



Australian Capital Territory

University of Canberra Act 1989

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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 19 December 2006. It also includes any amendment, repeal or expiry affecting the republished law to 19 December 2006.

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

Kinds of republications

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- 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 does not include 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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University of Canberra Act 1989
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Australian Capital Territory

University of Canberra Act 1989

An Act about the University of Canberra

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 terms 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) the chairperson of the board;
 - (d) 8 people appointed by the Chief Minister;

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (e) 1 member of the academic staff elected by members of the academic staff;

- (f) 1 member of the general staff elected by members of the general staff;
 - (g) 1 undergraduate student elected by undergraduate students of the university;
 - (h) 1 postgraduate student elected by postgraduate students of the university.
- (2) A member mentioned in subsection (1) (d) must not be appointed—
- (a) for a term of longer than 3 years; or
- 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*).
- (b) if the total period of the member's appointment is longer than 9 years—without the council's agreement.
- (3) The conditions of appointment of a member mentioned in subsection (1) (d) are the conditions agreed between the Executive and the member, subject to any determination under the *Remuneration Tribunal Act 1995*.
- (4) A member mentioned in subsection (1) (e), (f), (g) or (h)—
- (a) holds office for the period the statutes provide in relation to the member; but
 - (b) must not hold office for a total period longer than 9 years.

11A Appointment of council members

- (1) The council may recommend people for appointment to the council under section 11 (1) (d).
- (2) In deciding to appoint a person to the council, the Chief Minister must have regard to the desirability of ensuring there is a balance of skills, expertise and gender among members of the council.
- (3) The Chief Minister must try to ensure that the members appointed—

- (a) have skills in finance, management, commerce, law or teaching to contribute to the effective working of the council; and
 - (b) have an appreciation of the values of a higher education provider, its core activities of teaching and research, its independence and academic freedom and the community's needs.
- (4) Without limiting subsection (3)—
- (a) at least 2 members appointed must have a high level of relevant financial expertise; and
 - (b) at least 1 member appointed must have a high level of relevant commercial expertise.
- (5) The Chief Minister must not appoint to the council—
- (a) a member of—
 - (i) the Commonwealth parliament; or
 - (ii) a State parliament; or
 - (iii) the Legislative Assembly; or
 - (iv) the legislature of another territory; or
 - (b) a member of the academic staff or general staff of the university; or
 - (c) a student of the university.

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 the members present 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.

13A Resolutions without meeting

A resolution is a valid resolution of the council, even if it is not passed at a meeting of the council, if at least $\frac{2}{3}$ of the members agree to the proposed resolution in writing or by electronic communication.

Example of electronic communication

email

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

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) (e), (f), (g) or (h)— ceases to be qualified to be elected as mentioned in the paragraph concerned.

- (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 the office, appointed as chancellor or vice-chancellor, the person ceases, on being the appointed, to hold that firstmentioned office.
- (3) If the office of a member mentioned in section 11 (1) (d) 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 the 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 the vice-chancellor's 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

- (1) The council must appoint the chairperson of the board.

- (2) The chairperson must be a professor of the university.
- (3) In deciding the appointment of the chairperson, the council must consider any recommendation of the vice-chancellor.
- (4) The chairperson holds office on the conditions and for the period stated in the statutes.

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 the office, a member mentioned in another of those paragraphs, the person ceases, on becoming such a member, to hold the 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 happening 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 the members present 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 someone else 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 anyone 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 the 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

Fees payable to the university, including student contribution amounts and tuition fees, are payable in accordance with the statutes.

Division 3.2 Finances of university

33 Application of fees and other money

The council must apply the following only for the purposes of the university:

- (a) any financial assistance paid to the university under the Commonwealth Act;
- (b) student contribution amounts paid to the university under the Commonwealth Act;
- (c) tuition fees paid to the university under the Commonwealth Act;
- (d) any other money received by the university under this Act or otherwise.

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 for territory authorities) applies in relation to the university as if—
 - (a) a reference to the ***governing board*** of the university were a reference to the council; and
 - (b) a reference to the ***chair*** of the governing board were a reference to the chancellor; and
 - (c) a reference to the ***chief executive officer*** of the university were a reference to the vice-chancellor; and
 - (d) 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 the operations, in the first annual report of the university prepared after the end of the 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, including student contribution amounts and tuition fees, within the meaning of fee in the Commonwealth Act, section 19-102; or
 - (ii) fees not included within the meaning of fee by the Commonwealth Act, section 19-102;
 - (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, pt 8

(see s 35 (2) (d))

[1.1] Section 56

substitute

56 Responsibilities of governing boards

- (1) This section applies to a territory authority if the authority has a governing board.
- (2) The governing board of the territory authority is responsible, under the responsible Minister, for the efficient and effective financial management of the authority.
- (3) Without limiting subsection (2), the governing board of the territory authority is responsible, under the responsible Minister, for ensuring the following:
 - (a) that expenses incurred by the authority are properly authorised;
 - (b) that payments made by the authority are properly authorised and correctly made;
 - (c) that the staff of the authority comply with the requirements of this Act;

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including in this case the financial management guidelines (see Legislation Act, s 104).

- (d) that proper accounts and records are kept of the transactions and affairs of the authority in accordance with generally accepted accounting principles;
- (e) that adequate control is maintained over the assets of the authority and assets under the authority's control;

- (f) that adequate control is maintained over the incurring of liabilities by the authority.

[1.2] Section 57

substitute

57 Banking accounts of territory authorities

- (1) A territory authority may open 1 or more banking accounts for the purposes of the authority.
- (2) A territory authority must at all times maintain at least 1 banking account.

[1.3] Section 58

substitute

58 Investment by territory authorities

- (1) Funds not immediately required for the purposes of a territory authority may be invested—
- (a) on deposit with an authorised deposit-taking institution; or
- (b) in securities of the Territory, a State or the Commonwealth; or
- (c) by the Treasurer, for the territory authority, in an investment mentioned in section 38 (1) (a) to (e); or
- (d) in an 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.
- (2) However, the funds of the territory authority may only be invested under this section to increase or protect the financial wealth of the authority.
- (3) Transfers between the territory banking account and the banking account of a territory authority to facilitate investments may be made without appropriation.
- (4) Interest received by the Treasurer for the investment of funds of a territory authority must be paid to the territory authority.
- (5) However, if an investment of funds of a territory authority is made or managed by a department, the department may deduct from the interest received by the department for the investment—
- (a) a fee charged by the department for making or managing the investment; and
 - (b) expenses reasonably incurred by the department in making or managing the investment.
- (6) Interest that is to be paid to a territory authority under subsection (4) may be paid direct to the territory authority or through the territory banking account.
- (7) If interest to be paid to a territory authority is paid into the territory banking account under subsection (6), the interest may be paid to the authority from that account without further appropriation.
- (8) This section does not apply to money held on trust by a territory authority.

[1.4] Section 61 (Territory authority statements of intent)

omit

[1.5] Section 62 (Presentation of statements of intent of territory authorities)

omit

[1.6] Section 63

substitute

63 Annual financial statements of territory authorities

- (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 Treasurer allows in writing.
- (3) The annual financial statements must be prepared in accordance with generally accepted accounting principles.
- (4) The annual financial statements must include—
 - (a) the financial statements required under the financial management guidelines; and
 - (b) any other statement necessary to fairly reflect the financial operations of the authority during the year and its financial position at the end of the year.

[1.7] Section 65

substitute

65 Audit of annual financial statements

- (1) The chief executive officer of a territory authority must give the auditor-general a copy of the annual financial statements of the authority for a financial year within 2 weeks after preparing them.

- (2) The copy of the financial statements given to the auditor-general must have endorsed on them, or attached to them, a signed copy of the statement of responsibility made for the financial statements under section 64.
- (3) The auditor-general must give the chief executive officer an audit opinion about the financial statements as soon as practicable after the auditor-general receives them.

[1.8] Section 66*substitute***66 Presentation of annual financial statements of territory authorities**

- (1) This section applies if, under section 65 (3), the chief executive officer of a territory authority receives an audit opinion about annual financial statements of the authority.
- (2) Within 7 days after the day the chief executive officer receives the audit opinion, the chief executive officer must give the responsible Minister of the territory authority the following documents:
 - (a) a copy of the annual financial statements;
 - (b) a copy of the opinion;
 - (c) the authority's response (if any) to the opinion.
- (3) The responsible Minister must present the documents to the Legislative Assembly within 6 sitting days after the day the Minister receives them.

[1.9] Section 67

substitute

67 Treasurer may require interim financial statements etc

- (1) The Treasurer may, in writing, direct the chief executive officer of a territory authority to give the Minister and Treasurer financial or other statements relating to the authority.
- (2) The Treasurer must present a copy of the direction to the Legislative Assembly within 6 sitting days after the day when the Treasurer gives the direction.
- (3) The relevant person must prepare the statements required by the direction and give them to the responsible Minister and Treasurer within 1 month after the day the person receives the direction or, if a longer period for compliance is stated in the direction, within the longer period.
- (4) In this section:
relevant person, for a territory authority, means—
 - (a) if the authority has a governing board—the chair of the governing board; or
 - (b) if the authority does not have a governing board—the chief executive officer.

[1.10] Section 68 (Statements of performance of territory authorities)

omit

[1.11] Section 69 (Responsibility for territory authority statements of performance)

omit

[1.12] Section 70 (Scrutiny of territory authority statements of performance)

omit

[1.13] Section 71 (Presentation of territory authority statements of performance)

omit

Dictionary

(see s 2)

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

Note 2 For example, 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.

Commonwealth Act means the *Higher Education Support Act 2003* (Cwlth).

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.

student contribution amount—see the Commonwealth Act, section 93-5.

tuition fee—see the Commonwealth Act, schedule 1—dictionary.

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

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

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

Endnotes

3 Legislation history

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)

Financial Management Legislation Amendment Act 2005 A2005-52 sch 1 pt 1.22

notified LR 26 October 2005
s 1, s 2 commenced 26 October 2005 (LA s 75 (1))
sch 1 pt 1.22 commenced 1 January 2006 (s 2 (2))

University of Canberra Amendment Act 2006 A2006-56

notified LR 18 December 2006

s 1, s 2 commenced 18 December 2006 (LA s 75 (1))

remainder commenced 19 December 2006 (s 2)

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

Titletitle 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

Dictionarys 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

Endnotes

4 Amendment history

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 amds 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)
sub A2006-56 s 4

Appointment of council members

s 11A ins A2006-56 s 4

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

Resolutions without meeting

s 13A ins A2006-56 s 5

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); A2006-56 s
6, s 7

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
sub A2006-56 s 8

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

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

Endnotes

4 Amendment history

Fees

s 30 sub 1992 No 158 sch
am 1997 No 74 sch
sub A2006-56 s 9

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
sub A2006-56 s 10

Application of Financial Management Act, pt 6 and pt 8

s 35 sub 1997 No 74 s 14; 2002 No 30 amdt 3.960
am A2005-52 amdt 1.269

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; A2006-56 s 11

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

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

Endnotes

5 Earlier republications

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
sub A2005-52 amdt 1.270

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 **Commonwealth Act** ins A2006-56 s 12
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 **student contribution amount** ins A2006-56 s 12
def **tuition fee** ins A2006-56 s 12
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

Republication No	Amendments to	Republication date
2	Act 2001 No 44	31 January 2002
3	A2002-30	17 September 2002
4	A2005-36	27 August 2005
5	A2005-52	1 January 2006

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