University Legislation Amendment Bill 2017

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A Bill

for

An Act to amend the Central Queensland University Act 1998, the Griffith University Act 1998, the James Cook University Act 1997, the Queensland University of Technology Act 1998, the University of Queensland Act 1998, the University of Southern Queensland Act 1998 and the University of the Sunshine Coast Act 1998 for particular purposes
The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the University Legislation Amendment Act 2017.

2 Commencement

Part 3 commences on a day to be fixed by proclamation.

Part 2 Amendments commencing on assent

Division 1 Amendment of Central Queensland University Act 1998

3 Act amended

This division amends the Central Queensland University Act 1998.

4 Amendment of s 11 (Delegation)

(1) Section 11(2)(c)—

omit.

(2) Section 11(3)—

omit, insert—
(3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university’s staff.

5 Amendment of s 24 (Vacation of office)

Section 24(1)—

insert—

Note—

See section 62D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

6 Amendment of s 31 (Deputy chancellor)

(1) Section 31(4)(a), ‘when there is’—

omit, insert—

during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

omit, insert—

during all periods when the chancellor is absent from duty

7 Amendment of s 32 (Vice-chancellor)

Section 32(5)—

insert—

Note—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.
8 Amendment of s 40C (Disqualification from office)

Section 40C(1)—

insert—

Note—
See section 62D for the requirement to disclose the disqualification or conviction.

9 Amendment of s 57 (Making of university statutes)

Section 57(2)(g)—

omit.

10 Insertion of new ss 62D and 62E

After section 62C—

insert—

62D Requirement to disclose particular matters

(1) This section applies if a person who is a member—

(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or

(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 40C(1)(b).

(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—

(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or

(b) if the person is an appointed member when disqualified or convicted—the Minister; or

(c) otherwise—the chancellor.
Maximum penalty—100 penalty units.

(3) The notice must include the following information—

(a) if the notice is of the person’s disqualification—
   (i) the existence of the disqualification;
   (ii) when the disqualification took effect;
   (iii) sufficient details to identify the grounds for the disqualification;

(b) if the notice is of the person’s conviction—
   (i) the existence of the conviction;
   (ii) when the offence was committed;
   (iii) sufficient details to identify the offence;
   (iv) the sentence imposed on the person.

62E Restrictions on disclosing protected information

(1) This section applies to a person who possesses protected information because the person—

(a) is or was an officer, employee or agent of the department; or

(b) is or was a member or agent of the council; or

(c) provides or provided administrative support to the council.

(2) The person must not, directly or indirectly, disclose the protected information to any other person unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.
(3) The person may disclose the protected information to another person—
   (a) to the extent necessary to perform the person’s functions under this Act; or
   (b) if the disclosure is authorised under an Act; or
   (c) if the disclosure is otherwise required or permitted by law; or
   (d) if the person to whom the information relates consents to the disclosure; or
   (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
   (f) if the information is, or has been, lawfully accessible to the public.

(4) In this section—

   protected information means—

   (a) a report, or information contained in a report, given under section 62B; or
   (b) a notice, or information contained in a notice, given under section 62D.

11 Amendment of sch 2 (Dictionary)

   Schedule 2, definition indictable offence—

   omit.
Division 2  
Amendment of Griffith University Act 1998

12  Act amended
This division amends the *Griffith University Act 1998*.

13  Amendment of s 11 (Delegation)
(1) Section 11(2)(c)—
*omit.*
(2) Section 11—
*insert*—
(3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university’s staff.

14  Amendment of s 24 (Vacation of office)
Section 24(1)—
*insert*—
*Note*—
See section 66D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

15  Amendment of s 31 (Deputy chancellor)
(1) Section 31(4)(a), ‘when there is’—
*omit, insert*—
during
(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—
omitted, inserted—
during all periods when the chancellor is absent from duty

16 Amendment of s 32 (Vice-chancellor)
Section 32(5)—
insert—

Note—
See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

17 Amendment of s 32A (Disqualification from office)
Section 32A(1)—
insert—

Note—
See section 66D for the requirement to disclose the disqualification or conviction.

18 Insertion of new ss 66D and 66E
After section 66C—
insert—

66D Requirement to disclose particular matters
(1) This section applies if a person who is a member—
(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 32A(1)(b).
(2) The person must, unless the person has a reasonable excuse, immediately give notice of the
disqualification or conviction to—

(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or

(b) if the person is an appointed member when disqualified or convicted—the Minister; or

(c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

(3) The notice must include the following information—

(a) if the notice is of the person’s disqualification—

(i) the existence of the disqualification;

(ii) when the disqualification took effect;

(iii) sufficient details to identify the grounds for the disqualification;

(b) if the notice is of the person’s conviction—

(i) the existence of the conviction;

(ii) when the offence was committed;

(iii) sufficient details to identify the offence;

(iv) the sentence imposed on the person.

66E Restrictions on disclosing protected information

(1) This section applies to a person who possesses protected information because the person—

(a) is or was an officer, employee or agent of the department; or
(b) is or was a member or agent of the council; or
(c) provides or provided administrative support to the council.

(2) The person must not, directly or indirectly, disclose the protected information to any other person unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

(3) The person may disclose the protected information to another person—

(a) to the extent necessary to perform the person’s functions under this Act; or
(b) if the disclosure is authorised under an Act; or
(c) if the disclosure is otherwise required or permitted by law; or
(d) if the person to whom the information relates consents to the disclosure; or
(e) if the disclosure is in a form that does not identify the person to whom the information relates; or
(f) if the information is, or has been, lawfully accessible to the public.

(4) In this section—

*protected information* means—

(a) a report, or information contained in a report, given under section 66B; or
(b) a notice, or information contained in a notice, given under section 66D.
19 Amendment of sch 2 (Dictionary)

Schedule 2, definition *indictable offence*—
*omit.*

Division 3 Amendment of James Cook University Act 1997

20 Act amended

This division amends the *James Cook University Act 1997*.

21 Amendment of s 11 (Delegation)

(1) Section 11(2)(c)—
*omit.*

(2) Section 11(3)—
*omit, insert—*

(3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university’s staff.

22 Amendment of s 24 (Vacation of office)

Section 24(1)—

*insert—*

*Note—*

See section 62D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

23 Amendment of s 31 (Deputy chancellor)

Section 31(4)—
(4) The deputy chancellor is to act as chancellor—
   (a) during a vacancy in the office of chancellor; and
   (b) during all periods when the chancellor is absent from duty or, for another reason, can not perform the functions of the office.

24 Amendment of s 32 (Vice-chancellor)
   Section 32(5)—
   insert—
   Note—
   See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

25 Amendment of s 40C (Disqualification from office)
   Section 40C(1)—
   insert—
   Note—
   See section 62D for the requirement to disclose the disqualification or conviction.

26 Amendment of s 57 (Making of university statutes)
   Section 57(2)(h)—
   omit.

27 Insertion of new ss 62D and 62E
   After section 62C—
   insert—
62D Requirement to disclose particular matters

(1) This section applies if a person who is a member—

(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or

(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 40C(1)(b).

(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—

(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or

(b) if the person is an appointed member when disqualified or convicted—the Minister; or

(c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

(3) The notice must include the following information—

(a) if the notice is of the person’s disqualification—

(i) the existence of the disqualification;

(ii) when the disqualification took effect;

(iii) sufficient details to identify the grounds for the disqualification;

(b) if the notice is of the person’s conviction—

(i) the existence of the conviction;

(ii) when the offence was committed;

(iii) sufficient details to identify the offence;

(iv) the sentence imposed on the person.
62E Restrictions on disclosing protected information

(1) This section applies to a person who possesses protected information because the person—
   (a) is or was an officer, employee or agent of the department; or
   (b) is or was a member or agent of the council; or
   (c) provides or provided administrative support to the council.

(2) The person must not, directly or indirectly, disclose the protected information to any other person unless the disclosure is permitted under subsection (3).
   Maximum penalty—100 penalty units.

(3) The person may disclose the protected information to another person—
   (a) to the extent necessary to perform the person’s functions under this Act; or
   (b) if the disclosure is authorised under an Act; or
   (c) if the disclosure is otherwise required or permitted by law; or
   (d) if the person to whom the information relates consents to the disclosure; or
   (e) if the disclosure is in a form that does not identify the person to whom the information relates; or
   (f) if the information is, or has been, lawfully accessible to the public.

(4) In this section—

protected information means—
[s 28]

(a) a report, or information contained in a report, given under section 62B; or

(b) a notice, or information contained in a notice, given under section 62D.

28 Amendment of sch 2 (Dictionary)

Schedule 2, definition *indictable offence*—

*omit.*

Division 4 Amendment of Queensland University of Technology Act 1998

29 Act amended

This division amends the *Queensland University of Technology Act 1998.*

30 Amendment of s 11 (Delegation)

(1) Section 11(2)(c)—

*omit.*

(2) Section 11(3)—

*omit, insert—*

(3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university’s staff.

31 Amendment of s 24 (Vacation of office)

Section 24(1)—

*insert—*
Amendment of s 31 (Deputy chancellor)  
(1) Section 31(4)(a), ‘when there is’—
   omit, insert—
   during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—
   omit, insert—
   during all periods when the chancellor is absent from duty

Amendment of s 32 (Vice-chancellor)  
Section 32(5)—
   insert—

Note—  
See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

Amendment of s 39B (Disqualification from office)  
Section 39B(1)—
   insert—

Note—  
See section 61D for the requirement to disclose the disqualification or conviction.

Amendment of s 56 (Making of university statutes)  
Section 56(2)(h)—
after section 61C—

insert—

61D Requirement to disclose particular matters

(1) This section applies if a person who is a member—

(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or

(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 39B(1)(b).

(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—

(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or

(b) if the person is an appointed member when disqualified or convicted—the Minister; or

(c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

(3) The notice must include the following information—

(a) if the notice is of the person’s disqualification—

(i) the existence of the disqualification;

(ii) when the disqualification took effect;

(iii) sufficient details to identify the grounds for the disqualification;
Consultation draft

61E Restrictions on disclosing protected information

(1) This section applies to a person who possesses protected information because the person—

(a) is or was an officer, employee or agent of the department; or

(b) is or was a member or agent of the council; or

(c) provides or provided administrative support to the council.

(2) The person must not, directly or indirectly, disclose the protected information to any other person unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

(3) The person may disclose the protected information to another person—

(a) to the extent necessary to perform the person’s functions under this Act; or

(b) if the disclosure is authorised under an Act; or

(c) if the disclosure is otherwise required or permitted by law; or

(b) if the notice is of the person’s conviction—

(i) the existence of the conviction;

(ii) when the offence was committed;

(iii) sufficient details to identify the offence;

(iv) the sentence imposed on the person.
(d) if the person to whom the information relates consents to the disclosure; or
(e) if the disclosure is in a form that does not identify the person to whom the information relates; or
(f) if the information is, or has been, lawfully accessible to the public.

(4) In this section—

protected information means—

(a) a report, or information contained in a report, given under section 61B; or
(b) a notice, or information contained in a notice, given under section 61D.

37 Amendment of sch 2 (Dictionary)

Schedule 2, definition indictable offence—

omit.

Division 5 Amendment of University of Queensland Act 1998

38 Act amended

This division amends the University of Queensland Act 1998.

39 Amendment of s 11 (Delegation)

(1) Section 11(2)(c)—

omit.

(2) Section 11(3)—

omit, insert—
University Legislation Amendment Bill 2017

Part 2 Amendments commencing on assent

[§ 40]

(3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university’s staff.

40 Amendment of § 24 (Vacation of office)

Section 24(1)—

insert—

Note—

See section 56D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

41 Amendment of § 31 (Deputy chancellor)

(1) Section 31(4)(a), ‘when there is’—

omit, insert—

during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

omit, insert—

during all periods when the chancellor is absent from duty

42 Amendment of § 32 (Vice-chancellor)

Section 32(5)—

insert—

Note—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the senate.
43 Amendment of s 35A (President of academic board)
Section 35A(3), ‘1 year’—
*omit, insert—*
3 years

44 Amendment of s 35C (Disqualification from office)
Section 35C(1)—
*insert—*

Note—
See section 56D for the requirement to disclose the disqualification or conviction.

45 Amendment of s 52 (Making of university statutes)
Section 52(2)(g)—
*omit.*

46 Insertion of new ss 56D and 56E
After section 56C—
*insert—*

56D Requirement to disclose particular matters
(1) This section applies if a person who is a member—
(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or
(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 35C(1)(b).
(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—
(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or
(b) if the person is an appointed member when disqualified or convicted—the Minister; or
(c) otherwise—the chancellor.
Maximum penalty—100 penalty units.
(3) The notice must include the following information—
(a) if the notice is of the person’s disqualification—
   (i) the existence of the disqualification;
   (ii) when the disqualification took effect;
   (iii) sufficient details to identify the grounds for the disqualification;
(b) if the notice is of the person’s conviction—
   (i) the existence of the conviction;
   (ii) when the offence was committed;
   (iii) sufficient details to identify the offence;
   (iv) the sentence imposed on the person.

56E Restrictions on disclosing protected information
(1) This section applies to a person who possesses protected information because the person—
(a) is or was an officer, employee or agent of the department; or
(b) is or was a member or agent of the senate; or
(c) provides or provided administrative support to the senate.

(2) The person must not, directly or indirectly, disclose the protected information to any other person unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

(3) The person may disclose the protected information to another person—

(a) to the extent necessary to perform the person’s functions under this Act; or

(b) if the disclosure is authorised under an Act; or

(c) if the disclosure is otherwise required or permitted by law; or

(d) if the person to whom the information relates consents to the disclosure; or

(e) if the disclosure is in a form that does not identify the person to whom the information relates; or

(f) if the information is, or has been, lawfully accessible to the public.

(4) In this section—

protected information means—

(a) a report, or information contained in a report, given under section 56B; or

(b) a notice, or information contained in a notice, given under section 56D.

47 Amendment of sch 2 (Dictionary)

Schedule 2, definition indictable offence—
Division 6  Amendment of University of Southern Queensland Act 1998

48  Act amended
   This division amends the University of Southern Queensland Act 1998.

49  Amendment of s 11 (Delegation)
   (1) Section 11(2)(c)—
       omit.
   (2) Section 11(3)—
       omit, insert—
           (3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university’s staff.

50  Amendment of s 24 (Vacation of office)
   Section 24(1)—
   insert—
   Note—
   See section 61D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

51  Amendment of s 31 (Deputy chancellor)
   (1) Section 31(4)(a), ‘when there is’—
       omit, insert—
during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

*omit, insert*—

during all periods when the chancellor is absent from duty

52 **Amendment of s 32 (Vice-chancellor)**

Section 32(5)—

*insert*—

*Note*—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

53 **Amendment of s 39C (Disqualification from office)**

Section 39C(1)—

*insert*—

*Note*—

See section 61D for the requirement to disclose the disqualification or conviction.

54 **Amendment of s 56 (Making of university statutes)**

Section 56(2)(g)—

*omit.*

55 **Insertion of new ss 61D and 61E**

After section 61C—

*insert*—
61D Requirement to disclose particular matters

(1) This section applies if a person who is a member—

(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or

(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 39C(1)(b).

(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—

(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or

(b) if the person is an appointed member when disqualified or convicted—the Minister; or

(c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

(3) The notice must include the following information—

(a) if the notice is of the person’s disqualification—

(i) the existence of the disqualification;

(ii) when the disqualification took effect;

(iii) sufficient details to identify the grounds for the disqualification;

(b) if the notice is of the person’s conviction—

(i) the existence of the conviction;

(ii) when the offence was committed;

(iii) sufficient details to identify the offence;

(iv) the sentence imposed on the person.
61E Restrictions on disclosing protected information

(1) This section applies to a person who possesses protected information because the person—
(a) is or was an officer, employee or agent of the department; or
(b) is or was a member or agent of the council; or
(c) provides or provided administrative support to the council.

(2) The person must not, directly or indirectly, disclose the protected information to any other person unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

(3) The person may disclose the protected information to another person—
(a) to the extent necessary to perform the person’s functions under this Act; or
(b) if the disclosure is authorised under an Act; or
(c) if the disclosure is otherwise required or permitted by law; or
(d) if the person to whom the information relates consents to the disclosure; or
(e) if the disclosure is in a form that does not identify the person to whom the information relates; or
(f) if the information is, or has been, lawfully accessible to the public.

(4) In this section—
protected information means—
(a) a report, or information contained in a report, given under section 61B; or 

(b) a notice, or information contained in a notice, given under section 61D.

56 Amendment of sch 2 (Dictionary)

Schedule 2, definition 

indictable offence—

omit.

Division 7 Amendment of University of the Sunshine Coast Act 1998

57 Act amended

This division amends the University of the Sunshine Coast Act 1998.

58 Amendment of s 11 (Delegation)

(1) Section 11(2)(c)—

omit.

(2) Section 11(3)—

omit, insert—

(3) A delegation of a power under subsection (1) to the vice-chancellor may permit the subdelegation of the power to an appropriately qualified member of the university’s staff.

59 Amendment of s 24 (Vacation of office)

Section 24(1)—

insert—
60 Amendment of s 31 (Deputy chancellor)

(1) Section 31(4)(a), ‘when there is’—

*omit, insert*—

during

(2) Section 31(4)(b), ‘while the chancellor is absent from the State’—

*omit, insert*—

during all periods when the chancellor is absent from duty

61 Amendment of s 32 (Vice-chancellor)

Section 32(5)—

*insert*—

*Note*—

See also section 11(3) in relation to the subdelegation by the vice-chancellor of a power delegated by the council.

62 Amendment of s 40C (Disqualification from office)

Section 40C(1)—

*insert*—

*Note*—

See section 64D for the requirement to disclose the disqualification or conviction.

63 Amendment of s 58 (Making of university statutes)

Section 58(2)(g)—
64 Insertion of new ss 64D and 64E

After section 64C—

insert—

64D Requirement to disclose particular matters

(1) This section applies if a person who is a member—

(a) is disqualified from managing corporations under the Corporations Act, part 2D.6; or

(b) is convicted of an indictable offence mentioned in section 24(1)(h) or 40C(1)(b).

(2) The person must, unless the person has a reasonable excuse, immediately give notice of the disqualification or conviction to—

(a) if the person is the chancellor when disqualified or convicted—the vice-chancellor; or

(b) if the person is an appointed member when disqualified or convicted—the Minister; or

(c) otherwise—the chancellor.

Maximum penalty—100 penalty units.

(3) The notice must include the following information—

(a) if the notice is of the person’s disqualification—

(i) the existence of the disqualification;

(ii) when the disqualification took effect;

(iii) sufficient details to identify the grounds for the disqualification;
(b) if the notice is of the person’s conviction—
   (i) the existence of the conviction;
   (ii) when the offence was committed;
   (iii) sufficient details to identify the offence;
   (iv) the sentence imposed on the person.

64E Restrictions on disclosing protected information

(1) This section applies to a person who possesses protected information because the person—
   (a) is or was an officer, employee or agent of the department; or
   (b) is or was a member or agent of the council;
   or
   (c) provides or provided administrative support to the council.

(2) The person must not, directly or indirectly, disclose the protected information to any other person unless the disclosure is permitted under subsection (3).

Maximum penalty—100 penalty units.

(3) The person may disclose the protected information to another person—
   (a) to the extent necessary to perform the person’s functions under this Act; or
   (b) if the disclosure is authorised under an Act; or
   (c) if the disclosure is otherwise required or permitted by law; or
(d) if the person to whom the information relates consents to the disclosure; or

(e) if the disclosure is in a form that does not identify the person to whom the information relates; or

(f) if the information is, or has been, lawfully accessible to the public.

(4) In this section—

protected information means—

(a) a report, or information contained in a report, given under section 64B; or

(b) a notice, or information contained in a notice, given under section 64D.

65 Amendment of sch 2 (Dictionary)

Schedule 2, definition indictable offence—

omitted.

Part 3 Amendments commencing by proclamation

Division 1 Amendment of Central Queensland University Act 1998

66 Act amended

This division amends the Central Queensland University Act 1998.
67 Amendment of s 11 (Delegation)

Section 11(2)(a)—

*omit, insert—*

(a) to make an election policy; or

68 Amendment of s 15 (Elected members)

Section 15(3)—

*omit, insert—*

(3) Each elected member is to be elected at a council election held under division 3A.

69 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

(1) Section 20A(2) and (4), ‘by a ballot under section 15(3)’—

*omit, insert—*

at a council election held under division 3A

(2) Section 20A(2)(a), ‘in the ballot’—

*omit, insert—*

at the election

(3) Section 20A(3)(a), ‘by a ballot’—

*omit, insert—*

at a council election held under division 3A

(4) Section 20A(6), from ‘taken’—

*omit, insert—*

taken, other than for subsection (2) or (3)(a), to have been elected at a council election held under division 3A.
70 Replacement of s 21 (Failure to elect elected member)

Section 21—

omit, insert—

21 Failure to elect elected member

(1) This section applies if, by the end of the relevant day, a person is not elected for a class of elected member mentioned in section 15(2)(a) to (c) (each a relevant class).

(2) The Minister may appoint a person as the elected member for the relevant class.

(3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).

(4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election held under division 3A for the relevant class.

(5) This section applies to the periodic election of members and an election required because of a casual vacancy.

(6) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

71 Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b)—

omit, insert—

(b) for an elected member of a class mentioned in section 15(2)(a) to (c)—the member
ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(c) ceases to be a student.

(ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

(2) Section 24(4), definition eligible person—

omit, insert—

eligible person, for a class of elected member mentioned in section 15(2)(a) to (c), means a person who is eligible to be elected for the class.

72 Insertion of new pt 2, div 3A

Part 2—

insert—

Division 3A Council elections

26AAElection policy

(1) The council must—

(a) make a policy (an election policy) about council elections; and

(b) publish the election policy on the university’s website.

(2) The election policy must include—

(a) provisions to ensure—

(i) only persons who are eligible to vote may vote; and
(ii) a person can not vote more than once in a council election; and
(iii) voting is done by secret ballot; and
(iv) a person is not improperly influenced in voting; and

(b) provisions stating the procedure for voting, including the procedure for issuing ballots; and

(c) provisions about—
(i) notifying the period during which the election is to be held; and
(ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and
(iii) appointing a returning officer and scrutineers; and
(iv) publishing the election results, including the day by which the results must be published; and
(v) making and resolving complaints.

(3) Also, the election policy may include provisions about—
(a) eligibility to be nominated as a candidate; and
(b) eligibility to vote, including eligibility to vote for a particular class of elected member.

(4) The election policy takes effect on the day it is published on the university’s website or any later day stated in the policy.
26AB Conduct of council election

A council election must be held under the election policy.

26ACE Eligibility to vote

(1) A person is eligible to vote in a council election for a class of elected member mentioned in section 15(2)(a) to (c) only if the person—

(a) is an eligible person for the class of elected member; and

(b) meets any other eligibility requirements under the election policy.

(2) For subsection (1), a person is an eligible person, for a class of elected member mentioned in section 15(2)(a) to (c), if the person is—

(a) for an elected member mentioned in section 15(2)(a)—a member of the academic staff of the university; or

(b) for an elected member mentioned in section 15(2)(b)—a member of the general staff of the university; or

(c) for an elected member mentioned in section 15(2)(c)—a student.

73 Omission of pt 4, div 2 (Colleges)

Part 4, division 2—

omit.

74 Amendment of s 40B (Excluded matters for Corporations legislation)

Section 40B(1)—
omit, insert—

(1) The academic board is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

75 Omission of pt 6 (University statutes)
Part 6—
omit.

76 Insertion of new pt 8, div 3
Part 8—
insert—
Division 3 Transitional provision for University Legislation Amendment Act 2017

90 Repeal of university statutes
(1) This section applies to a university statute made under the pre-amended Act, section 57 that was in force immediately before the commencement.
(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.
(3) In this section—
pre-amended Act means this Act as in force from time to time before the commencement.

77 Amendment of sch 2 (Dictionary)
(1) Schedule 2, definitions college, requirement, university rule and university statute—
omit.

(2) Schedule 2—

insert—

*election policy* see section 26AA(1)(a).

*requirement*, of a regulatory notice, includes a direction on the notice.

(3) Schedule 2, definition *elected member*, ‘under section 15’—

*omit, insert*—

at a council election held under division 3A

**Division 2**

**Amendment of Griffith University Act 1998**

78 **Act amended**

This division amends the *Griffith University Act 1998*.

79 **Amendment of s 11 (Delegation)**

Section 11(2)(a)—

*omit, insert*—

(a) to make an election policy; or

80 **Amendment of s 15 (Elected members)**

Section 15(3)—

*omit, insert*—

(3) Each elected member is to be elected at a council election held under division 3A.
81 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

(1) Section 20A(2), ‘by a ballot under section 15(3)’—

*omit, insert—*

at a council election held under division 3A

(2) Section 20A(2)(a), ‘in the ballot’—

*omit, insert—*

at the election

(3) Section 20A(3)(a), ‘by a ballot’—

*omit, insert—*

at a council election held under division 3A

(4) Section 20A(4), ‘under section 15’—

*omit.*

(5) Section 20A(5), from ‘taken’—

*omit, insert—*

taken, other than for subsection (2) or (3)(a), to have been elected at a council election held under division 3A.

82 Replacement of s 21 (Failure to elect elected members)

Section 21—

*omit, insert—*

21 Failure to elect elected members

(1) This section applies if, by the end of the relevant day—

(a) insufficient persons are elected for a class of elected member mentioned in section 15(2)(a) (a *relevant class*) to comply with section 15(2); or
(b) a person is not elected for a class of elected member mentioned in section 15(2)(b) to (d) (also each a relevant class).

(2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).

(3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).

(4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election held under division 3A for the relevant class.

(5) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

**83 Amendment of s 24 (Vacation of office)**

(1) Section 24(1)(b)—

*omitted, insert*—

(b) for an elected member of a class mentioned in section 15(2)(a) to (d)—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(d) ceases to be a postgraduate student.

(ba) for an additional member—the member becomes a student or a member of the
academic staff or general staff of the university; or

(2) Section 24(4), definition eligible person—

*omit, insert—*

eligible person, for a class of elected member mentioned in section 15(2)(a) to (d), means a person who is eligible to be elected for the class.

84 Insertion of new pt 2, div 3A

Part 2—

*insert—*

Division 3A Council elections

26AAElection policy

(1) The council must—

(a) make a policy (an election policy) about council elections; and

(b) publish the election policy on the university’s website.

(2) The election policy must include—

(a) provisions to ensure—

(i) only persons who are eligible to vote may vote; and

(ii) a person can not vote more than once in a council election; and

(iii) voting is done by secret ballot; and

(iv) a person is not improperly influenced in voting; and
(b) provisions stating the procedure for voting, including the procedure for issuing ballots; and

(c) provisions about—
   (i) notifying the period during which the election is to be held; and
   (ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and
   (iii) appointing a returning officer and scrutineers; and
   (iv) publishing the election results, including the day by which the results must be published; and
   (v) making and resolving complaints.

(3) Also, the election policy may include provisions about—
   (a) eligibility to be nominated as a candidate; and
   (b) eligibility to vote, including eligibility to vote for a particular class of elected member.

(4) The election policy takes effect on the day it is published on the university’s website or any later day stated in the policy.

26ABConduct of council election

A council election must be held under the election policy.
26AC Eligibility to vote

(1) A person is eligible to vote in a council election for a class of elected member mentioned in section 15(2)(a) to (d) only if the person—

(a) is an eligible person for the class of elected member; and

(b) meets any other eligibility requirements under the election policy.

(2) For subsection (1), a person is an eligible person, for a class of elected member mentioned in section 15(2)(a) to (d), if the person is—

(a) for an elected member mentioned in section 15(2)(a)—a member of the academic staff of the university; or

(b) for an elected member mentioned in section 15(2)(b)—a member of the general staff of the university; or

(c) for an elected member mentioned in section 15(2)(c)—an undergraduate student; or

(d) for an elected member mentioned in section 15(2)(d)—a postgraduate student.

85 Amendment of s 33 (Establishment of convocation)

Section 33(2), ‘by university statute’—

*omit.*

86 Omission of pt 6 (University statutes)

Part 6—

*omit.*
87 Insertion of new pt 8, div 3

Part 8—

insert—

Division 3 Transitional provision for University Legislation Amendment Act 2017

92 Repeal of university statutes

(1) This section applies to a university statute made under the pre-amended Act, section 61 that was in force immediately before the commencement.

(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

(3) In this section—

pre-amended Act means this Act as in force from time to time before the commencement.

88 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions requirement, university rule and university statute—

omit.

(2) Schedule 2—

insert—

election policy see section 26AA(1)(a).

requirement, of a regulatory notice, includes a direction on the notice.

(3) Schedule 2, definition elected member, ‘under section 15’—

omit, insert—

at a council election held under division 3A
89 Act amended
This division amends the James Cook University Act 1997.

90 Amendment of s 11 (Delegation)
Section 11(2)(a)—
omit, insert—
(a) to make an election policy; or

91 Amendment of s 15 (Elected members)
Section 15(3)—
omit, insert—
(3) Each elected member is to be elected at a council election held under division 3A.

92 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)
(1) Section 20A(2) and (4), ‘by a ballot under section 15(3)’—
omit, insert—
at a council election held under division 3A
(2) Section 20A(2)(a), ‘in the ballot’—
omit, insert—
at the election
(3) Section 20A(3)(a), ‘by a ballot’—
omit, insert—
at a council election held under division 3A
(4) Section 20A(6), from ‘taken’—

*omitted, insert*—

taken, other than for subsection (2) or (3)(a), to have been elected at a council election held under division 3A.

93 Replacement of s 21 (Failure to elect elected members)

Section 21—

*omitted, insert*—

21 Failure to elect elected members

(1) This section applies if, by the end of the relevant day—

(a) insufficient persons are elected for a class of elected member mentioned in section 15(2)(a), (b) or (f) (each a *relevant class*) to comply with section 15(2); or

(b) a person is not elected for a class of elected member mentioned in section 15(2)(c) to (e) (also each a *relevant class*).

(2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).

(3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).

(4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election held under division 3A for the relevant class.

(5) This section applies to the periodic election of members and an election required because of a casual vacancy.
(6) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.

94 Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b)—

*omit, insert—*

(b) for an elected member of a class mentioned in section 15(2)(a) to (f)—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(d) ceases to be a postgraduate student.

(ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

(2) Section 24(4), definition eligible person—

*omit, insert—*

eligible person, for a class of elected member mentioned in section 15(2)(a) to (f), means a person who is eligible to be elected for the class.

95 Insertion of new pt 2, div 3A

Part 2—

*insert—*

Division 3A Council elections
26AAElection policy

(1) The council must—

(a) make a policy (an election policy) about council elections; and

(b) publish the election policy on the university’s website.

(2) The election policy must include—

(a) provisions to ensure—

(i) only persons who are eligible to vote may vote; and

(ii) a person can not vote more than once in a council election; and

(iii) voting is done by secret ballot; and

(iv) a person is not improperly influenced in voting; and

(b) provisions stating the procedure for voting, including the procedure for issuing ballots; and

(c) provisions about—

(i) notifying the period during which the election is to be held; and

(ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and

(iii) appointing a returning officer and scrutineers; and

(iv) publishing the election results, including the day by which the results must be published; and

(v) making and resolving complaints.
(3) Also, the election policy may include provisions about—

(a) eligibility to be nominated as a candidate; and

(b) eligibility to vote, including eligibility to vote for a particular class of elected member.

(4) The election policy takes effect on the day it is published on the university’s website or any later day stated in the policy.

26AB Conduct of council election

A council election must be held under the election policy.

26AC Eligibility to vote

(1) A person is eligible to vote in a council election for a class of elected member mentioned in section 15(2)(a) to (f) only if the person—

(a) is an eligible person for the class of elected member; and

(b) meets any other eligibility requirements under the election policy.

(2) For subsection (1), a person is an eligible person, for a class of elected member mentioned in section 15(2)(a) to (f), if the person is—

(a) for an elected member mentioned in section 15(2)(a)—a member of the academic staff of the university; or

(b) for an elected member mentioned in section 15(2)(b)—a member of the general staff of the university; or
(c) for an elected member mentioned in section 15(2)(c), (d) or (e)—a student; or
(d) for an elected member mentioned in section 15(2)(f)—a member of the convocation.

96 Amendment of s 33 (Establishment of convocation)
Section 33(2), ‘by university statute’—

omit.

97 Omission of pt 4, div 3 (Colleges)
Part 4, division 3—

omit.

98 Amendment of s 40B (Excluded matters for Corporations legislation)
(1) Section 40B(1)(b)—

omit.
(2) Section 40B(1)(c)—

renumber as section 40B(1)(b).

99 Omission of pt 6 (University statutes)
Part 6—

omit.

100 Insertion of new pt 8, div 3
Part 8—

insert—
Division 3  Transitional provision for University Legislation Amendment Act 2017

79  Repeal of university statutes

(1) This section applies to a university statute made under the pre-amended Act, section 57 that was in force immediately before the commencement.

(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

(3) In this section—

pre-amended Act means this Act as in force from time to time before the commencement.

101  Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions requirement, university rules and university statute—

omit.

(2) Schedule 2—

insert—

election policy see section 26AA(1)(a).

requirement, of a regulatory notice, includes a direction on the notice.

(3) Schedule 2, definition elected member, ‘under section 15’—

omit, insert—

at a council election held under division 3A
Division 4 Amendment of Queensland University of Technology Act 1998

102 Act amended
This division amends the Queensland University of Technology Act 1998.

103 Amendment of s 11 (Delegation)
Section 11(2)(a)—
omit, insert—
(a) to make an election policy; or

104 Amendment of s 15 (Elected members)
Section 15(3)—
omit, insert—
(3) Each elected member is to be elected at a council election held under division 3A.

105 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)
(1) Section 20A(2) and (4), ‘by a ballot under section 15(3)—
omit, insert—
at a council election held under division 3A
(2) Section 20A(2)(a), ‘in the ballot’—
omit, insert—
at the election
(3) Section 20A(3)(a), ‘by a ballot’—
omit, insert—
Section 20A(6), from ‘taken’—

*omit, insert—*

taken, other than for subsection (2) or (3)(a), to have been elected at a council election held under division 3A.

### 106 Replacement of s 21 (Failure to elect elected members)

Section 21—

*omit, insert—*

#### 21 Failure to elect elected members

(1) This section applies if, by the end of the relevant day, insufficient persons are elected for a class of elected member mentioned in section 15(2)(a) to (d) (each a *relevant class*) to comply with section 15(2).

(2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).

(3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).

(4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election held under division 3A for the relevant class.

(5) This section applies to the periodic election of members and an election required because of a casual vacancy.

(6) In this section—

*relevant day*, in relation to a relevant class, means the last day of the period notified under the
Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b)—

omit, insert—

(b) for an elected member of a class mentioned in section 15(2)(a) to (d)—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(c) ceases to be a student.

(ba) for an additional member—the member becomes a student or a member of the academic staff or professional staff of the university; or

(2) Section 24(4), definition eligible person—

omit, insert—

eligible person, for a class of elected member mentioned in section 15(2)(a) to (d), means a person who is eligible to be elected for the class.
(a) make a policy (an election policy) about council elections; and
(b) publish the election policy on the university’s website.

(2) The election policy must include—

(a) provisions to ensure—
(i) only persons who are eligible to vote may vote; and
(ii) a person can not vote more than once in a council election; and
(iii) voting is done by secret ballot; and
(iv) a person is not improperly influenced in voting; and

(b) provisions stating the procedure for voting, including the procedure for issuing ballots; and

(c) provisions about—
(i) notifying the period during which the election is to be held; and
(ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and
(iii) appointing a returning officer and scrutineers; and
(iv) publishing the election results, including the day by which the results must be published; and
(v) making and resolving complaints.

(3) Also, the election policy may include provisions about—
(a) eligibility to be nominated as a candidate; and

(b) eligibility to vote, including eligibility to vote for a particular class of elected member.

(4) The election policy takes effect on the day it is published on the university’s website or any later day stated in the policy.

26AB Conduct of council election

A council election must be held under the election policy.

26ACE Eligibility to vote

(1) A person is eligible to vote in a council election for a class of elected member mentioned in section 15(2)(a) to (d) only if the person—

(a) is an eligible person for the class of elected member; and

(b) meets any other eligibility requirements under the election policy.

(2) For subsection (1), a person is an eligible person, for a class of elected member mentioned in section 15(2)(a) to (d), if the person is—

(a) for an elected member mentioned in section 15(2)(a)—a member of the academic staff of the university; or

(b) for an elected member mentioned in section 15(2)(b)—a member of the professional staff of the university; or

(c) for an elected member mentioned in section 15(2)(c)—a student; or
109 Amendment of s 33 (Establishment of QUT Alumni)

Section 33(2), ‘by university statute’—

*omit.*

110 Omission of pt 4, div 3 (Colleges)

Part 4, division 3—

*omit.*

111 Amendment of s 39A (Excluded matters for Corporations legislation)

Section 39A(1)—

*omit, insert—*

(1) QUT Alumni is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

112 Omission of pt 6 (University statutes)

Part 6—

*omit.*

113 Insertion of new pt 8, div 3

Part 8—

*insert—*

**Division 3** Transitional provision for University Legislation Amendment Act 2017
71 Repeal of university statutes

(1) This section applies to a university statute made under the pre-amended Act, section 56 that was in force immediately before the commencement.

(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

(3) In this section—

*pre-amended Act* means this Act as in force from time to time before the commencement.

114 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *college*, *requirement*, *university rule* and *university statute*—

*omitted.*

(2) Schedule 2—

*insert*—

*election policy* see section 26AA(1)(a).

*requirement*, of a regulatory notice, includes a direction on the notice.

(3) Schedule 2, definition *elected member*, ‘under section 15’—

*omitted, inserted*—

at a council election held under division 3A

Division 5 Amendment of University of Queensland Act 1998

115 Act amended

This division amends the *University of Queensland Act 1998.*
116 Amendment of s 11 (Delegation)

Section 11(2)(a)—

*omit, insert—*

(a) to make an election policy; or

117 Amendment of s 15 (Elected members)

Section 15(3) to (5)—

*omit, insert—*

(3) Each elected member is to be elected at a senate election held under division 3A.

118 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

(1) Section 20A(2), ‘by a ballot under section 15(3)’—

*omit, insert—*

at a senate election held under division 3A

(2) Section 20A(2)(a), ‘in the ballot’—

*omit, insert—*

at the election

(3) Section 20A(3)(a), ‘by a ballot’—

*omit, insert—*

at a senate election held under division 3A

(4) Section 20A(4), ‘under section 15’—

*omit.*

(5) Section 20A(5), from ‘taken’—

*omit, insert—*

taken, other than for subsection (2) or (3)(a), to have been elected at a senate election held under
119 Replacement of s 21 (Failure to elect elected members)

Section 21—

omit, insert—

21 Failure to elect elected members

(1) This section applies if, by the end of the relevant day—

(a) a person is not elected for a class of elected member mentioned in section 15(2)(a) to (e) (each a relevant class); or

(b) insufficient persons are elected for a class of elected member mentioned in section 15(2)(f) (also a relevant class) to comply with section 15(2).

(2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).

(3) The senate may, if asked by the Minister, nominate a person for appointment under subsection (2).

(4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a senate election held under division 3A for the relevant class.

(5) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.
120 Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b)—

*omit, insert—*

(b) for an elected member of a class mentioned in section 15(2)(a) to (f)—the member ceases to be an eligible person for the class; or

*Example—*

An elected member of a class mentioned in section 15(2)(e) ceases to be a postgraduate student.

(ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

(2) Section 24(4), definition *eligible person*—

*omit, insert—*

*eligible person*, for a class of elected member mentioned in section 15(2)(a) to (f), means a person who is eligible to be elected for the class.

121 Insertion of new pt 2, div 3A

Part 2—

*insert—*

**Division 3A Senate elections**

**26AAElection policy**

(1) The senate must—

(a) make a policy (an *election policy*) about senate elections; and
(b) publish the election policy on the university’s website.

(2) The election policy must include—

(a) provisions to ensure—

(i) only persons who are eligible to vote may vote; and

(ii) a person can not vote more than once in a senate election; and

(iii) voting is done by secret ballot; and

(iv) a person is not improperly influenced in voting; and

(b) provisions stating the procedure for voting, including the procedure for issuing ballots; and

(c) provisions about—

(i) notifying the period during which the election is to be held; and

(ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and

(iii) appointing a returning officer and scrutineers; and

(iv) publishing the election results, including the day by which the results must be published; and

(v) making and resolving complaints.

(3) Also, the election policy may include provisions about—

(a) eligibility to be nominated as a candidate; and
(b) eligibility to vote, including eligibility to vote for a particular class of elected member.

(4) The election policy takes effect on the day it is published on the university’s website or any later day stated in the policy.

26AB Conduct of senate election

A senate election must be held under the election policy.

26AC Eligibility to vote

(1) A person is eligible to vote in a senate election for a class of elected member mentioned in section 15(2)(a) to (f) only if the person—

(a) is an eligible person for the class of elected member; and

(b) meets any other eligibility requirements under the election policy.

(2) For subsection (1), a person is an eligible person, for a class of elected member mentioned in section 15(2)(a) to (f), if the person is—

(a) for an elected member mentioned in section 15(2)(a)—a member of the academic board; or

(b) for an elected member mentioned in section 15(2)(b)—a member of the academic staff of the university; or

(c) for an elected member mentioned in section 15(2)(c)—a member of the general staff of the university; or

(d) for an elected member mentioned in section 15(2)(d)—an undergraduate student; or
(e) for an elected member mentioned in section 15(2)(e)—a postgraduate student; or
(f) for an elected member mentioned in section 15(2)(f)—a graduate of the university.

122 Omission of pt 4, div 1 (Colleges)
Part 4, division 1—

omit.

123 Amendment of s 35B (Excluded matters for Corporations legislation)
Section 35B, from ‘Each of the following’—

omit, insert—

The academic board is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

124 Omission of pt 6 (University statutes)
Part 6—

omit.

125 Insertion of new pt 8, div 4
Part 8—

insert—

Division 4 Transitional provision for University Legislation Amendment Act 2017
73 Repeal of university statutes

(1) This section applies to a university statute made under the pre-amended Act, section 52 that was in force immediately before the commencement.

(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

(3) In this section—

pre-amended Act means this Act as in force from time to time before the commencement.

126 Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions college, requirement, university rule and university statute—

omit.

(2) Schedule 2—

insert—

election policy see section 26AA(1)(a).

postgraduate student means a student enrolled in a course or program leading to the award of a postgraduate certificate or diploma, or a master’s or doctoral degree, of the university.

requirement, of a regulatory notice, includes a direction on the notice.

undergraduate student means a student other than a postgraduate student.

(3) Schedule 2, definition elected member, ‘under section 15’—

omit, insert—

at a senate election held under division 3A
Division 6  Amendment of University of Southern Queensland Act 1998

127  Act amended

This division amends the University of Southern Queensland Act 1998.

128  Amendment of s 11 (Delegation)

Section 11(2)(a)—

*omit, insert—*

(a) to make an election policy; or

129  Amendment of s 15 (Elected members)

Section 15(3)—

*omit, insert—*

(3) Each elected member is to be elected at a council election held under division 3A.

130  Amendment of s 20A (Dealing with casual vacancy in office of elected member)

(1) Section 20A(2) and (4), ‘by a ballot under section 15(3)’—

*omit, insert—*

at a council election held under division 3A

(2) Section 20A(2)(a), ‘in the ballot’—

*omit, insert—*

at the election

(3) Section 20A(3)(a), ‘by a ballot’—

*omit, insert—*
at a council election held under division 3A

(4) Section 20A(6), from ‘taken’—

omit, insert—

taken, other than for subsection (2) or (3)(a), to have been elected at a council election held under division 3A.

131 Replacement of s 21 (Failure to elect elected member)

Section 21—

omit, insert—

21 Failure to elect elected member

(1) This section applies if, by the end of the relevant day, a person is not elected for a class of elected member mentioned in section 15(2)(a) to (c) (each a relevant class).

(2) The Minister may appoint a person as the elected member for the relevant class.

(3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).

(4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election held under division 3A for the relevant class.

(5) This section applies to the periodic election of members and an election required because of a casual vacancy.

(6) In this section—

relevant day, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant
132 Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b)—

omit, insert—

(b) for an elected member of a class mentioned in section 15(2)(a) to (c)—the member ceases to be an eligible person for the class; or

Example—

An elected member of a class mentioned in section 15(2)(c) ceases to be a student.

(ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

(2) Section 24(4), definition eligible person—

omit, insert—

eligible person, for a class of elected member mentioned in section 15(2)(a) to (c), means a person who is eligible to be elected for the class.

133 Insertion of new pt 2, div 3A

Part 2—

insert—

Division 3A Council elections

26AAElection policy

(1) The council must—
(a) make a policy (an election policy) about council elections; and

(b) publish the election policy on the university’s website.

(2) The election policy must include—

(a) provisions to ensure—

(i) only persons who are eligible to vote may vote; and

(ii) a person can not vote more than once in a council election; and

(iii) voting is done by secret ballot; and

(iv) a person is not improperly influenced in voting; and

(b) provisions stating the procedure for voting, including the procedure for issuing ballots; and

(c) provisions about—

(i) notifying the period during which the election is to be held; and

(ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and

(iii) appointing a returning officer and scrutineers; and

(iv) publishing the election results, including the day by which the results must be published; and

(v) making and resolving complaints.

(3) Also, the election policy may include provisions about—
(a) eligibility to be nominated as a candidate; and

(b) eligibility to vote, including eligibility to vote for a particular class of elected member.

(4) The election policy takes effect on the day it is published on the university’s website or any later day stated in the policy.

26A. Conduct of council election

A council election must be held under the election policy.

26A. Eligibility to vote

(1) A person is eligible to vote in a council election for a class of elected member mentioned in section 15(2)(a) to (c) only if the person—

(a) is an eligible person for the class of elected member; and

(b) meets any other eligibility requirements under the election policy.

(2) For subsection (1), a person is an eligible person, for a class of elected member mentioned in section 15(2)(a) to (c), if the person—

(a) for an elected member mentioned in section 15(2)(a)—is a member of the academic staff of the university; or

(b) for an elected member mentioned in section 15(2)(b)—is a member of the general staff of the university; or

(c) for an elected member mentioned in section 15(2)(c)—
(i) is a student; and  
(ii) is not a member of academic staff or general staff of the university.

134 Omission of pt 4, div 2 (Colleges)

Part 4, division 2—

*omit.*

135 Amendment of s 39B (Excluded matters for Corporations legislation)

Section 39B(2)—

*omit, insert—*

(2) The academic board is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

136 Omission of pt 6 (University statutes)

Part 6—

*omit.*

137 Insertion of new pt 8, div 3

Part 8—

*insert—*

Division 3  
**Transitional provision for University Legislation Amendment Act 2017**

88 Repeal of university statutes

(1) This section applies to a university statute made
under the pre-amended Act, section 56 that was in force immediately before the commencement.

(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

(3) In this section—

*pre-amended Act* means this Act as in force from time to time before the commencement.

### Amendment of sch 2 (Dictionary)

1. Schedule 2, definitions *college*, *requirement*, *university rule* and *university statute*—
   *omit.*

2. Schedule 2—
   *insert*—
   
   *election policy* see section 26AA(1)(a).

   *requirement*, of a regulatory notice, includes a direction on the notice.

3. Schedule 2, definition *elected member*, ‘under section 15’—
   *omit, insert*—
   
   at a council election held under division 3A

### Division 7 Amendment of University of the Sunshine Coast Act 1998

139 Act amended

This division amends the *University of the Sunshine Coast Act 1998.*
140 Amendment of s 11 (Delegation)

Section 11(2)(a)—

*omit, insert*—

(a) to make an election policy; or

141 Amendment of s 15 (Elected members)

Section 15(3)—

*omit, insert*—

(3) Each elected member is to be elected at a council election held under division 3A.

142 Amendment of s 20A (Dealing with casual vacancy in office of an elected member)

(1) Section 20A(2) and (4), ‘by a ballot under section 15(3)’—

*omit, insert*—

at a council election held under division 3A

(2) Section 20A(2)(a), ‘in the ballot’—

*omit, insert*—

at the election

(3) Section 20A(3)(a), ‘by a ballot’—

*omit, insert*—

at a council election held under division 3A

(4) Section 20A(6), from ‘taken’—

*omit, insert*—

taken, other than for subsection (2) or (3)(a), to have been elected at a council election held under division 3A.
143 Replacement of s 21 (Failure to elect elected members)

Section 21—

*omit, insert—*

21 Failure to elect elected members

(1) This section applies if, by the end of the relevant day—

(a) insufficient persons are elected for a class of elected member mentioned in section 15(2)(a) or (c) (each a *relevant class*) to comply with section 15(2); or

(b) a person is not elected for a class of elected member mentioned in section 15(2)(b) (also a *relevant class*).

(2) The Minister may appoint, as elected members for the relevant class, the number of persons required to comply with section 15(2).

(3) The council may, if asked by the Minister, nominate a person for appointment under subsection (2).

(4) A person appointed under subsection (2) is taken, other than for section 20A(2) or (3)(a), to have been elected at a council election held under division 3A for the relevant class.

(5) This section applies to the periodic election of members and an election required because of a casual vacancy.

(6) In this section—

*relevant day*, in relation to a relevant class, means the last day of the period notified under the election policy for the holding of a council election for an elected member of the relevant class.
144 Amendment of s 24 (Vacation of office)

(1) Section 24(1)(b)—

*omit, insert—*

(b) for an elected member of a class mentioned in section 15(2)(a) to (c)—the member ceases to be an eligible person for the class; or

*Example—*

An elected member of a class mentioned in section 15(2)(c) ceases to be a student.

(ba) for an additional member—the member becomes a student or a member of the academic staff or general staff of the university; or

(2) Section 24(4), definition *eligible person*—

*omit, insert—*

*eligible person,* for a class of elected member mentioned in section 15(2)(a) to (c), means a person who is eligible to be elected for the class.

145 Insertion of new pt 2, div 3A

Part 2—

*insert—*

Division 3A Council elections

26AAElection policy

(1) The council must—

(a) make a policy (an *election policy*) about council elections; and

(b) publish the election policy on the university’s website.
(2) The election policy must include—
(a) provisions to ensure—
(i) only persons who are eligible to vote may vote; and
(ii) a person can not vote more than once in a council election; and
(iii) voting is done by secret ballot; and
(iv) a person is not improperly influenced in voting; and
(b) provisions stating the procedure for voting, including the procedure for issuing ballots; and
(c) provisions about—
(i) notifying the period during which the election is to be held; and
(ii) nominating candidates, including calling for and making nominations, and fixing the day by which nominations must be made; and
(iii) appointing a returning officer and scrutineers; and
(iv) publishing the election results, including the day by which the results must be published; and
(v) making and resolving complaints.

(3) Also, the election policy may include provisions about—
(a) eligibility to be nominated as a candidate; and
(b) eligibility to vote, including eligibility to vote for a particular class of elected member.
(4) The election policy takes effect on the day it is published on the university’s website or any later day stated in the policy.

26AB Conduct of council election

A council election must be held under the election policy.

26AC Eligibility to vote

(1) A person is eligible to vote in a council election for a class of elected member mentioned in section 15(2)(a) to (c) only if the person—

(a) is an eligible person for the class of elected member; and

(b) meets any other eligibility requirements under the election policy.

(2) For subsection (1), a person is an eligible person, for a class of elected member mentioned in section 15(2)(a) to (c), if the person is—

(a) for an elected member mentioned in section 15(2)(a)—a member of the academic staff of the university; or

(b) for an elected member mentioned in section 15(2)(b)—a member of the general staff of the university; or

(c) for an elected member mentioned in section 15(2)(c)—a student.

146 Omission of pt 4, div 2 (Colleges)

Part 4, division 2—

omit.
147 Amendment of s 40B (Excluded matters for Corporations legislation)

Section 40B(1)—

*omit, insert*

(1) The academic board is declared to be an excluded matter for the Corporations Act, section 5F, in relation to parts 5.7 and 5.7B of that Act.

148 Omission of pt 6 (University statutes)

Part 6—

*omit.*

149 Insertion of new pt 8, div 3

Part 8—

*insert—*

Division 3 Transitional provision for University Legislation Amendment Act 2017

94 Repeal of university statutes

(1) This section applies to a university statute made under the pre-amended Act, section 58 that was in force immediately before the commencement.

(2) To remove any doubt, it is declared that, on the commencement, the university statute is repealed.

(3) In this section—

*pre-amended Act* means this Act as in force from time to time before the commencement.
150  Amendment of sch 2 (Dictionary)

(1) Schedule 2, definitions *college*, *requirement*, *university rule* and *university statute*—

*omit.*

(2) Schedule 2—

*insert*—

*election policy* see section 26AA(1)(a).

*requirement*, of a regulatory notice, includes a direction on the notice.

(3) Schedule 2, definition *elected member*, paragraph (a), ‘under section 15’—

*omit, insert*—

at a council election held under division 3A