
  - (a) to buy, take on lease, or otherwise acquire, real and personal property, and to sell, grant leases of, or otherwise dispose of, such property;

- (b) to develop commercially any discovery, invention or property;
  - (c) to make charges for work done, services rendered and goods and information supplied by it;
  - (d) to join in the formation of companies;
  - (e) to subscribe for and buy shares in, and debentures and other securities of, companies;
  - (f) to enter into partnerships;
  - (g) to participate in joint ventures and arrangements for the sharing of profits;
  - (h) to enter into contracts;
  - (i) to erect buildings;
  - (j) to occupy, use and control any land or buildings owned or leased by the Commonwealth or the Territory and made available for the purposes of the university;
  - (k) to employ staff;
  - (l) to invest money of the university, and to dispose of investments;
  - (m) to make loans and grants to students;
  - (n) to accept gifts, grants, bequests and devises made to it;
  - (o) to act as trustee of money and other property vested in it on trust;
  - (p) to do such other things as it is authorised to do by or under this Act or any other Act;
  - (q) to do anything incidental to any of its powers.
- (3) Despite anything contained in this Act, any money or other property held by the university on trust shall be dealt with in accordance with the powers and duties of the university as trustee.

- (4) The powers of the university may be exercised within or outside Australia.

## **8 Organisation of university**

There are to be, within the university, such faculties and other bodies as are determined by the council.

## **Division 2.2 The council**

### **9 Council**

The governing authority of the university is the Council.

### **10 Powers of council**

- (1) Subject to this Act and the statutes, the council has the entire management of the university.
- (2) The council is to act in all matters concerning the university in the way it thinks will best promote the interests of the university.
- (3) The powers of the council include, but are not limited to, the power to appoint persons (whether members of the staff of the university or not) to positions of responsibility within the university.

### **11 Constitution of council**

- (1) The council consists of the following members:
- (a) the chancellor;
  - (b) the deputy chancellor;
  - (c) the vice-chancellor;
  - (d) 10 persons appointed by the Chief Minister;
  - (e) 1 person (not being an employee or student of the university) elected by graduates of the university and of the Canberra College of Advanced Education;

- (f) 3 members of the academic staff elected by members of that staff;
  - (g) 1 member of the general staff elected by members of that staff;
  - (h) 2 students of the university elected by students of the university;
  - (i) the person or persons (if any) appointed under subsection (2).
- (2) Where the council considers that it is necessary to appoint 1 or 2 extra members of the council to enable the council to perform its functions efficiently, the council may appoint a person or persons as a member or members of the council.
- (3) An employee or student of the university is not to be appointed under subsection (2).
- (4) Subject to this Act, a member of the council referred to in subsection (1) (d) or (i) holds office for such period, not exceeding 4 years, as is specified in the instrument of appointment.
- (5) Subject to this Act, the members of the council referred to in subsection (1) (e), (f), (g) and (h) hold office for such periods as the statutes provide.

## **12 Qualifications for membership of council**

- (1) A person is not qualified to become or remain a member of the council (other than the vice-chancellor) if the person—
- (a) is under 18 years of age; or
  - (b) is an undischarged bankrupt or a person in respect of whom there is in operation a composition, deed of arrangement or deed of assignment with the person's creditors under the law relating to bankruptcy; or
  - (c) has been convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for 1 year or longer.

- (2) Disqualification under subsection (1) (c) is to expire 2 years from the date of conviction or the date of release from prison, whichever is the later.

### **13 Meetings of council**

- (1) The chancellor is to preside at all meetings of the council at which he or she is present.
- (2) If the chancellor is not present at a meeting of the council, the deputy chancellor shall preside at the meeting.
- (3) If neither the chancellor nor the deputy chancellor is present at a meeting of the council, the members present shall elect 1 of their number to preside at the meeting.
- (4) At a meeting of the council, a quorum consists of a majority of the persons for the time being holding office as members of the council.

### **14 Disclosure of interests of members**

- (1) A member of the council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the council shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the council.
- (2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the council and the member shall not, unless the council otherwise determines—
- (a) be present during any deliberation of the council with respect to that matter; or
- (b) take part in any decision of the council with respect to that matter.
- (3) For the purpose of making a determination under subsection (2), a member of the council who has a direct or indirect pecuniary interest in the matter concerned shall not—

- (a) be present during any deliberation of the council for the purpose of making the determination; or
  - (b) take part in making the determination.
- (4) This section has effect subject to the statutes.

## **15 Vacation of office**

- (1) The office of a member of the council (other than the vice-chancellor) becomes vacant if the member—
- (a) becomes disqualified under section 12 from remaining a member of the council; or
  - (b) dies; or
  - (c) resigns from the council; or
  - (d) is absent without leave of the council from 3 consecutive meetings of the council; or
  - (e) without reasonable excuse, contravenes section 14 (1); or
  - (f) in the case of a member referred to in section 11 (1) (c)—ceases to be qualified to be appointed as mentioned in that paragraph; or
  - (g) in the case of a member referred to in section 11 (1) (e), (f), (g) or (h)—ceases to be qualified to be elected as mentioned in the paragraph concerned; or
  - (h) in the case of a member referred to in paragraph 11 (1) (i)—becomes an employee or student of the university.
- (2) If a person holding office as a member of the council referred to in 1 of the paragraphs of section 11 (1) is, before otherwise ceasing to hold that office, appointed to the office of chancellor or vice-chancellor, that person ceases, upon being so appointed, to hold that firstmentioned office.

- (3) If the office of a member referred to in section 11 (1) (d) becomes vacant, the council shall, in writing, notify the Chief Minister of that fact.

## **16 Casual vacancies**

- (1) A casual vacancy in the membership of the council is to be filled—
- (a) where the statutes make provision for the filling of that casual vacancy—as provided by the statutes; or
  - (b) in any other case—as provided in section 11 (1) for the appointment or election of a person to the vacant office.
- (2) A person appointed or elected to fill a casual vacancy holds office for the remainder of the term of office of the person's predecessor.

## **17 Delegation to member of council etc**

- (1) The council may delegate all or any of its functions and powers under this Act (except its powers to make statutes) to—
- (a) a member of the council; or
  - (b) the vice-chancellor or a member of the staff of the university.
- (2) The council may revoke a delegation under this section.

## **18 Delegation to committee of council**

- (1) The council may delegate all or any of its functions and powers under this Act (except its powers to make statutes) to the members of a committee consisting of—
- (a) members of the council; or
  - (b) a member or members of the council and other persons.
- (2) A function or power so delegated may be performed or exercised by a majority of the members of the committee, acting jointly, and may not otherwise be performed or exercised under the delegation.
- (3) The council may revoke a delegation under this section.

## **Division 2.3            The board**

### **19    Academic board**

- (1) There is to be an Academic Board.
- (2) The board—
  - (a) subject to the statutes, is responsible under the council for all academic matters relating to the university; and
  - (b) may advise the council on any matter relating to education, learning or research or the academic work of the university.

### **20    Constitution of board**

The board consists of the following members:

- (a) the vice-chancellor or his or her nominee;
- (b) the chairperson appointed under section 21;
- (c) the heads of faculties;
- (d) such heads of the other bodies referred to in section 8 as are designated by the council for this section;
- (e) such other members of the academic staff as are specified in, or chosen as provided by, the statutes;
- (f) such students of the university as are elected by students in accordance with the statutes;
- (g) such other persons (if any) as the council appoints after receiving the advice of the board itself.

### **21    Chairperson of board**

The vice-chancellor or his or her nominee is to be the chairperson of the board.



## **22 Terms of office of board members**

- (1) A member of the board referred to in section 20 (e) or (f) holds office, subject to this Act and to the statutes, for such period as is specified in the statutes.
- (2) A member of the board referred to in section 20 (g) holds office, subject to this Act and to the statutes, for such period as is specified in the instrument appointing that member.
- (3) If a person holding office as a member referred to in 1 of the paragraphs of section 20 becomes, before otherwise ceasing to hold that office, a member referred to in another of those paragraphs, that person ceases, upon becoming such a member, to hold that firstmentioned office.
- (4) Where a person becomes a member of the board because of the filling of a casual vacancy in the office of a member referred to in section 20 (e) or (f) (including a casual vacancy occurring because of subsection (3)), that person holds office, subject to this Act and to the statutes, for the remainder of the term of office of the person's predecessor.

## **23 Meetings of board**

- (1) Subject to subsection (2), the chairperson of the board is to preside at all meetings of the board at which he or she is present.
- (2) If the chairperson—
  - (a) is not present; or
  - (b) declines to preside;at a meeting of the board, the members present shall elect 1 of their number to preside at the meeting.
- (3) At a meeting of the board, a quorum consists of a majority of the persons for the time being holding office as members of the board.

## **Division 2.4                      Senior officers of university**

### **24      Chancellor**

- (1) The council shall appoint a member of the council or another person to be the Chancellor of the university.
- (2) The chancellor holds office for such period, and on such conditions, subject to the statutes, as the council determines.

### **24A    Deputy chancellor**

- (1) The council shall appoint a member of the council or another person to be the Deputy Chancellor of the university.
- (2) The deputy chancellor holds office for such period, and on such conditions, subject to the statutes, as the council determines.
- (3) The deputy chancellor shall act as the chancellor—
  - (a) during any vacancy in the office of chancellor; or
  - (b) when the chancellor is for any reason unable to perform the functions of the office of chancellor.

### **25      Vice-chancellor and president**

- (1) The council shall appoint a member of the council or another person to be the Vice-Chancellor and President of the university.
- (2) The vice-chancellor—
  - (a) is the executive officer of the university; and
  - (b) has such powers and duties as the statutes prescribe or, subject to the statutes, as the council determines.
- (3) The vice-chancellor holds office for such period, and on such conditions, subject to the statutes, as the council determines.

## **27 Acting appointments**

- (1) The council may, in writing, appoint a person to act as vice-chancellor—
  - (a) during a vacancy in the office of vice-chancellor, whether or not an appointment has previously been made to the office; or
  - (b) during any period, or during all periods, when the vice-chancellor is for any reason unable to perform the functions of the office.
- (2) A person appointed to act as the vice-chancellor during a vacancy in the office of vice-chancellor shall not so act continuously for more than 12 months.
- (3) Anything done by or in relation to a person purporting to act pursuant to an appointment under subsection (1) is not invalid on the ground that—
  - (a) the appointment was ineffective or had ceased to have effect; or
  - (b) the occasion to act had not arisen or had ceased.

## **Division 2.5 Miscellaneous**

### **28 Execution of contracts**

- (1) Any contract that, if made between private persons, would be by law required to be in writing under seal may be made on behalf of the university in writing under the seal of the university.
- (2) Any contract to which subsection (1) does not apply may be made on behalf of the university by any person acting with the authority of the council, express or implied, and, where such a contract is made in writing, it may be executed on behalf of the university by that person.

### **29 Validity of acts and proceedings**

- (1) This section applies to the following acts and proceedings:
-

- (a) an act or proceeding of the council or the board;
  - (b) an act or proceeding of the members, or a committee, of the council or the board;
  - (c) an act done by the chancellor or vice-chancellor.
- (2) An act or proceeding is not invalid on the ground that—
- (a) a defect in the appointment, election, choosing or admission of—
    - (i) the chancellor or vice-chancellor; or
    - (ii) any other member of the council or the board or of a committee of either; or
  - (b) the disqualification of a member of the council or the board or of a committee of the council or the board from membership of the council, board or committee; or
  - (c) a defect in the convening of a meeting; or
  - (d) a vacancy in the membership of the council or the board.

### **29A Immunity from suit**

No action, suit or proceeding lies against a person who is or has been a member of the council in relation to an act done or omitted to be done in good faith in the performance or purported performance of a function under this Act.

## Part 3 Financial and commercial matters

### Division 3.1 Fees

#### 30 Fees

- (1) Fees, other than fees referred to in the *Higher Education Funding Act 1988* (Cwlth), section 13 or fees excluded from the definition of *fees* in section 3 of that Act, are not payable to the university.
- (2) Fees that are payable to the university are payable in accordance with the statutes.

### Division 3.2 Finances of university

#### 33 Application of fees and other money

All financial assistance paid to the university under the *Higher Education Funding Act 1988* (Cwlth) and all fees and other money received by the university under this Act or otherwise shall be applied by the council solely for the purposes of the university.

#### 34 Borrowing

- (1) Subject to subsection (2), the university may borrow money.
- (2) The university's power to borrow is subject to such limits as the Treasurer determines as to—
  - (a) the total amount of money (other than interest) that may be owed by the university at any time as a result of borrowings; and
  - (b) the periods for which money may be borrowed.

### 35 Application of Financial Management Act, pt 6 and pt 8

- (1) The *Financial Management Act 1996*, part 6 applies in relation to the university as if section 45 were omitted.
- (2) The *Financial Management Act 1996*, part 8 applies in relation to the university as if—
  - (a) the references in that part to the chief executive officer of a Territory authority were references to the council; and
  - (b) section 54 (3) (b) and (d) were omitted; and
  - (c) section 55 (3) were omitted; and
  - (d) in section 56—
    - (i) there were omitted from subsection (1) (c) or;
    - (ii) after subsection (1) (d) there were inserted the following paragraphs:
      - ‘(e) on loan to an authorised dealer; or
      - (f) in clean bills of exchange.’; and
    - (iii) the following subsection were added at the end of the section:

‘(4) In subsection (1):

***authorised dealer*** means a corporation that is an authorised dealer in the short-term money market as defined by the *Banking (Savings Banks) Regulations* (Cwlth), regulation 5 (1) under the *Banking Act 1959* (Cwlth);

***clean bill of exchange*** means a bill of exchange that—

      - (a) has been accepted by a trading bank; and
      - (b) has been endorsed by a trading bank or trading banks; and

- (c) has not been endorsed by any person other than a trading bank.’; and
- (e) section 58 were omitted; and
- (f) section 59 (1) were omitted and the following subsection substituted:
  - ‘(1) A Territory authority shall, within—
    - (a) 2 months after 31 December in each year; or
    - (b) such further period as the Minister specifies in writing;prepare annual financial statements relating to its operations during the year.’; and
- (g) section 59 (2) were omitted and the following subsection substituted:
  - ‘(2) The annual financial statements shall be prepared in accordance with generally accepted accounting practice.’; and
- (h) section 59 (3) (d) were omitted; and
- (i) section 59 (4) were omitted; and
- (j) section 61 (1) were omitted and the following subsection substituted:
  - ‘(1) The chief executive officer of a Territory authority shall, within 2 weeks after the authority has prepared an annual financial statement, forward a copy of that statement to the auditor-general.’; and
- (k) section 63 (1) were omitted and the following subsections substituted:
  - ‘(1) The responsible Minister may, by instrument, direct the chief executive officer of a Territory authority to

provide him or her with financial statements relating to the authority.

‘(1A) The Minister shall cause a copy of each direction under subsection (1) to be laid before the Legislative Assembly within 5 sitting days after the day on which he or she gives the direction to the authority.’.

### **36 Annual report**

The council shall, within 4 months after 31 December in each year, prepare and submit to the Minister for presentation to the Legislative Assembly a report of the operations of the university during the year that ended on that date.

## **Division 3.3 Companies and joint ventures**

### **37 Formation and participation**

- (1) The university may—
  - (a) form, or participate in the formation of, a company; or
  - (b) enter into a joint venture with another person;  
the objectives or purposes of which are consistent with the functions of the university.
- (2) Without limiting subsection (1), those objectives or purposes may include any of the following:
  - (a) providing facilities for study, research or education;
  - (b) undertaking research, development, consultancy or other services for commercial organisations, public bodies or individuals;
  - (c) aiding or engaging in the development or promotion of university research or the application or use of the results of such research;



- (d) preparing, publishing, distributing or licensing the use of literary or artistic work, audio or audiovisual material or computer software;
  - (e) seeking or encouraging gifts to the university or for the purposes of the university;
  - (f) promoting or assisting drama, music or the visual arts.
- (3) The university shall not form, or participate in the formation of, a company in which the university will have a controlling interest within the meaning of the *Auditor-General Act 1996* unless the memorandum or articles of association of the company provide that the company shall not alter the memorandum or articles of association unless the council has by resolution authorised the alteration.

### **38 Reporting requirements**

Where the university has a controlling interest in a company or joint venture within the meaning of the *Auditor-General Act 1996*, the university shall—

- (a) within 14 days after the lodgment of any report, return or statement relating to the company or joint venture with the Australian Securities and Investments Commission, submit a copy of the report, return or statement to the Treasurer; and
- (b) include a summary of the operations of the company or joint venture during a financial year of the company or joint venture, together with a summary of the financial statements in respect of those operations, in the first annual report of the university prepared after the end of that year.

## **Part 4**                      **Statutes**

### **40 Statutes**

- (1) The council may make statutes for this Act.
- (2) The council may make statutes with respect to the following matters:
  - (a) the management, good government and discipline of the university;
  - (b) the imposition, by or on behalf of the university, of penalties upon—
    - (i) students of the university; or
    - (ii) persons employed by the university;for contravention of a statute made under paragraph (a);
  - (c) the method of any election provided for by this Act, and the determination of questions raised in relation to the conduct or result of any such election;
  - (d) the persons who are to be regarded, for this Act, as members of the academic staff;
  - (e) in relation to the council or the board—
    - (i) the manner and time of convening, holding and adjourning its meetings; and
    - (ii) voting at such meetings (including postal or proxy voting); and
    - (iii) disclosure of pecuniary interests at such meetings; and
    - (iv) the appointment, powers and duties of chairpersons at such meetings; and

- (v) the conduct and recording of business at such meetings;  
and
- (vi) the appointment of committees; and
- (vii) the quorums for meetings of committees and the powers  
and duties of committees;
- (f) the resignation of members of the council and the board;
- (g) the resignation of the chancellor and vice-chancellor;
- (h) the tenure of the holder of any office or place established by or  
under this Act in respect of which this Act does not—
  - (i) specify a term of office; or
  - (ii) provide for the fixing of the term of office otherwise than  
by the statutes;
- (i) the employment of members of staff of the university,  
including the terms and conditions of such employment and the  
termination of such employment;
- (j) the appointment of persons to positions of responsibility within  
the university, the terms and conditions of such appointments  
and the termination of such appointments;
- (k) the admission and enrolment of students;
- (l) the times, places and manner of holding lectures, classes and  
examinations, and the number and character of such lectures,  
classes and examinations;
- (m) the promotion and extension of university teaching;
- (n) the granting of degrees, diplomas, certificates and honours;
- (o) the granting of fellowships, scholarships, exhibitions and  
bursaries;
- (p) the admission—

- (i) of persons who are undertaking or have undertaken studies at another institution to any corresponding status within the university; or
  - (ii) of persons who hold degrees, diplomas or other awards granted by other institutions to any corresponding degree, diploma or other award of the university without examination;
- (q) the exemption of persons undertaking a course leading to a degree, diploma or other award from the requirement to undertake particular work that would otherwise be required to be undertaken for the purposes of that course, whether or not on condition that other work be undertaken instead of the work the subject of the exemption;
- (r) the payment to the university of—
- (i) fees referred to in the *Higher Education Funding Act 1988* (Cwlth), section 13; or
  - (ii) fees excluded from the definition of *fees* in section 3 of that Act;
- (s) the establishment, management and control of libraries, laboratories and museums in connection with the university;
- (t) the establishment or affiliation of residential colleges;
- (u) the affiliation or admission to the university of any education or research establishment wherever it is;
- (v) the control and investment of the property of the university;
- (w) the provision of superannuation or similar benefits for, and for the families of, the vice-chancellor and other persons employed by the university.
- (3) The statutes may empower any authority (including the council) or officer of the university to make rules or orders, not inconsistent with this Act or with any statute—

- (a) regulating, or providing for the regulation of, any specified matter (being a matter with respect to which statutes may be made); or
  - (b) for carrying out or giving effect to the statutes.
- (4) A rule or order made under a statute made under subsection (3) has the same force and effect as a statute.
- (5) Subsection (3) does not permit the making of rules or orders—
- (a) regulating, or providing for the regulation of, a matter referred to in section 41 (1); or
  - (b) for carrying out or giving effect to a statute dealing with a matter referred to in section 41 (1) except to the extent that the rules or orders are made with respect to the discipline of the university and provide for the enforcement of such a statute.

#### **41 Statutes relating to traffic**

- (1) The council may make statutes—
- (a) for or in relation to the regulation or control of traffic, or of the parking, stopping, standing or leaving of vehicles, on land occupied by the university in the ACT, including statutes authorising, and providing for the effect of, signs and markings; and
  - (b) providing for the punishment, upon summary conviction, by a fine not exceeding \$200, of offences against such a statute.
- (2) A statute made under this section is not to be inconsistent with a law of the Territory, but a statute is not to be treated as inconsistent with such a law merely because it makes provisions with respect to a matter dealt with by that law, if the provisions can be complied with without contravening that law.

#### **42 Approval and publication of statutes**

- (1) When a statute has been made by the council—

- (a) it shall be sealed with the seal of the university; and
  - (b) the chancellor shall transmit the statute to the Executive for approval.
- (2) A statute that has been approved by the Executive is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

- (3) A statute that has been approved by the Executive has the force of law from the day the statute is notified under the *Legislation Act 2001*.
- (5) The production of—
- (a) a copy of a statute under the seal of the university; or
  - (b) a document purporting to be a copy of a statute and to have been printed by the government printer;

is, in all proceedings, sufficient evidence of the statute.

## Endnotes

1 About the endnotes

---

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
o = order	sub = substituted
om = omitted/repealed	SL = Subordinate Law
	<u>underlining</u> = whole or part not commenced

### 3 Legislation history

The *University of Canberra Act 1989* was originally a Commonwealth Act. The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) provided for the conversion of certain Commonwealth laws to Territory enactments after self-government. The *University of Canberra Act 1989* became a Territory enactment on 1 December 1997.

Commonwealth statutory rules commenced on notification day unless otherwise stated (see *Acts Interpretation Act 1901* s 48)

#### Commonwealth legislation

##### **University of Canberra Act 1989 No 179**

assented 28 December 1989

commenced 1 January 1990 (s 2)

as amended by

##### **University of Canberra (Amendment) Act 1991 No 132**

assented 2 September 1991

commenced 2 September 1991 (s 2)

##### **Sales Tax Amendment (Transitional) Act 1992 No 118 sch 1**

assented 30 September 1992

commenced 28 October 1992 (s 2)

##### **Higher Education Funding Amendment Act (No 2) 1992 No 158 sch**

assented 11 December 1992

s 1, s 2 commenced 11 December 1992 (s 2 (1))

sch commenced 1 January 1993 (s 2 (2))

##### **University of Canberra (Cessation of Sponsorship) Regulations SR 1993 No 69**

notified 11 May 1993

commenced 11 May 1993

##### **Industrial Relations and other Legislation Amendment Act 1995 No 168 sch 10**

assented 16 December 1995

commenced 16 December 1995 (s 2 (1))



## Endnotes

### 4 Amendment history

---

#### **Education Legislation Amendment Act 1997 No 66 sch 1 pt 1**

assented 30 May 1997

commenced 30 May 1997 (s 2 (1))

sch 1 pt 1 commenced 30 November 1997 (s 2 (3))

#### **Legislation after becoming Territory enactment**

#### **University of Canberra (Transfer) Act 1997 No 74 ss 4-18**

notified 25 November 1997 (Gaz 1997 No S360)

s 1, s 2 commenced 25 November 1997 (s 2 (1))

ss 4-18 commenced 1 December 1997 (s 2 (2))

#### **Law Reform (Miscellaneous Provisions) Act 1999 No 66 sch 3**

notified 10 November 1999 (Gaz 1999 No 45)

commenced 10 November 1999 (s 2)

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 402**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 402 commenced 12 September 2001 (s 2 and Gaz 2001 No S65)

## 4 Amendment history

In this table Acts and statutory rules for 1992 and earlier years are Commonwealth Acts and Acts for 1993 and later years are ACT Acts.

#### **Preamble**

preamble om 1997 No 66 sch 1 amdt 2

#### **Title**

title am 1997 No 66 sch 1 amdt 1  
sub 1997 No 74 s 4

#### **Preliminary**

pt 1 hdg sub 1997 No 74 sch

#### **Commencement**

s 2 om 2001 No 44 sch 1 amdt 1.4162

#### **Definitions for Act**

s 3 def **chancellor** am 1991 No 132 s 3  
def **College** om 1997 No 74 s 5  
def **College Act** om 1997 No 74 s 5  
def **commencement** om 1997 No 74 s 5  
def **deputy chancellor** ins 1997 No 74 s 5  
def **vice-chancellor** am 1997 No 66 sch 1 amdt 3  
sub 1997 No 74 s 5

**University of Canberra**

pt 2 hdg am 1997 No 74 sch

**Establishment of university**

div 2.1 hdg (prev pt 2 div 1 hdg) renum R2 LA

**Establishment of university**

s 4 am 1997 No 74 sch

**Sponsorship by Monash University**

s 5 om Statutory Rules 1993 No 69

**Functions of university**

s 6 am 1997 No 74 sch

**Values and principles of university**

s 6A ins 1997 No 74 s 6

**Powers of university**

s 7 am 1997 No 74 sch; pars renum R2 LA

**The Council**

div 2.2 hdg (prev pt 2 div 2 hdg) renum R2 LA

**Constitution of council**

s 11 am 1991 No 132 s 4; 1997 No 66 sch 1 amdts 4-6; 1997 No 74 s 7; pars renum R2 LA

**Qualifications for membership of council**

s 12 am 1997 No 74 sch

**Meetings of council**

s 13 am 1997 No 74 s 8; ss renum R2 LA

**Disclosure of interests of members**

s 14 am 1997 No 74 sch

**Vacation of office**

s 15 am 1991 No 132 s 5; 1997 No 66 sch 1 amdt 7; 1997 No 74 sch

**The board**

div 2.3 hdg (prev pt 2 div 3 hdg) renum R2 LA

**Constitution of board**

s 20 am 1997 No 66 sch 1 amdt 8; 1997 No 74 sch; par renum R2 LA

**Chairperson of board**

s 21 am 1997 No 74 sch

**Terms of office of board members**

s 22 am 1997 No 66 sch1 amdt 9; 1997 No 74 sch

**Meetings of board**

s 23 am 1997 No 74 sch

## Endnotes

4 Amendment history

---

### **Senior officers of university**

div 2.4 hdg (prev pt 2 div 4 hdg) renum R2 LA

### **Chancellor**

s 24 am 1991 No 132 s 6; 1997 No 74 sch

### **Deputy chancellor**

s 24A ins 1997 No 74 s 9

### **Vice-chancellor and president**

s 25 am 1997 No 74 s 10

### **Remuneration and allowances**

s 26 om 1995 No 168 sch 10

### **Acting Appointments**

s 27 sub 1997 No 74 s 11

### **Miscellaneous**

div 2.5 hdg (prev pt 2 div 5 hdg) renum R2 LA

### **Validity of acts and proceedings**

s 29 am 1997 No 74 sch

### **Immunity from suit**

s 29A sub 1997 No 74 s 12

### **Financial and commercial matters**

pt 3 hdg sub 1997 No 74 s 13

### **Fees**

div 3.1 hdg (prev pt 3 div 1 hdg) renum R2 LA

### **Fees**

s 30 sub 1992 No 158 sch  
am 1997 No 74 sch

### **Guidelines relating to certain fees**

s 31 om 1992 No 158 sch

### **Finances of university**

div 3.2 hdg (prev pt 3 div 2 hdg) renum R2 LA

### **Money payable to university**

s 32 om 1992 No 158 sch

### **Application of fees and other money**

s 33 am 1992 No 158 sch; 1997 No 74 sch

### **Application of Financial Management Act, pt 6 and pt 8**

s 35 sub 1997 No 74 s 14

### **Annual report**

s 36 sub 1997 No 74 s 14

**Companies and joint ventures**

div 3.3 hdg (prev pt 3 div 3 hdg) ins 1997 No 74 s 14  
renum R2LA

**Formation and participation**

s 37 sub 1997 No 74 s 14

**Reporting requirements**

s 38 am 1992 No 118 sch  
om 1997 No 66 sch 1 amdt 10  
ins 1997 No 74 s 14  
am 1999 No 66 sch

**Annual report and financial statements**

s 39 am 1991 No 132 s 7  
om 1997 No 74 s 14

**Statutes**

pt 4 hdg am 1997 No 74 sch

**Statutes**

s 40 am 1992 No 158 sch; 1997 No 74 sch; 2001 No 44 sch 1  
amdt 1.4163, amdt 1.4164; par renum R2 LA

**Statutes relating to traffic**

s 41 am 1997 No 74 sch

**Approval and publication of statutes**

s 42 am 1997 No 74 s 15; 2001 No 44 sch 1 amdt 1.4165,  
amdt 1.4166

**Consequential and transitional provisions**

pt 5 hdg om 1997 No 74 s 16

**Definitions**

s 43 om 1997 No 74 s 16

**Repeal**

s 44 om 1997 No 66 sch 1 amdt 11

**University successor in law of the college**

s 45 om 1997 No 74 s 16

**Transfer of assets and liabilities of college**

s 46 om 1997 No 74 s 16

**College instruments**

s 47 om 1997 No 74 s 16

**State or Territory officer may act on certificate**

s 48 om 1997 No 74 s 16

**Pending proceedings**

s 49 om 1997 No 74 s 16

## Endnotes

4 Amendment history

---

**First vice-chancellor**

s 50 om 1997 No 66 sch 1 amdt 12

**Preservation of college statutes**

s 51 om 1997 No 74 s 16

**Staff of the college**

s 52 om 1997 No 74 s 16

**Transfer of appropriated money**

s 53 om 1997 No 66 sch 1 amdt 12

**Annual report and financial statements**

s 54 om 1997 No 66 sch 1 amdt 12

**Application of division**

s 55 om 1997 No 66 sch 1 amdt 13

**Council members elected by graduates**

s 56 om 1997 No 66 sch 1 amdt 13

**Council members representing academic staff**

s 57 om 1997 No 66 sch 1 amdt 13

**Council members representing general staff**

s 58 om 1997 No 66 sch 1 amdt 13

**Council members representing students**

s 59 om 1997 No 66 sch 1 amdt 13

**Order in which appointees go out of office**

s 60 om 1997 No 66 sch 1 amdt 13

**Amendments of Acts**

s 61 om 1997 No 66 sch 1 amdt 13

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Republication No	Amendments to	Republication date
1	Act 1997 No 74	31 December 1997

Authorised when accessed at [www.legislation.act.gov.au](http://www.legislation.act.gov.au) or in authorised printed form

© Australian Capital Territory 2002