



Queensland

# University Legislation Amendment Bill 2017

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**2016**

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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***

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**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—*

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- (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.

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**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.

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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.

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- (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.*

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**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'—

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*omit, insert—*

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

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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

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- (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.

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**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)—

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*omit, insert—*

- (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.

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**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.

**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—*

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*Note—*

See section 61D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

**32 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

**33 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.

**34 Amendment of s 39B (Disqualification from office)**

Section 39B(1)—

*insert—*

*Note—*

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

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

Section 56(2)(h)—



---

*omit.*

**36 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 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;

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- (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.

**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—*

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- (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 s 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 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

**42 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 senate.

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**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—

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- (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.

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**47 Amendment of sch 2 (Dictionary)**

Schedule 2, definition *indictable offence*—

*omit.*

## **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—*

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**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—

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- (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—*

*Note—*

See section 64D for the requirement to disclose a matter mentioned in paragraph (g) or (h).

**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)—

*omit.*

## **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

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- (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*—  
*omit.*

**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*.



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**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**

#### **26AA Election 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

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- (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.

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**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.

**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)—

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*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.

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**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)—

*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)(d) ceases to be a postgraduate student.

- (ba) for an additional member—the member becomes a student or a member of the

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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**

**26AA Election 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.

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**26ACEligibility 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.*

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**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

**Consultation draft**

**Division 3                      Amendment of James Cook  
University Act 1997**

**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’—

*omit, 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—

*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), (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.

Consultation draft

(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**



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## 26AA Election 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.

Consultation draft

- (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

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**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—*

**Consultation draft**

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.

**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

---

election policy for the holding of a council election for an elected member of the relevant class.

**107 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.

**108 Insertion of new pt 2, div 3A**

Part 2—

*insert—*

**Division 3A Council elections**

**26AA Election policy**

(1) The council must—

Consultation draft

- (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 (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

- (d) for an elected member mentioned in section 15(2)(d)—a member of QUT Alumni.

**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**

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### 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*—  
*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 5 Amendment of University of Queensland Act 1998

### 115 Act amended

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

Consultation draft

**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

---

division 3A.

**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.

Consultation draft

**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**

**26AA Election 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

**Consultation draft**

- (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**

**Consultation draft**

### 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

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**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—*

**Consultation draft**

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

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class.

**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**

**26AA Election policy**

(1) The council must—

**Consultation draft**

- (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—
- (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



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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.

**138 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.

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**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.

Consultation draft

**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**

**26AA Election 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.

**Consultation draft**

- (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.*

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**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.

**Consultation draft**

**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