



Australian Capital Territory

University of Canberra Amendment Act 2006

A2006-56

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Section 11	2
5 New section 13A	5
6 Vacation of office	
Section 15 (1) (f) and (g)	5
7 Section 15 (3)	5
8 Section 21	6
9 Section 30	6
10 Section 33	6
11 Statutes	
Section 40 (2) (r)	7
12 Dictionary, new definitions of <i>Commonwealth Act</i> , <i>student contribution amount</i> and <i>tuition fee</i>	7

J2005-1055

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Contents

13	Remuneration Tribunal Act 1995, schedule 1, part 1.2, new dot point	Page 7
----	---	-----------



Australian Capital Territory

University of Canberra Amendment Act 2006

A2006-56

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

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

J2005-1055

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

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

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

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

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

4 Section 11

substitute

11 Constitution of council

(1) The council consists of the following members:

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

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

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

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

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

11A Appointment of council members

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

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

5 New section 13A

insert

13A Resolutions without meeting

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

Example of electronic communication

email

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

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

substitute

(f) for a member mentioned in section 11 (1) (e), (f), (g) or (h)—
ceases to be qualified to be elected as mentioned in the
paragraph concerned.

7 Section 15 (3)

omit

section 11 (1) (c)

substitute

section 11 (1) (d)

8 Section 21

substitute

21 Chairperson of board

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

9 Section 30

substitute

30 Fees

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

10 Section 33

substitute

33 Application of fees and other money

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

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

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

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

substitute

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

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

insert

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

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

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

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

after 1st dot point, insert

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

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 23 November 2006.

2 Notification

Notified under the Legislation Act on 18 December 2006.

3 Republications of amended laws

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

I certify that the above is a true copy of the University of Canberra Amendment Bill 2006, which was passed by the Legislative Assembly on 12 December 2006.

Clerk of the Legislative Assembly

© Australian Capital Territory 2006