

TASMANIA

UNIVERSITY OF TASMANIA AMENDMENT BILL 2012

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UNIVERSITY OF TASMANIA AMENDMENT BILL 2012

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

P. R. ALCOCK, *Clerk of the House*
28 August 2012

*(Brought in by the Minister for Education and Skills, the
Honourable Nick McKim)*

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:

1. Short title

This Act may be cited as the *University of Tasmania Amendment Act 2012*.

2. Commencement

This Act commences on 1 January 2013.

3. Principal Act

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

*No. 51 of 1992

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4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting “Provost,” after “the Vice-Chancellor,” in the definition of *academic staff*;
- (b) by omitting the definition of *general staff*;
- (c) by inserting the following definition after the definition of *Ordinance*:

professional staff means the staff of the University, engaged full-time or for fractional time, but not including casual employees or the academic staff;

5. Section 4 amended (Continuance and incorporation of University)

Section 4 of the Principal Act is amended by inserting after subsection (4) the following subsection:

- (5) For the avoidance of doubt, the University is taken to have continued in existence under the name “University of Tasmania” since its establishment in 1890.

6. Section 5 amended (Constitution of the University)

Section 5(1)(d) of the Principal Act is amended by omitting “general” and substituting “professional”.

7. Section 8 amended (Constitution of the Council)

Section 8 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “the following members” and substituting “not less than 10 and not more than 14 members, comprising the following”;
- (b) by omitting paragraphs (d) and (e) from subsection (1) and substituting the following paragraphs:
 - (d) 2 persons appointed by the Minister, each of whom must not be a student or member of the academic staff or professional staff and of whom at least one must be a graduate of the University;
 - (e) one member of the academic staff elected by the academic staff;
- (c) by omitting from subsection (1)(h) “general” twice occurring and substituting “professional”;
- (d) by omitting from subsection (1)(i) “2 students” and substituting “one student”;

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- (e) by omitting from subsection (1)(j) “4” and substituting “up to 6”;
- (f) by omitting from subsection (1)(j) “general” and substituting “professional”;
- (g) by omitting from subsection (1)(j) “University;” and substituting “University.”;
- (h) by omitting paragraph (k) from subsection (1);
- (i) by omitting from subsection (6) “1 September 2001” and substituting “1 January 2013”;
- (j) by inserting “Provost,” after “the Vice-Chancellor,” in the definition of *academic staff* in subsection (7).

8. Section 17A inserted

After section 17 of the Principal Act, the following section is inserted in Division 4:

17A. Dismissal of Chancellor, &c.

- (1) If a two-thirds majority of the Council is of the opinion that the Chancellor or a Deputy-Chancellor has breached the terms of conditions of his or her appointment under section 14 or 15, respectively, the Council may dismiss the Chancellor or Deputy-Chancellor from office.

- (2) For the purposes of determining a two-thirds majority, the vote of the Chancellor or Deputy-Chancellor who is the subject of the motion for dismissal is not to be counted.

9. Section 22A amended (Service of documents)

Section 22A of the Principal Act is amended by omitting “general” and substituting “professional”.

10. Section 23 amended (Determinations of status)

Section 23(a) of the Principal Act is amended by omitting “general” and substituting “professional”.

11. Schedule 1 amended (Provisions in respect of the Council)

Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting from clause 1(1)(a) “4” and substituting “3”;
- (b) by inserting the following subclause after subclause (2) in clause 2:
 - (3) For the purposes of determining a two-thirds majority, the vote of the member of the Council who is the subject of the motion for dismissal is not to be counted.

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- (c) by omitting from clause 3(b) “general” and substituting “professional”;
- (d) by omitting from clause 3(c) “elected” and substituting “appointed”.

12. Schedule 4 amended (Savings and Transitional)

Schedule 4 to the Principal Act is amended as follows:

- (a) by omitting from clause 6 of Part 2 “1 January 2005” and substituting “1 January 2013”;
- (b) by omitting from clause 6 of Part 2 “4” and substituting “3”;
- (c) by inserting the following clause after clause 6 in Part 2:

6A. Certain members to continue in office notwithstanding *University of Tasmania Amendment Act 2012*

Notwithstanding the amendments to the constitution of the Council as a result of the commencement of the *University of Tasmania Amendment Act 2012*, a member of the council who was a member immediately before that commencement and whose term of office expires after 31 December 2012 continues as such a member until the term of

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office expires or the office is
otherwise vacated or terminated.

- (d) by omitting from clause 7(2) of Part 3
“1 September 2001” and substituting
“1 January 2013”.

13. Repeal of Act

This Act is repealed on the three hundred and
sixty fifth day from the day on which it
commences.