

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

University of Canberra Amendment Bill 2015

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(Chief Minister)

University of Canberra Amendment Bill 2015

A Bill for

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

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

1 Name of Act

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

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

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

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

insert

(ea) to develop and provide cultural, sporting, professional, technical and vocational services to the community; and

(eb) to participate in public discourse; and

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

insert

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

Example

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

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

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

1	6	Values and principles of university
2		New section 6A (f)
3		<i>insert</i>
4		(f) commitment, through education and research, to reconciliation
5		with Aboriginal and Torres Strait Islander people.
6	7	Powers of university
7		Section 7 (1), new example
8		<i>insert</i>
9		Example
10		power to enter into contracts with third parties for the purpose of commercially
11		exploiting or developing the university's property
12		<i>Note</i> An example is part of the Act, is not exhaustive and may extend, but
13		does not limit, the meaning of the provision in which it appears (see
14		Legislation Act , s 126 and s 132).
15	8	Section 7 (2) (a)
16		<i>omit</i>
17		real and personal
18	9	Section 7 (2) (p)
19		<i>omit</i>
20		function
21		<i>substitute</i>
22		power

10 Powers of council
New section 10 (4)

insert

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

11 Constitution of council
Section 11 (3)

substitute

- (3) The conditions of appointment of a member mentioned in subsection (1) (d) are the conditions agreed between the Executive and the member, subject to—

- (a) any resolution passed by the council under section 10 (4) (a ***council resolution***) for the member; or
- (b) if no resolution has been passed—any determination under the ***Remuneration Tribunal Act 1995***.

- (3A) For subsection (3) (a), if a determination under the ***Remuneration Tribunal Act 1995*** applies to a member and the determination is inconsistent with a council resolution—

- (a) the council resolution prevails to the extent of the inconsistency; but
- (b) if the member would receive a smaller entitlement or less remuneration under the council resolution than under the determination—the determination prevails to the extent of the inconsistency.

- (3B) Subsections (3) and (3A) apply despite the ***Financial Management Act 1996***, section 78 (8) (Appointment of governing board members generally).

12 Casual vacancies
New section 16 (3)

insert

(3) In this section:

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

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

before the note, insert

(d) any other person approved by the council.

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

insert

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

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

(5) In this section:

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

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

insert

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

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

- (5) In this section:
special resolution, of the council—see section 24 (5).

16 New part 5

insert

Part 5 Miscellaneous

43 Review of Act

- (1) The Minister must review the operation of this Act, and any other territory law affecting the university prescribed by regulation.
- (2) Without limiting subsection (1), the review must consider the economic and other benefits gained by the university and the community in the ACT region because of—
- (a) the amendments to the Act by the *University of Canberra Amendment Act 2015*; and
 - (b) any other changes to territory law prescribed by regulation.
- (3) The Minister must present a report of the review to the Legislative Assembly not earlier than 5 years after the day the *University of Canberra Amendment Act 2015* commences but not later than 3 months after the end of that 5-year period.

1 (4) This section expires 7 years after the day it commences.

2 **17 Dictionary, note 2**

3 *insert*

- 4 • Executive
5 • property
-

Endnotes

1 **Presentation speech**

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

2 **Notification**

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

3 **Republications of amended laws**

For the latest republication of amended laws, see www.legislation.act.gov.au.
