

TASMANIA

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**UNIVERSITY OF TASMANIA AMENDMENT  
BILL 2004**

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# **UNIVERSITY OF TASMANIA AMENDMENT BILL 2004**

*(Brought in by the Minister for Education, the Honourable  
Paula Catherine Wriedt)*

## **A BILL FOR**

### **An Act to amend the *University of Tasmania Act 1992***

Be it enacted by His Excellency the Governor of Tasmania,  
by and with the advice and consent of the Legislative  
Council and House of Assembly, in Parliament assembled,  
as follows:

#### **Short title**

**1.** This Act may be cited as the *University of Tasmania  
Amendment Act 2004*.

#### **Commencement**

**2.** This Act commences on 1 January 2005.

#### **Principal Act**

**3.** In this Act, the *University of Tasmania Act 1992\** is  
referred to as the Principal Act.

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\*No. 51 of 1992

**Section 8 amended (Constitution of the Council)****4. Section 8 of the Principal Act is amended as follows:**

- (a) by omitting from subsection (1)(d) “3” and substituting “4”;
- (b) by omitting paragraphs (f) and (g) from subsection (1);
- (c) by omitting paragraph (i) from subsection (1) and substituting the following paragraph:
  - (i) 2 students appointed by the Council, after consultation with any relevant student associations;
- (d) by omitting from subsection (1)(j) “3” and substituting “4”;
- (e) by inserting in subsection (1)(j) “or general staff” after “staff”;
- (f) by omitting subsection (2);
- (g) by omitting subsection (5) and substituting the following subsection:

**(5)** Before making an appointment to the Council, the Minister and the Council must –

- (a) give public notification of the vacancy; and
- (b) consult with each other about any intended appointment; and
- (c) have regard to the balance of skills and experience, regional representation and an appropriate gender balance.

**Section 22AA inserted**

5. After section 22 of the Principal Act, the following section is inserted in Part 4:

**Protection for person conducting inquiry**

**22AA.** A person authorised by the University to conduct an inquiry into a matter has, in conducting that inquiry, the same protection and immunity as a judge of the Supreme Court.

**Schedule 1 amended (Provisions in respect of the Council)**

6. Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting subclause (1) from clause 1 and substituting the following subclause:

**(1)** Subject to clauses 2 and 3, a person who is elected or appointed as a member of the Council holds office for a term of –

- (a) up to 4 years in the case of a member referred to in section 8(1)(d), (j) or (k); or
- (b) 2 years in the case of a member referred to in section 8(1)(e) or (h); or
- (c) one year in the case of a member referred to in section 8(1)(i).
- (b) by inserting in clause 1(2) “provided that a person is not to hold office for a total of more than 12 years, unless the Council otherwise determines in a specific case” after “office”;

(c) by inserting the following paragraph after paragraph (c) in clause 2(1):

(ca) if the member is disqualified from acting as a director under Part 2D.6 of the *Corporations Act 2001* of the Commonwealth; or

(d) by omitting from clause 2(1)(d) “Minister” and substituting “Council”;

(e) by omitting subclause (2) from clause 2 and substituting the following subclause:

(2) If a two-thirds majority of the Council is of the opinion that an elected or appointed member of the Council –

(a) has failed to discharge his or her obligations under section 11A or 11B; or

(b) is incapable of discharging the obligations of a member of the Council –

the Council may dismiss the member from office.

(f) by omitting clause 3A.

#### **Schedule 4 amended (Savings and Transitional)**

7. Schedule 4 to the Principal Act is amended by omitting clause 6 from Part 2 and substituting:

##### **Terms of office for certain members**

6. In respect of the Council constituted on 1 January 2005, the members referred to in

section 8(1)(d) and (j) are to hold office for such period not exceeding 4 years as is specified in their instruments of appointment.