

University of Tasmania Act 1992

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An Act to consolidate and amend the law relating to the University of Tasmania

[Royal Assent 10 December 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:

PART 1 - Preliminary

1. Short title

This Act may be cited as the [University of Tasmania Act 1992](#) .

2. Commencement

(1) This Act commences on 1 January 1993.

(2)

3. Interpretation

In this Act, unless the contrary intention appears –

Academic Senate means the Academic Senate of the University;

academic staff means the Vice-Chancellor, Provost, any Deputy Vice-Chancellor, any Pro Vice-Chancellor and members of the staff of the University engaged, either full-time or for fractional time, in teaching and research, research only or teaching only but not including casual employees;

Alumni means an association of graduates of the University as established by Ordinance;

Amalgamation Act means the [Higher Education \(Amalgamation\) Act 1990](#) ;

body includes committee;

by-law means a by-law of the University made by the Council under [section 20](#) and in force under this Act;

Chancellor means the Chancellor of the University elected under [section 14](#) ;

commencement day means 1 January 1993;

Council means the Council of the University;

Deputy-Chancellor means a Deputy-Chancellor of the University elected under [section 15](#) ;

financial year means a period of 12 months ending on 31 December in any year;

graduate means –

- (a) a person upon whom the University, or one of the University's predecessors in law, has conferred a degree, diploma or certificate; or
- (b) any other person who holds an award specified, by Ordinance, for the purposes of this definition;

intellectual property means all copyright including future copyright, trademarks, designs, patents registered and unregistered, plant breeders' rights, trade secrets and know-how, semiconductor or circuit layouts and all other intellectual property as defined in the convention of 1967 establishing the World Intellectual Property Organisation;

Ordinance means an Ordinance of the University made by the Council under [section 18](#) and in force under this Act;

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

rule means a rule made, and in force, under an Ordinance;

student means a person who is for the time being enrolled as a student of the University;

University means the University of Tasmania;

University land means –

- (a) the land vested in the University specified in [Schedule 3](#) ; and
- (b) any other land occupied by the University;

Vice-Chancellor means the Vice-Chancellor of the University appointed under [section 16](#) .

PART 2 - The University

Division 1 - Continuance and incorporation

4. Continuance and incorporation of University

- (1) Notwithstanding the repeal by this Act of the [Amalgamation Act](#) , the University continues in existence under and subject to the provisions of this Act under the name "University of Tasmania".
- (2) The University –
 - (a) has perpetual succession and a seal; and
 - (b) may sue and be sued in its corporate name.
- (3) The seal is to be kept and used only as authorized by the Council.
- (4) All courts and persons acting judicially must take judicial notice of the imprint of the seal on a document and presume that it was duly sealed by the University.
- (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.

Division 2 - Constitution, functions and powers

5. Constitution of the University

(1) The University consists of –

- (a) the members of the Council; and
- (b) the members of the academic staff; and
- (c)
- (d) the members of the professional staff; and
- (e) the graduates; and
- (f) the students.

(2) Notwithstanding [subsection \(1\)](#) , a person referred to in that subsection may make a statutory declaration that he or she has a conscientious objection to being a member of the University and, on giving the declaration to the Vice-Chancellor, he or she ceases to be a member of the University.

(3) A person who makes a declaration under [subsection \(2\)](#) does not, by that declaration, prejudice any other position or status which that person holds or enjoys –

- (a) by virtue of his or her employment at, or participation in the affairs of, the University; or
- (b) as a student or graduate of the University.

6. Functions of the University

The University has the following functions:

- (a) to advance, transmit and preserve knowledge and learning;
- (b) to encourage and undertake research;
- (c) to promote and sustain teaching and research to international standards of excellence;
- (d) to encourage and provide opportunities for students and staff to develop and apply their knowledge and skills;
- (e) to provide educational and research facilities appropriate to its other functions;
- (f) to promote access to higher education having regard to principles of merit and equity;
- (fa) to foster or promote the commercialisation of any intellectual property;
- (g) to engage in activities which promote the social, cultural and economic welfare of the community and to make available for those purposes the resources of the University.

7. Powers of the University

(1) The University has power to do, both in Tasmania and elsewhere, all things necessary or convenient to be done for or in connection with the performance of its functions and, in particular, has power –

- (a) to acquire, hold and dispose of real and personal property; and
- (b) to form, and participate in the formation of, companies; and
- (c) to subscribe for and purchase shares in, and debentures and other securities of, companies; and
- (d) to enter into partnerships; and
- (e) to participate in joint ventures and arrangements for the sharing of profits; and

- (f) to borrow money; and
- (g) to do anything incidental to any of its powers.

(2) Notwithstanding [subsection \(1\) \(f\)](#) , the University is not to exercise its power to borrow money unless it has first obtained the written approval of the Treasurer.

Division 3 - The Council of the University

8. Constitution of the Council

(1) The University has a Council consisting of not less than 10 and not more than 14 members, comprising the following:

- (a) the Chancellor;
- (b) the Vice-Chancellor;
- (c) the Chairperson of the Academic Senate or, if the Vice-Chancellor occupies that office, the Deputy Chairperson of the Academic Senate;
- (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;
- (f)
- (g)
- (h) one member of the professional staff elected by the professional staff;
- (i) a minimum of one student appointed by the Council, after consultation with any relevant student associations;
- (j) up to 6 persons appointed by the Council, each of whom must not be a member of the academic staff or professional staff or a student and of whom at least one must be a graduate of the University.
- (k)

(2)

(3) A member of the Council is responsible and accountable to the Council rather than to any constituent body by which he or she was appointed or elected.

(4) [Schedule 1](#) has effect with regard to the members, proceedings and activities of the Council.

(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.

(6) In respect of the constitution of the Council on 1 January 2013, this section has effect subject to [Schedule 4](#).

(7) For the purposes of [subsection \(1\)\(e\)](#) ,

academic staff does not include the Vice-Chancellor, Provost, any Deputy Vice-Chancellor or any Pro Vice-Chancellor.

9. Role and powers of the Council

- (1) The Council is the governing authority of the University.
- (2) The Council is to act in all matters concerning the University in the way it considers will best advance the interests of the University.
- (3) The Council has power to do all things necessary or convenient to be done for or in connection with the performance of its function as the University's governing authority and, in particular, has power –
 - (a) to appoint persons to positions of responsibility within the University; and
 - (b) to allocate funds and otherwise determine the best use of the resources of the University.
- (4) The Council must establish an audit committee and may establish other committees to perform or exercise any of its functions or powers.
- (5) A committee may include persons who are not members of the Council.

10. Power of delegation

- (1) The Council may in writing –
 - (a) delegate to any person or body any of its functions or powers other than this power of delegation or the power to make Ordinances and by-laws; and
 - (b) revoke wholly or partly a delegation.
- (2) A delegation –
 - (a) may be made either generally or as otherwise provided by the instrument of delegation; and
 - (b) does not prevent the performance or exercise of a function or power by the Council.
- (3) A function or power performed or exercised by a delegate has the same effect as if performed or exercised by the Council.

11. Power to confer degrees

- (1) The Council may confer –
 - (a) degrees, diplomas and certificates after examination or other assessment; and
 - (b) honorary degrees on people who, in the opinion of the Council, are distinguished visitors or outstanding scholars or who have given outstanding service to the Commonwealth, the State or the University.
- (2) The power of the Council under [subsection \(1\) \(a\)](#) includes the power to revoke a degree, diploma or certificate –
 - (a) for which the recipient was not qualified; or
 - (b) that has been conferred by reason of fraud or dishonesty.

11A. Obligation for care and diligence

- (1) In this section,
business judgment means any decision to take or not to take action in respect of a matter relevant to the functions of the Council.
- (2) A member of the Council is to exercise his or her powers and discharge his or her duties with the degree of care and diligence that a reasonable person would exercise if he or she –
 - (a) were a member of the Council in the Council's circumstances; and

(b) occupied the office held by, and had the same responsibilities within the Council as, the member.

(3) A member of the Council who makes a business judgment is taken to meet the requirements of [subsection \(2\)](#) , and his or her equivalent duties at common law and in equity, in respect of the judgment if he or she –

(a) makes the judgment in good faith for a proper purpose; and

(b) does not have a material personal interest in the subject matter of the judgment; and

(c) informs himself or herself about the subject matter of the judgment to the extent he or she reasonably believes to be appropriate; and

(d) rationally believes that the judgment is in the best interests of the University.

(4) The member's belief that the judgment is in the best interests of the University is taken to be a rational one unless the belief is one that no reasonable person in his or her position would hold.

11B. Obligations to act in good faith

A member of the Council is to exercise his or her powers and discharge his or her duties –

(a) in good faith in the best interests of the University; and

(b) for a proper purpose.

12. Annual report of the Council

(1) The Council is, within 6 months after the end of each financial year, to –

(a) present to the Governor an annual report of the proceedings of the University during that financial year; and

(b) furnish a copy of the report to the Minister.

(2) The report is to contain a full account of the income and expenditure of the University for the financial year to which it relates.

(3) The Minister is to cause a copy of the report to be laid before both Houses of Parliament within the first 10 sitting days of each House after the report is received by the Minister.

Division 4 - Academic Senate, Officers and Visitor

13. Academic Senate

(1) The University has an Academic Senate.

(2) The function of the Academic Senate is to advise the Council on all academic matters relating to the University.

(3) Subject to [subsection \(4\)](#) , the constitution, functions, powers and proceedings of the Academic Senate are as prescribed by Ordinance.

(4) The Academic Senate has a Chairperson and a Deputy-Chairperson.

14. Chancellor

(1) The University has a Chancellor elected by the Council.

(2) Subject to [subsection \(3\)](#) , the terms and conditions subject to which a person holds the office of Chancellor are as determined by the Council.

(3) The Council may elect a person to the office of Chancellor for a term not exceeding 4 years and may re-elect a person to that office.

15. Deputy-Chancellor

- (1) The Council may elect one or more of its members as Deputy-Chancellors of the University.
- (2) Subject to [subsections \(3\) and \(4\)](#) , the terms and conditions subject to which a person holds the office of Deputy-Chancellor are as determined by the Council.
- (3) The Council may elect a person to the office of Deputy-Chancellor for a term not exceeding 4 years and may re-elect a person to that office.
- (4) A person who has been elected as a Deputy-Chancellor ceases to be a Deputy-Chancellor if he or she ceases to be a member of the Council.

16. Vice-Chancellor

- (1) The University has a Vice-Chancellor appointed by the Council.
- (2) The Vice-Chancellor is the chief academic and executive officer of the University.
- (3) The terms and conditions subject to which a person is appointed to the office of Vice-Chancellor are as determined by the Council.

17. Visitor

- (1) In this section, **Governor** means the Governor of the State and not the Governor acting with the advice of the Executive Council.
- (2) The Governor is the Visitor of the University but has ceremonial functions only.
- (3) The Visitor has no functions or jurisdiction with respect to the resolution of disputes or any other matter concerning the affairs of the University other than a matter involving the exercise of ceremonial functions only.
- (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.

PART 3 - Ordinances and By-Laws

18. Ordinances and rules

- (1) The Council may make Ordinances, not inconsistent with this Act, prescribing or regulating matters –
 - (a) required or permitted by this Act to be prescribed or regulated by Ordinance; or
 - (b) necessary or convenient to be prescribed or regulated by Ordinance for giving effect to this Act.
- (2) [Subsection \(1\)](#) does not authorize the making of an Ordinance for or in relation to a matter referred to in [Part 1](#) of [Schedule 2](#) .
- (3) An Ordinance may confer a power on any person or body, including the Council, to make rules, not inconsistent with any Ordinance or this Act –
 - (a) prescribing or regulating any specified matter on which Ordinances may be made; or

- (b) for carrying out or giving effect to Ordinances.
- (4) A rule made under an Ordinance has the same force and effect as an Ordinance.
- (5) An Ordinance or rule has no force or effect to the extent to which it is inconsistent with a law of the State, but a provision of an Ordinance or rule is not to be taken to be inconsistent with a law of the State if the provision can be complied with without contravening that law.
- (6) An Ordinance or rule may be made subject to such conditions, or so as to apply differently according to such factors, as may be specified in the Ordinance or rule or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.
- (7) An Ordinance or rule may authorize any matter or thing to be from time to time determined, applied or regulated by any person or body specified in the Ordinance or rule.
- (8) An Ordinance may provide for any person or body specified in the Ordinance to –
 - (a) delegate any of that person's or body's functions or powers, other than the power of delegation or a power to make rules, to any other person or body; and
 - (b) revoke wholly or partly a delegation.
- (9) A delegation under [subsection \(8\)](#) –
 - (a) may be made either generally or as otherwise provided in the Ordinance; and
 - (b) does not prevent the performance or exercise of a function or power by the person or body authorized by the Ordinance to delegate that function or power.
- (10) A function or power performed or exercised by a delegate has the same effect as if performed or exercised by the person or body authorized by the Ordinance to delegate that power or function.
- (11) An Ordinance or rule is not a statutory rule within the meaning of the [Rules Publication Act 1953](#) .
- (12) An Ordinance or rule is to be taken to be a regulation within the meaning of the [Acts Interpretation Act 1931](#) except that [section 47 of that Act](#) does not apply to such an Ordinance or rule.

19. Specific Ordinance-making powers

- (1) Without limiting the generality of [section 18 \(1\)](#) , Ordinances may be made for or in relation to any of the following matters:
 - (a) the discipline of the University;
 - (b) the method of any of the elections referred to in [section 8\(1\)](#) and the determination of any questions raised in relation to the conduct or result of such elections;
 - (c)
 - (d) the establishment of student associations and graduate associations;
 - (e) the affiliation of student associations and graduate associations, whether incorporated or unincorporated;
 - (f) the organization, management and membership of –
 - (i) student associations and graduate associations established by Ordinance; and
 - (ii) affiliated student associations and graduate associations;

- (g) the merger and dissolution of –
 - (i) student associations and graduate associations established by Ordinance; and
 - (ii) affiliated student associations and graduate associations;
- (h) the defining of categories of the academic staff for any purpose specified in the Ordinance;
 - (i) a determination that specified members or categories of members of the academic staff are taken not to be members of the academic staff for any industrial or other specified purpose.

(2) Notwithstanding [section 8\(1\)\(i\)](#) , the Council may by Ordinance determine that for the purposes of that section a student who holds a specified elective office in a specified student association is to be taken to have been elected as a member of the Council under that section.

(3) An Ordinance made under [subsection \(1\) \(a\)](#) , or a rule made under any such Ordinance, may provide for the enforcement of the Ordinance or rule and, in particular, may provide for the imposition and payment to the University of a penalty not exceeding 5 penalty units for a specified breach of the Ordinance or rule.

(4) If a penalty imposed on a person for a specified breach of a provision of an Ordinance or rule referred to in [subsection \(1\) \(a\)](#) remains unpaid at the expiration of the period of time specified in the Ordinance or rule for its payment, the amount of the penalty may be recovered by the University, as a debt due to the University, in a court of competent jurisdiction.

(5) A provision of an Ordinance made under [subsection \(1\) \(f\)](#) or [\(g\)](#) , or a provision of a rule made under any such Ordinance, prevails, to the extent of any inconsistency, over a provision of any rule of the student association or graduate association to which the Ordinance applies.

(6) The Council's power under [subsection \(1\) \(f\)](#) includes the power to make an Ordinance modifying or restricting the power of a student association or graduate association to make, amend or repeal the rules of the association.

(7) In its application to a student association or graduate association that is incorporated under the [Associations Incorporation Act 1964](#) , this section has effect notwithstanding the provisions of that Act.

20. By-laws

(1) The Council may make by-laws, not inconsistent with this Act, for or in relation to the management and control of University land.

(2) Without limiting the generality of [subsection \(1\)](#) , by-laws may be made as provided by [Schedule 2](#) .

(3) A by-law has no force or effect to the extent to which it is inconsistent with a law of the State, but a provision of a by-law is not to be taken to be inconsistent with a law of the State if the provision can be complied with without contravening that law.

(4) A by-law may incorporate or adopt, either specifically or by reference and with or without modification, a provision of a law of the State relating to vehicles or traffic, including a law relating to the parking or standing of vehicles.

(5) A by-law is, except to the extent that it may provide otherwise, to be taken to apply to persons whether or not those persons have any connection with the University.

(6) A by-law may be made subject to such conditions, or so as to apply differently according to such factors, as may be specified in the by-law or according to such limitations or restrictions, whether as to time or circumstance or otherwise, as may be so specified.

(7) A by-law may authorize any matter or thing to be from time to time determined, applied or regulated by any person or body specified in the by-law.

(8) Any fees paid to or recovered by the University under a by-law are to be applied for the general purposes of this Act.

(9) A by-law is not a statutory rule within the meaning of the [Rules Publication Act 1953](#).

21. Promulgation of Ordinances, rules and by-laws

The Council is to –

- (a) publish the Ordinances, rules and by-laws, in consolidated form, at least once in each calendar year; and
- (b) ensure that the Ordinances, rules and by-laws are made known to, and may be readily inspected free of charge at reasonable times and places by, the staff and students of the University; and
- (c) ensure that the Ordinances, rules and by-laws may be inspected, free of charge at reasonable times and places, by members of the public; and
- (d) ensure that the published Ordinances, rules and by-laws may be purchased, at reasonable cost, by any person.

PART 4 - Miscellaneous

22. Indemnification

The University is to indemnify each person who does or purports to do, or omits or purports to omit to do, any act or thing in good faith under the direction of the University or the Council or otherwise for the purpose of administering or executing this Act against any action, liability, claim or demand in respect of that act or omission.

22AA. Protection for person conducting inquiry

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.

22A. Service of documents

A document that is addressed to the University may be served on the Vice-Chancellor or any member of the academic staff or professional staff authorised in writing by the Vice-Chancellor for the purpose.

23. Determinations of status

If a question arises as to whether a person is –

- (a) a member of the academic staff, a member of the professional staff, a student or a graduate; or
- (b) engaged in a full-time capacity, for fractional time or in a casual capacity –

that question is to be determined by the Council.

24. Savings and transitional provisions

The savings and transitional provisions set out in [Schedule 4](#) have effect.

25. Savings and transitional regulations

(1) The Governor may, on the recommendation of the Council, make regulations containing provisions of a savings or transitional nature consequent upon the enactment of this Act or the [University of Tasmania Amendment Act 2001](#) .

(2) A provision referred to in [subsection \(1\)](#) may, if the regulations so provide, take effect from the commencement day or a later day.

26. Certain land to remain vested in University

Notwithstanding the repeal by this Act of the [Amalgamation Act](#) , the land specified in [Schedule 3](#) remains vested in the University but free from any restrictions as to the power of the University to sell, mortgage or otherwise dispose of that land that may, but for this clause, restrict the power of the University in respect of that land.

27. Repeal

The [Amalgamation Act](#) is repealed.

28. Administration of Act

Until provision is made in relation to this Act by order under [section 4 of the Administrative Arrangements Act 1990](#) –

(a) the administration of this Act is assigned to the Minister for Education and the Arts; and

(b) the Department responsible to the Minister for Education and the Arts is the Department of Education and the Arts.

SCHEDULE 1 - Provisions in respect of the Council

[Section 8 \(2\)](#)

1. Terms of office

(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 3 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\(1\)\(i\)](#) .

(2) A person is, if otherwise qualified, eligible to be elected or appointed as a member of the Council for any subsequent term of office 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.

(3) If –

(a) an elected or appointed member of the Council ceases to hold the qualification by virtue of which he or she was elected or appointed; or

(b) the office of an elected or appointed member of the Council becomes vacant other than by effluxion of time –

a person may be elected or appointed to that office for the remainder of the term of office of that member and in the same manner as the member was elected or appointed.

2. Vacation and termination of office

- (1) A member of the Council is taken to have vacated office –
- (a) when the member dies; or
 - (b) if the member is absent, except on leave of absence granted by the Council, from 3 consecutive meetings of the Council; or
 - (c) if the member resigns office by giving the Vice-Chancellor written notice of resignation; or
 - (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) if the member is dismissed from office by the Council under [subclause \(2\)](#) .

(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.

(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.

3. Certain members ineligible on loss of status

A member of the Council who is elected under [section 8\(1\)\(e\)](#) , [\(h\)](#) or [\(i\)](#) is taken to have vacated office if –

- (a) in the case of a member elected under [section 8\(1\)\(e\)](#) , he or she ceases to be a member of the academic staff; or
- (b) in the case of a member elected under [section 8\(1\)\(h\)](#) , he or she ceases to be a member of the professional staff; or
- (c) in the case of a member appointed under [section 8\(1\)\(i\)](#) , he or she ceases to be a student.

3A.

4. Disclosure of interest

(1) A member of the Council who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Council must, as soon as possible after the relevant facts come to the knowledge of the member, disclose the nature of that interest at a meeting of the Council.

(2) A disclosure under [subclause \(1\)](#) is to be recorded in the minutes of the meeting of the Council and the member must not, unless the Council otherwise determines –

- (a) be present during any deliberation of the Council in relation to that matter; or
- (b) take part in any decision of the Council in relation to that matter.

5. Meetings of the Council

The Council is to determine the procedure for calling and conducting its meetings.

6. Validity of acts and proceedings of Council

(1) An act or proceeding of the Council, or of any person acting pursuant to a direction of the Council, is not invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken or commenced, there was a vacancy in the membership of the Council.

(2) All acts and proceedings of the Council, or of any person acting pursuant to a direction of the Council, are, notwithstanding the subsequent discovery of any defect in the appointment or election of a member of the Council or that a person was disqualified from acting as, or incapable of being, a member of the Council, as valid as if the member had been duly elected or appointed and was qualified to act, or capable of being, a member, and as if the Council had been fully constituted.

7. Presumptions

In any proceedings –

(a) unless evidence is given to the contrary, no proof is to be required of –

(i) the constitution of the Council; or

(ii) the election or appointment of any member of the Council; or

(iii) the presence of a quorum at any meeting of the Council; and

(b) the production of a certificate purporting to be signed by the Vice-Chancellor stating that a matter specified in the certificate was resolved or determined by the Council on the day specified in the certificate is evidence that the matter so specified was resolved or determined by the Council on the day so specified.

SCHEDULE 2 - Matters in respect of which by-laws may be made

[Section 20](#)

PART 1 - Traffic By-laws

1. By-laws made under [section 20](#) may –

(a) regulate access by vehicles to University land or to any part of University land; and

(b) regulate vehicular traffic on University land and, in particular, authorize and provide for the effect of signs, traffic lights, markings, roundabouts, traffic islands, speed humps, gates, posts and other traffic control devices; and

(c) regulate the parking and standing of vehicles on University land and, in particular, authorize and provide for the effect of signs, markings, parking permits, reserved and restricted parking spaces and other parking control matters; and

(d) provide for the imposition and collection by the University of charges for the parking or standing of vehicles on University land and for the erection, management and protection of parking meters and voucher machines for the purposes of those charges; and

(e) regulate pedestrian traffic on University land; and

(f) authorize the removal from University land or from places on University land of vehicles that –

(i) have been parked or left standing in contravention of a by-law; or

(ii) appear to have been abandoned; and

(g) in respect of vehicles the removal of which is authorized by a by-law made under [paragraph \(f\)](#) –

- (i) authorize the impounding of a vehicle so removed; and
- (ii) set out the conditions to be observed before a vehicle so impounded is released, including a condition for payment of a specified amount to the University to secure the release of the vehicle; and
- (iii) authorize the disposal or destruction of a vehicle so impounded if the owner fails, after being given a reasonable opportunity to do so, to claim the vehicle and to pay any amount payable to secure the release of the vehicle; and
- (h) provide, in relation to an alleged offence against a by-law relating to the parking or standing of vehicles, that in the absence of proof as to the identity of the person who in fact committed the alleged offence the owner of the vehicle at the relevant time may be taken to have committed the alleged offence whether or not the owner of the vehicle in fact committed the alleged offence; and
- (i) determine, in relation to an alleged offence against a by-law relating to vehicles, the person who is to be taken to be the owner of the vehicle at the time of the alleged offence; and
- (j) enable a person who is alleged to have committed an offence against a by-law relating to the parking or standing of vehicles to pay to the University a specified penalty, not exceeding 2 penalty units, as an alternative to undergoing prosecution; and
- (k) provide for the punishment, on summary conviction, by a fine not exceeding 5 penalty units, of offences against a by-law dealing with a matter referred to in this Part; and
- (l) prescribe the duties and powers of persons appointed by the Council to administer by-laws dealing with matters referred to in this Part; and
- (m) prescribe matters ancillary or incidental to matters referred to in this Part.

PART 2 - General by-laws

2. By-laws made under section 20 may also –

- (a) provide for the safety and preservation of property, including public property, on University land; and
- (b) provide for the removal from University land of any person or thing causing any danger, annoyance or inconvenience to persons lawfully on University land; and
- (c) prohibit the bringing onto University land of any prescribed matter or thing; and
- (d) provide for the removal from University land of animals; and
- (e) prohibit prescribed persons entering or remaining on any part of University land; and
- (f) enable a person who is alleged to have committed an offence against a by-law to pay to the University a specified penalty, not exceeding 2 penalty units, as an alternative to undergoing prosecution; and
- (g) provide for the punishment, on summary conviction, by a fine not exceeding 5 penalty units, of offences against a by-law dealing with a matter referred to in this Part; and
- (h) prescribe the duties and powers of persons appointed by the Council to administer by-laws dealing with matters referred to in this Part; and

(i) prescribe matters ancillary or incidental to matters referred to in this Part.

SCHEDULE 3 - Land vested in University

Sections 3 and 26

PART 1 - City of Hobart

251a. 2r. 18 2/10p. excluding an area reserved for high level road and an area reserved for widening of Earl Street.

Commencing at the intersection of Sandy Bay Road and Earl Street and bounded on the south-east by 21 chains 14 4/10 links south-westerly in two bearings along Earl Street aforesaid on the south-west by 1 5/10 links north-westerly along portion of 52a. 2r. Op. grant to David Lord again on the south-east by 59 chains 35 1/10 links south-westerly in two bearings again along portion of 52a. 2r. Op. aforesaid along portion of 167a. 2r. Op. granted to David Lord along portion of 66a. 1r. 10p. granted to Octavius Lord along a reserved road and again along portion of 66a. 1r. aforesaid again on the south-west by 2 chains 56 8/10 links north-westerly along 507a. Or. Op. granted to Robert L. Murray again on the south-east by 42 chains 14 5/10 links south-westerly in several bearings again along 507a. Or. Op. aforesaid to Proctors Road on the west and again on the south-west by 4 chains 40 8/10 links northerly and north-westerly in two bearings along that road on the north-west by 13 chains 90 7/10 links north-easterly along portion of 633a. Or. Op. granted to Robert L. Murray again on the south-west by 21 chains 42 links north-westerly again along portion of that land again on the north-west by 18 chains 15 9/10 links north-easterly again along portion of that land again on the south-west by 4 chains 98 2/10 links north-westerly again along portion of that land to Proctors Road aforesaid again on the west by 4 chains 40 2/10 links northerly along that road on the north-east by 8 chains 47 6/10 links south-easterly again along portion of 633a. Or. Op. aforesaid again on the north-west by 18 chains 44 links north-easterly again along portion of that land again on the south-west by 9 chains 45 8/10 links north-westerly in two bearings along 633a. Or. Op. aforesaid along Bain Avenue and again along 633a. Or. Op. aforesaid to Proctors Road aforesaid again on the north-west by 3 chains 11 links north-easterly along that road again on the north-west by 31 chains 37 7/10 links north-easterly in two bearings again along portion of 167a. 2r. Op. aforesaid and along portion of 65a. 2r. Op. granted to David Lord again on the south-west by 56 4/10 links north-westerly again along portion of that land to Alexander Street again on the north-west by 25 chains 54 4/10 links north-easterly in two bearings along that street again along portion of 65a. 2r. Op. aforesaid along Grace Street and again along portion of 65a. 2r. Op. aforesaid to Sandy Bay Road aforesaid and thence again on the north-east by 8 chains 9 7/10 links south-easterly in several bearings along that road to the point of commencement as the same is shown on plan 151 Hobart and volume 186 Roads, folio 4, filed and registered in the office of the Surveyor-General and Secretary for Lands, at Hobart. Subject to the Sewerage Easements in favour of the Lord Mayor Aldermen and Citizens of the City of Hobart as more particularly described in proclamations in the gazettes of the Commonwealth of Australia dated the 8th day of May 1919 and the 15th day of July 1920 respectively and as shown on the said plan 151 Hobart.

PART 2 - City of Hobart

1R. 7 3/10P.

All that area of land containing 1 rood 7 3/10 perches more particularly described in Certificate of Title Volume 1050 Folio 82 in the name of Her Majesty, together with and subject to such rights of carriageway as are described in that Certificate of Title.

SCHEDULE 4 - Savings and Transitional

Section 24

PART 1 - General Provisions

1.
2.
3.

4. Ordinances, rules and by-laws

(1) In this clause –

Ordinances includes the regulations and statutes that were continued in force by [sections 17 and 25 of the Amalgamation Act](#) respectively, as if they were Ordinances made under [section 43 of that Act](#) ;

rules includes the rules, made under statutes, that were continued in force by [section 25 of the Amalgamation Act](#) as if they were rules made under [section 43 of that Act](#) .

(2) Notwithstanding the repeal by this Act of the [Amalgamation Act](#) but subject to [subclauses \(3\) and \(4\)](#) , Ordinances, rules and by-laws in force under that Act immediately before the commencement of this Act continue in force as if they were Ordinances, rules and by-laws made under [Part 3](#) , and may be amended or repealed accordingly.

(3) The Ordinances, rules and by-laws referred to in [subclause \(2\)](#) are to be read as if references in them to the University or the Council were references to the University or the Council within the meaning of this Act.

(4) The Ordinances, rules and by-laws referred to in [subclause \(2\)](#) apply only in relation to those persons, lands and matters in respect of which the University could have made Ordinances, rules and by-laws if this Act had not been enacted.

(5) Nothing in this clause restricts the right of the Council to make Ordinances, rules or by-laws under [Part 3](#) that apply to the persons, lands or matters referred to in [subclause \(4\)](#) .

PART 2 - Transitional provisions in respect of the Council

5. Certain members to continue in office

On 1 September 2001 –

(a) the Chancellor continues to hold office as a member of the Council for the balance of his or her term of office and is eligible for re-election; and

(b) the Vice-Chancellor and the Chairperson of the Academic Senate continue to hold office as members of the Council; and

(c) the members of the Council formerly elected as students continue to hold office as such for the balance of their term of office; and

(d) the remaining members of the Council cease to hold office as such but are eligible for re-election or reappointment.

6. Terms of office for certain members

In respect of the Council constituted on 1 January 2013, the members referred to in [section 8\(1\)\(d\)](#) and [\(j\)](#) are to hold office for such period not exceeding 3 years as is specified in their instruments of appointment.

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 office expires or the office is otherwise vacated or terminated.

PART 3 - Early elections and appointments

7. Early elections and appointments

(1) For the purposes of constituting the Council, an election may be held and an appointment may be made during the period of 2 months immediately before the position on the Council is to be filled.

(2) For the purposes of constituting the Council on 1 January 2013, a member of the Council referred to in [section 8\(1\)\(j\)](#), as substituted by the [University of Tasmania Amendment Act 2001](#), may be appointed at any time before that date by the Council as constituted at that time.