



Australian Capital Territory

# **University of Canberra Act 1989**

**A1989-179**

**Republication No 4**

**Effective: 27 August 2005 – 31 December 2005**

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Last amendment made by A2005-36

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *University of Canberra Act 1989* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 August 2005. It also includes any amendment, repeal or expiry affecting the republished law to 27 August 2005.

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 is—

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



Australian Capital Territory

# University of Canberra Act 1989

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Australian Capital Territory

# University of Canberra Act 1989

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An Act about the University of Canberra

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## Part 1 Preliminary

### 1 Name of Act

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

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act.

*Note 2* A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.



## **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 must be kept in the custody that the council directs and must not be used except as authorised by the council.

#### **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 decided by the council; and

- (e) to provide opportunities for people, including those who already have post-secondary qualifications, to obtain higher education qualifications; and
  - (f) to engage in extension activities.
- (2) In the exercise of its functions, the university must pay special attention to the needs of the ACT and the surrounding regions.

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

The university must 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 exercise 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 exercise 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, real and personal 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 exercise any other function given to it under this Act or another territory law; and
  - (q) to do anything incidental to its functions.
- (3) Despite anything contained in this Act, any money or other property held by the university on trust must be dealt with in accordance with the powers and duties of the university as trustee.
- (4) The functions of the university may be exercised outside the ACT and Australia.

**8 Organisation of university**

There are to be, within the university, the faculties and other bodies that are decided 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 considers will best promote the interests of the university.
- (3) The powers of the council include, but are not limited to, the power to appoint people (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 vice-chancellor;
  - (c) 10 people appointed by the Chief Minister;
  - (d) 1 person (other than an employee or student of the university) elected by graduates of the university and of the Canberra College of Advanced Education;
  - (e) 3 members of the academic staff elected by members of that staff;
  - (f) 1 member of the general staff elected by members of that staff;

- (g) 2 students of the university elected by students of the university;
  - (h) the person or persons (if any) appointed under subsection (2).
- (2) If the council considers that it is necessary to appoint extra members of the council to enable the council to exercise its functions efficiently, the council may appoint up to 3 people as members of the council.

*Note* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

- (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 mentioned in subsection (1) (c) or (h) holds office for the period, not longer than 4 years, that is specified in the instrument of appointment.
- (5) Subject to this Act, the members of the council mentioned in subsection (1) (d), (e), (f) and (g) hold office for such periods as the statutes provide.
- (6) The maximum period that a person can be a member of the council is 12 years (whether consecutive or not) unless the council otherwise decides to extend the maximum period for the person.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def *appoint*).

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

- (1) A person is not qualified to become or remain a member of the council if the person—
- (a) is under 18 years old; or
  - (b) is disqualified from managing corporations under the Corporations Act, part 2D.6 (Disqualification from managing corporations); or

- (c) is convicted, in the ACT, of an offence punishable by imprisonment for at least 1 year; or
  - (d) is convicted outside the ACT, in Australia or elsewhere, of an offence that, if it had been committed in the ACT, would be punishable by imprisonment for at least 1 year.
- (2) Disqualification under subsection (1) (c) or (d) ends on the later of the following:
- (a) 5 years after the date of the person's conviction;
  - (b) 5 years after the date of the person's release from prison.

## **12A Duties of members of council**

- (1) In exercising the functions of a member of the council, a council member must—
- (a) act always in the best interests of the university as a whole; and
  - (b) act honestly and for a proper purpose; and
  - (c) exercise reasonable care and diligence.
- (2) Also, a member of the council—
- (a) must avoid conflicts of interest; and
  - (b) must disclose to the council, in accordance with section 14 and the statutes, any conflict between the member's interests and the university's interests; and
  - (c) must not improperly use the member's position, or information obtained because of the member's position, to—
    - (i) gain an advantage for the member or someone else; or
    - (ii) cause detriment to the university or someone else.
- (3) The duty under subsection (1) (a) must be observed in priority to any duty a member may owe to those electing or appointing the member.

- (4) The council may, by resolution passed by  $\frac{2}{3}$  of the members of the council for the time being, remove a council member from office if the member fails to comply with a duty under subsection (1) or (2).

### **13 Meetings of council**

- (1) The chancellor is to preside at all meetings of the council at which the chancellor is present.
- (2) If the chancellor is not present at a meeting of the council, the deputy chancellor presides at the meeting.
- (3) If neither the chancellor nor the deputy chancellor is present at a meeting of the council, the members present must 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 people 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 an interest in a matter being considered or about to be considered by the council must, 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) must be recorded in the minutes of the meeting of the council and the member must not, unless the council otherwise decides—
- (a) be present during any deliberation of the council in relation to that matter; or
- (b) take part in any decision of the council in relation to that matter.
- (3) For the purpose of making a decision under subsection (2), a member of the council who has an interest in the matter concerned must not—

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

## **15 Vacation of office**

- (1) The office of a member of the council becomes vacant if the member—
- (a) becomes disqualified under section 12 from remaining a member of the council; or
  - (b) is removed from office under section 12A (4) (Duties of members of council); or
  - (c) dies; or
  - (d) resigns from the council; or
  - (e) is absent without leave of the council from 3 consecutive meetings of the council; or
  - (f) for a member mentioned in section 11 (1) (d), (e), (f) or (g)—ceases to be qualified to be elected as mentioned in the paragraph concerned; or
  - (g) for a member mentioned in paragraph 11 (1) (h)—becomes an employee or student of the university.
- (2) If a person holding office as a member of the council mentioned 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, on being so appointed, to hold that firstmentioned office.
- (3) If the office of a member mentioned in section 11 (1) (c) becomes vacant, the council must, 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) if 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 by council**

- (1) The council may delegate its functions under this Act to—
  - (a) a member of the council; or
  - (b) a committee that includes a member of the council; or
  - (c) a member of the staff of the university.

*Note* For the making of delegations and the exercise of delegated functions, see the Legislation Act, pt 19.4.

- (2) However, the council must not delegate its power to make statutes.
- (3) A function delegated to a committee mentioned in subsection (1) (b) must be exercised by a majority of the members of the committee acting together.

**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) the heads of the other bodies mentioned in section 8 that are designated by the council for this section;
- (e) the other members of the academic staff that are specified in, or chosen as provided by, the statutes;
- (f) the students of the university that are elected by students in accordance with the statutes;
- (g) the other people (if any) that the council appoints after receiving the advice of the board itself.

*Note* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

## **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 mentioned in section 20 (e) or (f) holds office, subject to this Act and to the statutes, for the period specified in the statutes.
- (2) A member of the board mentioned in section 20 (g) holds office, subject to this Act and to the statutes, for the period specified in the instrument appointing that member.

- (3) If a person holding office as a member mentioned in 1 of the paragraphs of section 20 becomes, before otherwise ceasing to hold that office, a member mentioned in another of those paragraphs, that person ceases, on becoming such a member, to hold that firstmentioned office.
- (4) If a person becomes a member of the board because of the filling of a casual vacancy in the office of a member mentioned 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 the chairperson is present.
- (2) If the chairperson—
  - (a) is not present; or
  - (b) declines to preside;at a meeting of the board, the members present must 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 people for the time being holding office as members of the board.

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

### **24 Chancellor**

- (1) The council must appoint a member of the council or another person to be the Chancellor of the university.

*Note* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

- (2) The chancellor holds office for the period, and on the conditions, subject to the statutes, that the council decides.
- (3) A person is not eligible to be appointed as the chancellor if the person is disqualified from managing corporations under the Corporations Act, part 2D.6 (Disqualification from managing corporations).

#### **24A Deputy chancellor**

- (1) The council must appoint a member of the council to be the Deputy Chancellor of the university.

*Note* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

- (2) The deputy chancellor holds office for the period, and on the conditions, subject to the statutes, that the council decides.
- (3) The deputy chancellor acts as the chancellor—
  - (a) during any vacancy in the office of chancellor; or
  - (b) when the chancellor is for any reason unable to exercise the functions of the office of chancellor.

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

- (1) The council must 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 the functions that the statutes prescribe or, subject to the statutes, the council decides.
- (3) The vice-chancellor holds office for the period, and on the conditions, subject to the statutes, that the council decides.
- (4) A person is not eligible to be appointed as the vice-chancellor if the person is disqualified from managing corporations under the

Corporations Act, part 2D.6 (Disqualification from managing corporations).

## **Division 2.5                    Miscellaneous**

### **28                    Execution of contracts**

- (1) Any contract that, if made between private people, 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, if 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 because of—
  - (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 calling of a meeting.

**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 honestly in the exercise, or purported exercise, of a function under this Act.

## **Part 3**                      **Financial and commercial matters**

### **Division 3.1**              **Fees**

#### **30**              **Fees**

- (1) Fees, other than fees mentioned in the *Higher Education Funding Act 1988* (Cwlth), section 13 or fees excluded from that Act, section 3, definition of *fees*, 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 must 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 the limits that the Treasurer decides about—
  - (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 (Borrowing and guarantees) applies in relation to the university as if section 45 (Loans to be paid into territory banking account) were omitted.
- (2) The *Financial Management Act 1996*, part 8 (Financial provisions relating to Territory authorities) applies in relation to the university as if—
  - (a) a reference in that part to the chief executive officer of a Territory authority were a reference to the council; and
  - (b) the part were modified as set out in schedule 1.

**36 Annual report**

The council must, 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 university 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 must 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 must not alter the memorandum or articles of association unless the council has by resolution authorised the alteration.

### **38 Reporting requirements**

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

- (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 relation

to 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 in relation 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 on—
    - (i) students of the university; or
    - (ii) people 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 election;
  - (d) the people 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 calling, holding and adjourning its meetings; and
    - (ii) voting at a meetings (including postal or proxy voting); and
    - (iii) disclosure of interests at a meetings; and
    - (iv) the appointment and functions of a chairperson at a meeting; and
    - (v) the conduct and recording of business at a meetings; and

- (vi) the appointment of committees; and
- (vii) the quorum for a committee meeting and the functions of a committee;
- (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 relation to 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 the employment and the termination of the employment;
- (j) the appointment of people to positions of responsibility within the university, the terms and conditions of the appointments and the termination of the 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 the 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 people who are undertaking or have undertaken studies at another institution to any corresponding status within the university; or

- (ii) of people 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 people 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 mentioned in the *Higher Education Funding Act 1988* (Cwlth), section 13; or
    - (ii) fees excluded from that Act, section 3, definition of *fees*;
  - (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 people 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 in relation 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 mentioned in section 41 (1); or
  - (b) for carrying out or giving effect to a statute dealing with a matter mentioned in section 41 (1) except to the extent that the rules or orders are made in relation to the discipline of the university and provide for the enforcement of such a statute.

#### **41 Statutes about traffic**

- (1) The council may make statutes for the regulation or control of traffic (a *traffic statute*) on land occupied by the university in the ACT, including—
  - (a) the parking, stopping, standing or leaving of vehicles; and
  - (b) the erection and effect of signs and markings.
- (2) A traffic statute may create offences for contraventions of a traffic statute and prescribe maximum penalties of not more than 2 penalty units for the offences.
- (3) A traffic statute must not be inconsistent with another territory law.
- (4) However, a traffic statute must not be treated as being inconsistent with another territory law only because it makes provision in relation to a matter dealt with by the other territory law if the provision can be complied with without contravening the other law.

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

- (1) When a statute has been made by the council—
  - (a) it must be sealed with the seal of the university; and
  - (b) the chancellor must send 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.

- (3) A statute that has been approved by the Executive has the force of law from the day after the statute is notified under the Legislation Act.

## Schedule 1      Modifications of Financial Management Act 1996, part 8

(see s 35 (2) (b))

**[1.1]      Section 54 (3) (b) and (d)**

*omit*

**[1.2]      Section 55 (3)**

*omit*

**[1.3]      Section 56 (1) (d)**

*substitute*

- (d) in any investment prescribed under the financial management guidelines for this paragraph; or
- (e) on deposit with an eligible money market dealer under the Corporations Act; or
- (f) in bills of exchange that—
  - (i) have been accepted by an authorised deposit-taking institution (an *ADI*); and
  - (ii) have been endorsed by 1 or more ADIs; and
  - (iii) have not been endorsed by anyone other than an ADI.

**[1.4]      Section 58**

*omit*

**[1.5]      Section 59 (1) and (2)**

*substitute*

- (1) A Territory authority must prepare annual financial statements relating to its operations during each year.



- 
- (2) The annual financial statements for a year must be prepared within—
- (a) 2 months after 31 December in each year; or
  - (b) any further period that the Minister allows in writing.
- (2A) The annual financial statements must be prepared in accordance with generally accepted accounting practice.

**[1.6] Section 59 (3) (b)**

*omit*

**[1.7] Section 59 (4)**

*omit*

**[1.8] Section 61 (1)**

*substitute*

- (1) The chief executive officer of a Territory authority must give a copy of each annual financial statement to the auditor-general within 2 weeks after preparing the statement.

**[1.9] Section 63 (1)**

*substitute*

- (1) The responsible Minister may, in writing, direct the chief executive officer of a Territory authority to provide the Minister with financial statements relating to the authority.
- (1A) The Minister must present a copy of the direction to the Legislative Assembly within 5 sitting days after the day when the Minister gives the direction.

## Dictionary

(see s 2)

**Note 1** The Legislation Act contains definitions and other provisions relevant to this Act.

**Note 2** In particular, the Legislation Act, dict, pt 1, defines the following terms:

- appoint
- exercise
- function.

***academic staff*** means the people 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 mentioned 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.

## 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 and expiries 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 endnote.

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.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

This Act was originally a Commonwealth Act—the *University of Canberra Act 1989* No 179 (Cwlth).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (2) converted some Commonwealth Acts in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 30 November 1997 when the *Education Legislation Amendment Act 1997* No 66 (Cwlth), s 14 added this Act to the list of former Commonwealth Acts that were converted into ACT enactments.

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### 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))

**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 see Gaz 2001 No S65)

**Statute Law Amendment Act 2002 No 30 pt 3.86**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.86 commenced 17 September 2002 (s 2 (1))

**University of Canberra Amendment Act 2005 A2005-36**

notified LR 26 August 2005  
s 1, s 2 commenced 26 August 2005 (LA s 75 (1))  
remainder commenced 27 August 2005 (s 2)

## Endnotes

4 Amendment history

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### 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; 2002 No 30 amdt 3.940

#### Preliminary

pt 1 hdg sub 1997 No 74 sch

#### Name of Act

s 1 sub 2002 No 30 amdt 3.941

#### Dictionary

s 2 om 2001 No 44 sch 1 amdt 1.4162  
ins 2002 No 30 amdt 3.941

#### Notes

s 3 defs reloc to dict 2002 No 30 amdt 3.942  
om 2002 No 30 amdt 3.943  
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  
pres s 3 ins 2002 No 30 amdt 3.941

#### 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; 2002 No 30 amdt 3.944

#### Sponsorship by Monash University

s 5 om Statutory Rules 1993 No 69

#### Functions of university

s 6 am 1997 No 74 sch; 2002 No 30 amdt 3.945

#### Values and principles of university

s 6A ins 1997 No 74 s 6  
am 2002 No 30 amdt 3.945

#### Powers of university

s 7 am 1997 No 74 sch; pars renum R2 LA; 2002 No 30  
amds 3.945-3.947

**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 amdt 4-6; 1997 No 74 s 7; pars renum R2 LA; 2002 No 30 amdt 3.948, amdt 3.949; A2005-36 s 4, s 6, s 7; pars renum R4 LA (see A2005-36 s 5)

**Qualifications for membership of council**

s 12 am 1997 No 74 sch  
sub A2005-36 s 8

**Duties of members of council**

s 12A ins A2005-36 s 9

**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; A2005-36 s 10

**Vacation of office**

s 15 am 1991 No 132 s 5; 1997 No 66 sch 1 amdt 7; 1997 No 74 sch; 2002 No 30 amdt 3.950, amdt 3.951; A2005-36 ss 11-13; pars renum R4 LA (see A2005-36 s 14)

**Delegation by council**

s 17 sub 2002 No 30 amdt 3.952

**Delegation to committee of council**

s 18 om 2002 No 30 amdt 3.952

**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; pars renum R2 LA; 2002 No 30 amdt 3.953

**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

**Senior officers of university**

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

## Endnotes

### 4 Amendment history

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#### **Chancellor**

s 24 am 1991 No 132 s 6; 1997 No 74 sch; 2002 No 30 amdt 3.953; A2005-36 s 15

#### **Deputy chancellor**

s 24A ins 1997 No 74 s 9  
am 2002 No 30 amdt 3.953, amdt 3.594; A2005-36 s 16

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

s 25 am 1997 No 74 s 10; 2002 No 30 amdt 3.955; A2005-36 s 17

#### **Remuneration and allowances**

s 26 om 1995 No 168 sch 10

#### **Acting appointments**

s 27 sub 1997 No 74 s 11  
om 2002 No 30 amdt 3.956

#### **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; 2002 No 30 amdt 3.957, amdt 3.958

#### **Immunity from suit**

s 29A sub 1997 No 74 s 12  
am 2002 No 30 amdt 3.959

#### **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; 2002 No 30 amdt 3.960

#### **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; pars renum R2 LA; 2002 No 30  
amdt 3.961, amdt 3.962; A2005-36 s 18

**Statutes relating to traffic**

s 41 am 1997 No 74 sch  
sub 2002 No 30 amdt 3.963

**Approval and publication of statutes**

s 42 am 1997 No 74 s 15; 2001 No 44 sch 1 amdt 1.4165,  
amdt 1.4166; 2002 No 30 amdt 3.964, amdt 3.965

**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

## Endnotes

### 4 Amendment history

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#### **Pending proceedings**

s 49 om 1997 No 74 s 16

#### **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

#### **Modifications of Financial Management Act 1996, part 8**

sch 1 ins 2002 No 30 amdt 3.966

#### **Dictionary**

dict ins 2002 No 30 amdt 3.967  
def **academic staff** reloc from s 3 2002 No 30 amdt 3.967  
def **board** reloc from s 32002 No 30 amdt 3.967  
def **chancellor** am 1991 No 132 s 3  
reloc from s 3 2002 No 30 amdt 3.942  
def **council** reloc from s 32002 No 30 amdt 3.967  
def **deputy chancellor** ins 1997 No 74 s 5  
reloc from s 3 2002 No 30 amdt 3.942  
def **elect** reloc from s 32002 No 30 amdt 3.967  
def **general staff** reloc from s 32002 No 30 amdt 3.967  
def **statute** reloc from s 32002 No 30 amdt 3.967

def **university** reloc from s 32002 No 30 amdt 3.967  
 def **vice-chancellor** am 1997 No 66 sch 1 amdt 3  
 sub 1997 No 74 s 5  
 reloc from s 3 2002 No 30 amdt 3.942

## 5 Earlier republications

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

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1997 No 74	31 December 1997
2	Act 2001 No 44	31 January 2002
3	A2002-30	17 September 2002

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