

2006

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Education and Training)

# University of Canberra Amendment Bill 2006

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# University of Canberra Amendment Bill 2006

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## A Bill for

An Act to amend the *University of Canberra Act 1989* and for other purposes

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

1 **1 Name of Act**

2 This Act is the *University of Canberra Amendment Act 2006*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

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

7 **3 Legislation amended**

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

9 *Note* This Act also amends the *Remuneration Tribunal Act 1995* (see s 13).

10 **4 Section 11**

11 *substitute*

12 **11 Constitution of council**

13 (1) The council consists of the following members:

- 14 (a) the chancellor;
- 15 (b) the vice-chancellor;
- 16 (c) the chairperson of the board;
- 17 (d) 8 people appointed by the Chief Minister;

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

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

- 22 (e) 1 member of the academic staff elected by members of the  
23 academic staff;
- 24 (f) 1 member of the general staff elected by members of the  
25 general staff;

- 1 (g) 1 undergraduate student elected by undergraduate students of  
2 the university;
- 3 (h) 1 postgraduate student elected by postgraduate students of the  
4 university.
- 5 (2) A member mentioned in subsection (1) (d) must not be appointed—
- 6 (a) for a term of longer than 3 years; or
- 7 *Note* A person may be reappointed to a position if the person is eligible  
8 to be appointed to the position (see Legislation Act, s 208 and  
9 dict, pt 1, def *appoint*).
- 10 (b) if the total period of the member's appointment is longer than  
11 9 years—without the council's agreement.
- 12 (3) The conditions of appointment of a member mentioned in  
13 subsection (1) (d) are the conditions agreed between the Executive  
14 and the member, subject to any determination under the  
15 *Remuneration Tribunal Act 1995*.
- 16 (4) A member mentioned in subsection (1) (e), (f), (g) or (h)—
- 17 (a) holds office for the period the statutes provide in relation to the  
18 member; but
- 19 (b) must not hold office for a total period longer than 9 years.

## 20 **11A Appointment of council members**

- 21 (1) The council may recommend people for appointment to the council  
22 under section 11 (1) (d).
- 23 (2) In deciding to appoint a person to the council, the Chief Minister  
24 must have regard to the desirability of ensuring there is a balance of  
25 skills, expertise and gender among members of the council.
- 26 (3) The Chief Minister must try to ensure that the members appointed—
- 27 (a) have skills in finance, management, commerce, law or teaching  
28 to contribute to the effective working of the council; and

- 1                   (b) have an appreciation of the values of a higher education  
2                   provider, its core activities of teaching and research, its  
3                   independence and academic freedom and the community's  
4                   needs.
- 5           (4) Without limiting subsection (3)—
- 6                   (a) at least 2 members appointed must have a high level of  
7                   relevant financial expertise; and
- 8                   (b) at least 1 member appointed must have a high level of relevant  
9                   commercial expertise.
- 10          (5) The Chief Minister must not appoint to the council—
- 11                   (a) a member of—
- 12                           (i) the Commonwealth parliament; or
- 13                           (ii) a State parliament; or
- 14                           (iii) the Legislative Assembly; or
- 15                           (iv) the legislature of another territory; or
- 16                   (b) a member of the academic staff or general staff of the  
17                   university; or
- 18                   (c) a student of the university.

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**5 New section 13A**

*insert*

**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).

**6 Vacation of office  
Section 15 (1) (f) and (g)**

*substitute*

(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.

**7 Section 15 (3)**

*omit*

section 11 (1) (c)

*substitute*

section 11 (1) (d)

1 **8 Section 21**

2 *substitute*

3 **21 Chairperson of board**

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

10 **9 Section 30**

11 *substitute*

12 **30 Fees**

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

16 **10 Section 33**

17 *substitute*

18 **33 Application of fees and other money**

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

- 21 (a) any financial assistance paid to the university under the  
22 Commonwealth Act;
- 23 (b) student contribution amounts paid to the university under the  
24 Commonwealth Act;



- 1 (c) tuition fees paid to the university under the Commonwealth  
2 Act;
- 3 (d) any other money received by the university under this Act or  
4 otherwise.

5 **11 Statutes**  
6 **Section 40 (2) (r)**

7 *substitute*

- 8 (r) the payment to the university of—
- 9 (i) fees, including student contribution amounts and tuition  
10 fees, within the meaning of fee in the Commonwealth  
11 Act, section 19-102; or
- 12 (ii) fees not included within the meaning of fee by the  
13 Commonwealth Act, section 19-102;

14 **12 Dictionary, new definitions of *Commonwealth Act*,**  
15 ***student contribution amount* and *tuition fee***

16 *insert*

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

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

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

22 **13 Remuneration Tribunal Act 1995, schedule 1, part 1.2,**  
23 **new dot point**

24 *after 1st dot point, insert*

- 25 • a member of the University of Canberra council appointed  
26 under the *University of Canberra Act 1989*, section 11 (1) (d)

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2006.

**2 Notification**

Notified under the Legislation Act on 2006.

**3 Republications of amended laws**

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

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