

**THE UNIVERSITY OF QUEENSLAND ACT OF 1909.**  
(9 Edw. VII. No. 7.)

AS AMENDED BY

**The University of Queensland Act Amendment Act of 1922 (13 Geo. V. No. 18).**

**The Financial Emergency Act of 1931 (22 Geo. V. No. 1).**

*An Act to Incorporate and Endow the University of Queensland.*

[Assented to 10th December, 1909.]

**Preamble.**—Whereas it is desirable to promote sound learning, to encourage original research and invention, and to provide the means of obtaining a liberal and practical education in the several pursuits and professions of life in Queensland, and for such purposes to incorporate and endow a University open to all classes and denominations of His Majesty's subjects:

**1. Short title.**—This Act may be cited as "*The University of Queensland Act of 1909.*"

**2. Interpretation.**—In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

"Council"—The Council of the University constituted under the authority of this Act;

"Senate"—The Senate of the University constituted under the authority of this Act;

"Statutes"—Statutes of the University made under the authority of this Act;

"University"—The University of Queensland constituted under the authority of this Act.

**3. Repeal of 34 Vic. No. 18.**—"The University Act of 1870" is repealed.

The University Act of 1870, a short measure of three sections, was designed, according to the preamble, "to foster classical and scientific education within the Colony of Queensland and to place the acquisition of university membership and degrees in arts and sciences within the reach of students by means of examinations locally conducted." Section 1 declared it lawful for the Governor in Council, on obtaining from any university in Great Britain or Ireland authority to institute examinations within the colony for matriculation and for degrees in arts and sciences, to make regulations for conducting such examinations, etc.; and s. 2 declared it lawful for the Governor in Council to extend the provisions of the Act to any college in Great Britain or Ireland authorised to grant diplomas in medicine or surgery.

*Establishment of University.*

**4. Establishment of University.**—(1.) A University, to be called "The University of Queensland," shall be established, consisting of a Senate, a Council, and Graduate and Undergraduate Members.

The governing body of the University shall consist of the Senate and the Council:

Provided that until the Council is constituted the governing body of the University shall consist of the Senate only.

(2.) The University shall be a body corporate, with perpetual succession and a common seal, and shall under its name be capable in law of suing and being sued, and of taking, purchasing, holding, and alienating all real and personal property whatsoever, whether the same is situated in Queensland or elsewhere, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

With the provisions of the second para. of subs. (1) cf. those of s. 16, *post*.  
As to the constitution of the Council, see s. 11, *post*.

The common seal is not to be affixed to any document except pursuant to a resolution of the Senate. See Statute Relating to the Use and Custody of the Common Seal, pubd. in the Calendar of the University of Queensland.

#### *Affiliated Institutions.*

**5. Affiliated Institutions.**—The School of Mines at Charters Towers established under “*The Schools of Mines Act of 1894*,” the Agricultural College at Gatton, Central Technical College, and the Bacteriological Institute at College Road, Brisbane, and any other educational establishment in Queensland may be affiliated with the University upon such terms and conditions as the Governor in Council by Order in Council shall declare and the Senate shall approve.

For The Schools of Mines Act of 1894, see this title, *ante*.

**6. State educational institutions.**—The Governor in Council may cause to be established and erected within the University domain any State educational institution, and such institution when established shall be affiliated with the University.

#### *Senate.*

**7. The Senate.**—(1.) The Senate shall consist of twenty persons, appointed or elected as hereinafter provided.

(2.) No person who holds any salaried office in the University as a dean of a faculty, professor, lecturer, or examiner shall, on that account only, be incapable of being appointed or elected or of acting as a member of the Senate. But the number of such officers in the Senate at the same time shall not exceed three.

As to the appointment and election of the Senate, see s. 12, *post*.

As to the powers of the Senate, see s. 16, *post*.

As to the creation and filling of vacancies, see ss. 13 and 14, *post*.

As to disqualifications, see s. 9, *post*.

As to the Senate's statute-making powers, see s. 24, *post*.

**8. First Senate.**—(1.) The first members of the Senate shall be appointed by the Governor in Council.

(2.) The names of the persons so appointed shall be published in the *Gazette*, and the University and the Senate shall be deemed to be constituted on the date of such publication.

(3.) All the members of the Senate so appointed shall remain in office for such time as the Governor in Council may prescribe and shall retire from office in such numbers and in such rotation as he may prescribe.

*University of Queensland Act of 1909.*    ss. 8-11.

(4.) A vacancy which arises in the Senate at any time prior to the constitution of the Council shall forthwith be filled by the appointment of a member by the Governor in Council, and the member so appointed shall be deemed to have been appointed at the same time as the person whom he succeeds in office. Every such appointment shall be notified in the *Gazette*.

The names of the first members of the Senate were published in the *Gazette* of April 15, 1910.

**9. Disqualifications.**—No person who—

- (i.) Is not of the full age of twenty-one years;
- (ii.) Is a Principal of any Secondary School or a person engaged in preparing students for the University;
- (iii.) Has his affairs under liquidation by arrangement with his creditors; or
- (iv.) Is an uncertificated or undischarged insolvent; or
- (v.) Has been convicted of an indictable offence, unless he has received a free pardon or has undergone the sentence passed upon him; or
- (vi.) Is an uncertificated or undischarged insolvent; or
- (vii.) Is an insane person within the meaning of the laws in force for the time being relating to insanity;

shall be capable of being or continuing a member of the Senate.

As to religion, see s. 29, *post*.

For definition of "insane person", see The Insanity Act of 1884, s. 4, title INSANITY.

**10. Election of Chancellor and Vice-Chancellor.**—At its first meeting held after the date of its constitution, and thereafter at its first meeting held after the first Tuesday in March in every year, the Senate shall elect two of its members to be respectively Chancellor and Vice-Chancellor of the University.

As to the chairmanship of the Senate, see s. 17 (1), *post*.

The Chancellor, the Vice-Chancellor and members of the Senate may be re-elected (s. 15, *post*).

*Council.*

**11. Constitution of Council.**—(1.) The Council shall be constituted as soon as the graduates of the University (exclusive of graduates of other universities who have been admitted to such degree in the University) are twenty-five in number, and shall consist of—

- (a) All members and past members of the Senate;
- (b) All graduates of the University of the degree of Master or Doctor;
- (c) All other graduates of the University of three years' standing;
- (d) All graduates of other Universities of three years' standing who have been admitted to degrees in the University;

- (e) Such fellows, members, licentiates, and associates of colleges or institutions outside the State, duly authorised to grant degrees, diplomas, licenses, or certificates, as may under the Statutes be admitted to be members of the Council;
- (f) All individual persons who have made any gift or donation to the University amounting in money or value in the aggregate to not less than five hundred pounds; and
- (g) Such persons as the Governor in Council may, from time to time, appoint as representatives of any commercial, industrial, scientific, professional, or educational society, institution, or association within Queensland:

Provided that not more than one person shall at any one time hold office as representative of any one of the aforesaid societies, institutions, or associations:

And provided that no person who—

- (a) Has been convicted of an indictable offence, unless he has received a free pardon or has undergone the sentence passed upon him; or
- (b) Is undergoing a sentence of imprisonment; or
- (c) Is an insane person within the meaning of the laws in force for the time being relating to insanity;

shall be capable of being or continuing a member of the Council.

(2.) A graduate of another University who is admitted to a degree in the University shall reckon his standing from the date of his graduation in such other University.

(3.) Until the Council is constituted, the Senate shall cause to be kept a roll of all persons who are entitled to become members of the Council, and thereafter shall cause to be kept a roll of all members of the Council.

(4.) As soon as the graduates of the University as aforesaid are twenty-five in number, the Senate shall report the fact to the Secretary for Public Instruction.

The report shall be published in the *Gazette*, and the Council shall be deemed to be constituted on the date of such publication, and its first meeting shall be held within sixty days thereafter.

(5.) At its first meeting held after the date of its constitution, and thereafter at its first meeting held after the first Tuesday in March in every year, the Council shall elect one of its members to be its Warden.

(6.) As soon as the graduates of the University as aforesaid are fifty in number, the Senate shall report the fact to the Secretary for Public Instruction, and such report shall be published in the *Gazette*.

As to religion, see s. 29, *post*.

For definition of "insane person", see The Insanity Act of 1884, s. 4, title INSANITY.

The Council was constituted on Dec. 25, 1915.

*University of Queensland Act of 1909.* ss. 12-14.*Appointment and Election of Senate.*

**12. Appointment and election of Senate.**—(1.) When the Council is constituted, the members of the Senate shall be elected and appointed as hereinafter provided.

(2.) Elections of members of the Senate shall be conducted by ballot (including postal ballot) in accordance with the Statutes.

(3.) After the constitution of the Council and until the graduates of the University (exclusive of graduates of other universities who have been admitted to such degree in the University) are fifty in number, the Council shall be entitled to elect five members of the Senate, and the remaining fifteen members of the Senate shall be appointed by the Governor in Council.

(4.) As soon as the graduates of the University as aforesaid are fifty in number, the Council shall be entitled to elect ten members of the Senate, and the remaining ten members of the Senate shall be appointed by the Governor in Council.

(5.) The members of the Senate to be elected and appointed as hereinbefore provided shall hold office for such time as the Governor in Council may prescribe, and shall retire from office in such numbers and in such rotation as he may prescribe.

(6.) The election of members of the Senate by the Council shall be held at such time as the Governor in Council may prescribe.

(7.) The Governor in Council may, from time to time, by Order in Council published in the *Gazette*, prescribe all such matters and things and give all such directions as, in his opinion, are necessary for giving full effect to this section; and every such Order shall have the same effect as if it were enacted in this Act.

See the Statute Relating to the Method of Election of Members of the Senate by the Council, publ. in the Calendar of the University of Queensland.

*Vacancies.*

**13. When office is vacant.**—The office of member of the Senate shall be vacated—

- (i.) If he is or has become disqualified under this Act; or
- (ii.) If, without leave obtained from the Senate in that behalf, he has been absent from all meetings of the Senate held during a consecutive period of at least six months; or
- (iii.) Upon death or resignation.

**14. Extraordinary vacancies.**—(1.) Any vacancy which occurs in the office of Chancellor, Vice-Chancellor, or Warden, from any cause whatsoever except retirement as prescribed, shall be filled as it occurs by election; and if any such vacancy is not so filled within three months after it occurred, then it shall be filled by the Governor in Council by the appointment of some qualified person to the office.

(2.) After the date of the constitution of the Council, any vacancy which occurs in the Senate, from any cause whatsoever except retirement as prescribed, shall be filled as it occurs by the appointment by the Governor in Council of another member, or in the case of an elected member by the election by the Council of another member; and if in the latter case any such vacancy is not so filled within three months after it occurred, then it shall be filled by the Governor in Council by the appointment of a member.

(3.) Upon the occurrence of a vacancy to which this section applies, the person appointed or elected to fill such vacancy shall be deemed to have been appointed or elected at the same time as the person whom he succeeds in office.

**15. Officers may be re-elected.**—Nothing herein contained shall prevent any person from being immediately or at any time reappointed or re-elected to the office of Chancellor, Vice-Chancellor, Warden, or member of the Senate, if he is capable for the time being, under this Act, of holding such office.

*Powers of Senate.*

**16. Powers of Senate.**—The Senate shall be the governing body of the University.

Subject to this Act and the Statutes, the Senate may from time to time appoint deans, professors, lecturers, examiners, and other officers and servants of the University, and shall have the entire management and control of the affairs, concerns, and property of the University, and may act in all matters concerning the University in such manner as appears to it best calculated to promote the interests of the University.

The Senate has no power to apply a religious test. See s. 29, *post*.

The Governor in Council may declare that the provisions of The Public Service Superannuation Acts, 1912 to 1927, title PUBLIC SERVICE, apply to the University staff: see s. 3A thereof.

*Proceedings.*

**17. Chairmanship of Senate and Council.**—(1.) At every meeting of the Senate the Chancellor or, in his absence, the Vice-Chancellor shall preside as chairman.

(2.) At every meeting of the Council the Warden shall preside as chairman.

(3.) In the absence of the Chancellor and Vice-Chancellor, the members of the Senate present, and in the absence of the Warden the members of the Council present, shall elect a chairman of the meeting.

The Chancellor and the Vice-Chancellor are elected annually by the Senate. See s. 10, *ante*.

**18. Proceedings when not to be invalidated.**—No proceedings of the Senate or Council, or of any committee thereof, or of any person acting as member or as Chancellor or Vice-Chancellor or Warden, shall be invalidated by reason of any defect in the appointment or of any disqualification of any such person or by reason of there being any vacancy in the number of members of the Senate at the time of such proceedings.

*Instruction: Degrees: Examinations.*

**19. Power to give instruction and grant degrees.**—Subject to this Act and the Statutes, the Senate may cause instruction to be given to students, whether matriculated or not, and may grant degrees, diplomas, and certificates, in any branch of knowledge, and may also confer honorary degrees or other distinctions on approved persons: Provided that all degrees and other distinctions shall be conferred and held subject to any provisions which may be made in reference thereto by the Statutes.

*University of Queensland Act of 1909. ss. 20, 21.*

**20. (1.) Certain faculties to be maintained.**—At all times in the University there shall be maintained and instruction shall be given in at least the three following faculties—namely,

- (a) Faculty of Arts;
- (b) Faculty of Science; and
- (c) Faculty of Engineering:

Provided that the Senate may, by Statute approved by the Governor in Council, from time to time abolish any of the said faculties or provide faculties in addition to the then existing faculties.

**(2.) Diploma in Education.**—There shall be granted by the University a Diploma of Education to such persons as, under the Statutes, are from time to time entitled to receive the same.

**(3.) Evening lectures.**—Provision shall be made by the Statutes for giving instruction in the evening as well as in ~~day~~ time.

**(4.) Non-resident students.**—Provision shall be made by the Statutes for the granting after examination of degrees and the diploma of education to persons engaged in the profession of teaching or other persons in cases where such teachers or other persons are unable to attend lectures at or in connection with the University.

The following faculties have been established in the University of Queensland: (a) Faculty of Arts (Gazette of March 10, 1911), (b) Faculty of Science (Gazette of March 10, 1911), (c) Faculty of Engineering (Gazette of March 10, 1911), (d) Faculty of Law (Gazette of September 6, 1924), (e) Faculty of Commercial Studies, now Faculty of Commerce (Gazette of December 20, 1924), (f) Faculty of Agriculture, (g) Faculty of Dentistry (Gazette of April 27, 1936), (h) Faculty of Medicine (Gazette of January 18, 1936), (i) Faculty of Veterinary Science (Gazette of January 18, 1936).

As to qualifications for registration as a professional engineer, see The Professional Engineers Act of 1929, s. 15 (1) (b), (c) (ii.), title ENGINEERS.

As to qualifications for registration as a veterinary surgeon, see The Veterinary Surgeons Act of 1936, s. 18, title VETERINARY MEDICINE.

As to qualifications for certificate of legally qualified medical practitioner, see The Medical Act of 1925, s. 7, title MEDICINE AND PHARMACY. As to establishment of schools of anatomy, see s. 24 thereof; and as to practice of anatomy, see s. 25 thereof.

A certificate of examination granted by the University may be accepted by the Surveyors Board in substitution for the whole or part of the Board's examination. See The Land Surveyors Acts, 1908 to 1916, s. 9 (3), title SURVEYORS.

Similarly the Pharmacy Board may accept a certificate of examination in the same conditions. See The Pharmacy Act of 1917, s. 13 (3), title MEDICINE AND PHARMACY.

A diploma granted by the University in Dental Science entitles the holder to registration as a dentist, provided he has attained the full age of 21 years. See The Dental Acts Amendment Act of 1935, s. 7 (1), title MEDICINE AND PHARMACY.

A person who held a prescribed degree, diploma, certificate or license of competency from the University approved by the Board is entitled to be registered as an architect (The Architects Act of 1928, s. 15 (1) (b), title ARCHITECTS).

**21. Students of training schools and others to attend lectures on arts or science free.**—The Senate shall allow such persons training for the position of teacher as may from time to time be approved by the Governor in Council to attend, for the purpose of graduating in Arts or Science or obtaining the Diploma of Education, the University lectures for the period required for such graduation or diploma without the payment of any fees, provided that such persons have previously passed the entrance examination prescribed by the Statutes.

**22. Public examinations.**—Subject to this Act and the Statutes, the Senate may cause public examinations to be held for testing the proficiency of such candidates as may present themselves for examination in any branch or branches of knowledge, and may grant certificates of proficiency to candidates who successfully pass such examinations.

**23. Duties of Senate to hold certain examinations.**—When any public authority is empowered by law to require any person to submit to an examination as to his proficiency in any branch or branches of knowledge, or to produce evidence of such proficiency, as a condition of obtaining any appointment, scholarship, or other reward of merit, or of being admitted to any profession, calling, or office, the Governor in Council may require the Senate to undertake the examinations of persons desiring to submit themselves for examination in such branch or branches of knowledge, and the Senate shall cause such examinations to be held accordingly.

*Statutes.*

**24. The Senate may make Statutes.**—The Senate may from time to time make, alter, and repeal Statutes with respect to all or any of the following matters, that is to say—

- (1) The management, good government, and discipline of the University;
- (2) The use and custody of the common seal;
- (3) The method of election of members of the Senate by the Council;
- (4) The manner and time of convening, holding, and adjourning the meetings of the Senate and Council; the quorum of and voting at such meetings; the powers and duties of the chairman thereof; the conduct and record of the business; the appointment of committees of the Senate and Council, and the quorum, powers, and duties of such committees;
- (5) The resignation of members of the Senate and of the Chancellor or Vice-Chancellor of the Senate or Warden of the Council;
- (6) The number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners, and other officers and servants of the University;
- (7) The matriculation of students;
- (8) The times, places, and manner of holding lectures, classes, and examinations, and the number and character of such lectures, classes, and examinations;
- (9) The promotion and extension of University teaching;
- (10) The granting of degrees, diplomas, certificates, and honours;
- (11) The conditions upon which degrees, diplomas, certificates, and honours may be granted to non-resident students;

*University of Queensland Act of 1909.* ss. 24, 25.

- (12) The granting of fellowships, scholarships, exhibitions, bursaries, and prizes;
- (13) The admission of students of other Universities to any corresponding status or of graduates of other Universities to any corresponding degree or diploma without examination;
- (14) The admission as members of the Council of any fellows, members, licentiates, or associates of colleges or institutions outside the State duly authorised to grant degrees, diplomas, licenses, or certificates;
- (15) The fees to be paid for examinations, for the granting of degrees, diplomas, and certificates, and for attendance at the lectures and classes of the University;
- (16) The establishment, management, and control of libraries and museums in connection with the University;
- (17) The licensing and supervision of boarding-houses intended for the reception of students, and the suspension or revocation of such licenses;
- (18) The affiliation to or connection with the University of any educational establishment wheresoever situated, to which the governing body of such educational establishment may consent;
- (19) The control and investment of the property of the University;
- (20) Providing for a scheme of superannuation for the salaried teachers and officers of the University upon retirement;
- (21) Generally, all other matters authorised by this Act.

For statutes made by the Senate, see the Calendar of the University of Queensland.

**25. Statutes to be published in Gazette.**—(1.) Every Statute when approved shall be sealed with the common seal, and shall be transmitted to the Secretary for Public Instruction for the approval of the Governor in Council, and upon being so approved shall be published in the *Gazette*. It shall thereupon have the force of law.

(2.) Copies of every such Statute shall be laid before both Houses of Parliament forthwith, if then sitting, and if not then sitting, within fourteen days after the commencement of the next ensuing session. If either House of Parliament within the next subsequent thirty days resolves that any such Statute ought to be annulled in whole or in part, such Statute or part thereof shall, after the date of such resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the provisions of such Statute.

(3.) The production of a copy of a Statute under the common seal, or of the *Gazette* containing a copy of the same, shall, in all proceedings, be sufficient evidence of the Statute.

The references in subs. (2) to "both Houses of Parliament" and "either House of Parliament" are now to be read as comprising the Legislative Assembly alone. See The Constitution Act Amendment Act of 1922, s. 2 (5), title CONSTITUTION.

*Revenue.*

[26. (1.) **Annual Endowment.**—In and in respect of the calendar year commencing the first day of January, one thousand nine hundred and twenty-three, and in and in respect of each calendar year thereafter, there shall be paid to the Senate out of the Consolidated Revenue, which is hereby appropriated for the purpose [such annual sum not exceeding twenty thousand pounds, as the Governor in Council may think proper and as may be appropriated in any year by Parliament for the purpose,] for the purpose of defraying the charges and expenses connected with the establishment, management, and control of the University.

(2.) **Endowment of benefactions for research.**—In addition to the endowment last hereinbefore granted, whenever the Senate shall, after the passing of this Act, receive from public subscriptions or donations, or private bequests or benefactions, any capital sum or sums of money for the purpose of founding and awarding research fellowships in matters of research not provided for at the passing of this Act, or for the furtherance or encouragement of research in such matters; or for other like objects, the Governor in Council may pay to the Senate, by way of endowment on such sum or sums of money so received as aforesaid but subject to such terms and conditions as the Governor in Council on the recommendation of the Senate may determine, such sum or sums of money out of the Consolidated Revenue, which is hereby appropriated for the purpose, as the Governor in Council may think proper, but not exceeding in any one year the sum of one pound for every one pound so received on capital account as aforesaid nor a total sum of ten thousand pounds in respect of all such endowments.]

This section was substituted for the original s. 26 by The University of Queensland Act Amendment Act of 1922, s. 2, *post*. In subs. (1), the words in square brackets were inserted by The Financial Emergency Act of 1931, s. 24 (i), title COMMONWEALTH AND STATES.

27. **Revenue.**—All fees and all other moneys received by the Senate under this Act or otherwise shall be applied by the Senate solely for the purposes of the University.

*General.*

28. **Senate to report annually to the Governor in Council.**—The Senate shall, in the month of January in each year, transmit to the Governor in Council a report of the proceedings of the University during the previous year, and such report shall contain a true and detailed account of the income and expenditure of the University during such period, audited in such manner as the Governor in Council may direct.

A copy of every such report shall be laid before both Houses of Parliament.

The reference in the second para. to both Houses of Parliament is now to be read as comprising the Legislative Assembly alone. See The Constitution Act Amendment Act of 1922, s. 2 (5), title CONSTITUTION.

29. **No religious test to be administered.**—No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to enjoy any benefit, advantage, or privilege thereof.

*University of Queensland Act of 1909.* ss. 29, 30.

No Statute made for the affiliation of educational establishments with the University, or for the licensing of boarding-houses for the reception of students, shall affect any religious observance or regulation enforced in any such educational establishment or boarding-house.

**30. Act to apply to both sexes.**—This Act, and all the benefits, advantages, and privileges of the University, shall extend to women equally with men.

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