

(3) Questions arising at a meeting are to be determined by a majority of votes of the members present and voting.

(4) A telephone or video conference between members is a meeting at which the members participating in the conference are present.

Chairperson

4—The chairperson, or, in his or her absence, the deputy chairperson, of the Board is to preside at all meetings.

Minutes

5—The Board is to cause full and accurate minutes to be kept of its proceedings at meetings.

General procedure

6—Subject to this Schedule, the procedure for the calling of, and for the conduct of business at, meetings is as determined by the Board.

Validity of proceedings

7—(1) An act or proceeding of the Board or of a person acting under the direction of the Board is not invalid by reason only that at the time when the act or proceeding was done, taken or commenced there was a vacancy in the membership of the Board.

(2) An act or proceeding of the Board or of a person acting under the direction of the Board is valid even if—

- (a) the appointment of a member of the Board was defective; or
- (b) a person appointed as a member of the Board was disqualified from acting as, or incapable of being, such a member.

Presumptions

8—In any proceedings by or against the Board, unless evidence is given to the contrary, proof is not required of—

- (a) the constitution of the Board; or

- (b) any resolution of the Board; or
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Board.

*[Second reading presentation speech made in:—
House of Assembly on 3 October 1995
Legislative Council on 19 October 1995]*



TASMANIA

UNIVERSITIES REGISTRATION ACT 1995

No. 92 of 1995

TABLE OF PROVISIONS

PART 1

PRELIMINARY

1. Short title
2. Commencement
3. Interpretation
4. Non-application of Act

PART 2

REGISTERED UNIVERSITIES

Division 1—Universities Registration Council

5. Universities Registration Council
6. General functions and powers of Council
7. Registrar
8. Advisory committees

Division 2—Inspections, examinations and reviews

9. Inspections and examinations
10. Certificate of authority
11. Powers of authorised person
12. Fees for inspection and examination

Division 3—Registration as university

13. Application for registration as a university
14. Grant of application

15. Certificate of registration
16. Period of registration
17. Review of registered university
18. Cancellation of registration

PART 3

MISCELLANEOUS

19. Change of ownership
20. Register of universities
21. Conferral of awards
22. Limitation on use of “university”
23. False or misleading statements
24. Regulations
25. Administration of Act

SCHEDULE 1

MEMBERSHIP OF COUNCIL

SCHEDULE 2

MEETINGS OF COUNCIL



UNIVERSITIES REGISTRATION ACT 1995

No. 92 of 1995

AN ACT to provide for the registration of certain institutions as universities and to protect the use of certain terms

[Royal Assent 24 November 1995]

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

Short title

1—This Act may be cited as the *Universities Registration Act 1995*.

Commencement

2—This Act commences on a day to be proclaimed.

Interpretation

3—In this Act—

“**authorised person**” means a person authorised under section 9 to carry out an inspection, examination or review;

“**award**” means—

- (a) an award of a graduate diploma or graduate certificate; or
- (b) an award of a post-graduate diploma or post-graduate certificate; or
- (c) an award of a degree, associate degree or higher degree;

“**Council**” means the Universities Registration Council established under section 5;

“**foreign university**” means a university that is—

- (a) established and recognised as such in a foreign country; and
- (b) approved by the Council under section 4 (2);

“**institution**” includes a person or body;

“**private university**” means a university which—

- (a) is established, recognised or registered under an Act of the Commonwealth or a State or Territory of the Commonwealth; and
- (b) is not specified in section 4 (1) of the *Higher Education Funding Act 1988* of the Commonwealth;

“**registered university**” means an institution registered as a university under Division 3 of Part 2;

“**Registrar**” means a person appointed as Registrar under section 7;

“**vocational education and training**” means vocational education and training within the meaning of the *Vocational Education and Training Act 1994*.

Non-application of Act

4—(1) This Act does not apply to—

- (a) a university established or registered under an Act of the Commonwealth or a State or Territory of the Commonwealth; or

- (b) an institution established or registered under an Act of the Commonwealth or a State or Territory of the Commonwealth; or
- (c) a foreign university; or
- (d) a body or training provider established or registered under an Act of the Commonwealth or a State or Territory of the Commonwealth for the provision of vocational education and training; or
- (e) a prescribed institution.

(2) The Council may approve a university established and recognised as such in a foreign country if it is satisfied that it provides courses of study of a similar standard to those of a registered university.

PART 2

REGISTERED UNIVERSITIES

Division 1—Universities Registration Council

Universities Registration Council

5—(1) There is established a Universities Registration Council consisting of 6 persons appointed by the Minister of whom—

- (a) one is the chairperson; and
- (b) one is a person employed in the Department; and
- (c) one is a person employed by a university referred to in section 4 (1) (a); and
- (d) one is a person nominated by a private university; and
- (e) 2 are persons who the Minister considers have appropriate knowledge or experience.

(2) Schedule 1 has effect with respect to membership of the Council.

(3) Schedule 2 has effect with respect to meetings of the Council.

General functions and powers of Council

6—(1) The Council has the following functions:—

- (a) to hear and determine applications for registration as a university;
- (b) to advise the Minister on any matter relating to registration of institutions as universities.

(2) The Council may do anything necessary or convenient to perform its functions.

Registrar

7—(1) The Secretary may appoint a person employed in the Department to be the Registrar.

(2) A person appointed as Registrar holds office in conjunction with any position in the Department.

(3) The Registrar is to—

- (a) keep full and correct details of the proceedings of the Council; and
- (b) perform any other function the Council directs.

Advisory committees

8—(1) The Council may establish advisory committees to assist in its functions and powers under this Act.

(2) The Council may appoint persons as members of an advisory committee on any terms and conditions it considers appropriate.

Division 2—Inspections, examinations and reviews**Inspections and examinations**

9—(1) The Council may authorise a person to carry out any—

- (a) inspection of the premises of any institution applying for registration as a university; and

- (b) examination to determine any matter specified in section 14 (1); and
- (c) review of a registered university.

(2) A person must carry out any inspection, examination or review in accordance with any instructions the Council issues.

Certificate of authority

10—(1) The Council is to issue a certificate of authority to an authorised person.

(2) A certificate of authority—

- (a) has effect in respect of the premises, institution or registered university specified in the certificate; and
- (b) remains in force for the period specified in the certificate.

Powers of authorised person

11—(1) An authorised person, at any reasonable time, may—

- (a) enter, search and inspect premises of an institution or registered university; and
- (b) inspect, take copies of or by warrant seize any records or documents kept on those premises; and
- (c) require any person to give any assistance reasonably necessary to carry out any inspection, examination or review.

(2) A person must produce the certificate of authority before exercising any of the powers specified in subsection (1).

(3) A person must not hinder or obstruct a person lawfully exercising any powers under subsection (1).

Penalty: Fine not exceeding 10 penalty units.

Fees for inspection and examination

12—If an inspection or examination is carried out in respect of an institution, that institution must pay—

- (a) the prescribed fee; or
- (b) if the actual costs and expenses incurred in carrying out the inspection or examination are more than the prescribed fee, those costs and expenses.

Division 3—Registration as university**Application for registration as a university**

13—(1) An institution must not operate as a university or part of a university unless it is registered.

Penalty: Fine not exceeding 200 penalty units.

(2) A person representing an institution may apply to the Council for approval for the institution to be registered as a university.

(3) An application is to be—

- (a) in writing in a form approved by the Council; and
- (b) accompanied by the prescribed fee; and
- (c) lodged with the Council within the prescribed period.

Grant of application

14—(1) If determining an application by an institution for registration as a university, the Council is to consider the following matters:—

- (a) the views or recommendations of any relevant industrial or professional body in respect of any course of study to be offered by the institution;
- (b) the standard, scope and content of any course of study to be offered by the institution;
- (c) the proposed method of delivering any course of study to be offered by the institution;
- (d) the proposed method of assessment in respect of any course of study to be offered by the institution;
- (e) the type of award proposed for the successful completion of any course of study to be offered by the institution;
- (f) the academic, financial and staffing resources available to the institution;
- (g) the facilities to be provided by that institution;
- (h) the financial viability of the institution;

- (i) any safeguards proposed by the institution in respect of fees paid if the institution closes, becomes bankrupt or insolvent;
 - (j) any other prescribed matter.
- (2) After considering the matters specified in subsection (1), the Council may—
- (a) grant the application for registration as a university subject to any condition the Council considers appropriate; or
 - (b) refuse to grant the application.
- (3) The Council must determine an application within the prescribed period.
- (4) The Council may register an institution as a university which provides—
- (a) any specified course of study; and
 - (b) any specified award.
- (5) The Council, by notice in writing, must notify the applicant of—
- (a) a refusal to grant an application; and
 - (b) the reasons for that refusal.

Certificate of registration

15—(1) On granting an application by an institution for registration as a university, the Council is to issue a certificate of registration to the institution.

- (2) A certificate of registration is to—
- (a) be in a form approved by the Minister; and
 - (b) state the course of study and award in respect of which the registration was granted; and
 - (c) state any condition of the registration.

Period of registration

16—A registration remains in force for the period specified in the certificate of registration, unless sooner revoked.

Review of registered university

17—(1) The Council may direct an authorised person to carry out a review of a registered university to determine whether or not the university is complying with any condition of its registration.

(2) An authorised person carrying out a review is to give the Council a report of the findings of the review.

Cancellation of registration

18—(1) The Council may cancel the registration of an institution as a university.

(2) Before cancelling the registration of an institution, the Council must direct an authorised person to carry out a review.

(3) In carrying out a review, the authorised person is to take into account the matters referred to in section 14 (1).

PART 3**MISCELLANEOUS****Change of ownership**

19—A person representing a registered university must notify the Council of any change of ownership of the university within 28 days of that change.

Penalty: Fine not exceeding 50 penalty units.

Register of universities

20—(1) The Registrar is to establish and maintain a register of registered universities.

(2) The Registrar is to enter in the register the following details:—

(a) the name and address of the institution;

- (b) the date of the registration of the institution;
- (c) the date on which the registration expires;
- (d) any course of study and award in respect of which the registration was granted;
- (e) the particulars of any condition of the registration;
- (f) a summary of the matters referred to in section 14 (1);
- (g) any change of ownership of the institution;
- (h) any other matter the Council determines.

(3) The Registrar is to remove from the register an entry relating to an institution if the registration in respect of that institution is cancelled under section 18.

Conferral of awards

21—An institution, other than a registered university, must not—

- (a) confer or offer to confer an award; or
- (b) offer or conduct a course of study leading to the conferral of an award by that institution; or
- (c) represent in any manner that a course of study offered or conducted by that institution entitles a person completing that course to the conferral of an award by that institution.

Penalty: Fine not exceeding 200 penalty units.

Limitation on use of “university”

22—An institution, other than a registered university, must not use the word “university” or “universities” in any part of its title or description of the institution.

Penalty: Fine not exceeding 50 penalty units.

False or misleading statements

23—A person, in giving any information or lodging any application under this Act, must not—

- (a) make a statement knowing it to be false or misleading; or
- (b) omit any matter from a statement knowing that without it the statement is misleading.

Penalty: Fine not exceeding 50 penalty units.

Regulations

24—(1) The Governor may make regulations for the purposes of this Act.

(2) The regulations may apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

(3) The regulations may—

- (a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and
- (b) in respect of such an offence, provide for the imposition of a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

Administration of Act

25—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 that Minister in relation to the administration of this Act is the Department of Education and the Arts.
-

SCHEDULE 1

Section 5 (2)

MEMBERSHIP OF COUNCIL**Interpretation**

1—In this Schedule, “**member**” means a member of the Council.

Term of office

2—A member is to be appointed for the period, not exceeding 3 years, specified in the member’s instrument of appointment.

Holding other office

3—The holder of an office who is required under any Act to devote the whole of the time to the duties of that office is not disqualified from—

- (a) holding that office and also the office of a member;
or
- (b) accepting any remuneration payable to a member.

Remuneration of members

4—A member is entitled to be paid any remuneration (including travelling and subsistence allowances) the Minister determines.

Vacation of office

5—(1) A member vacates office if the member—

- (a) dies; or
- (b) resigns; or
- (c) is removed from office under subclause (2) or (3).

(2) The Minister may remove a member from office if the member—

- (a) is absent from 3 consecutive meetings of the Council without the permission of the Council; or

- (b) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the member's creditors or makes an assignment of the member's remuneration or estate for their benefit; or
 - (c) is convicted, in Tasmania or elsewhere, of a crime or an offence punishable by imprisonment for 12 months or longer; or
 - (d) is convicted of an offence against this Act.
- (3) The Minister may remove a member from office if satisfied that the member is unable to perform adequately or competently the duties of office.

Filling of vacancies

6—If the office of a member becomes vacant, the Minister may appoint a person to the vacant office for the remainder of that member's term of office.

Presumptions

7—In any proceedings by or against the Council, unless evidence is given to the contrary, proof is not required of—

- (a) the constitution of the Council; or
- (b) any resolution of the Council; or
- (c) the appointment of any member; or
- (d) the presence of a quorum at any meeting of the Council.

SCHEDULE 2

Section 5 (3)

MEETINGS OF COUNCIL**Interpretation**

1—In this Schedule, “member” means a member of the Council.

Convening of meetings

2—A meeting of the Council may be convened by the chairperson or by any 3 members.

Procedure at meetings

3—(1) The quorum at any duly convened meeting of the Council is 4 members.

(2) Any duly convened meeting of the Council at which a quorum is present is competent to transact any business of the Council.

(3) A question arising at a meeting of the Council is to be determined by a majority of votes of the members present and voting.

Chairperson

4—(1) The chairperson of the Council is to preside at the meetings of the Council.

(2) If the chairperson of the Council is not present at a meeting of the Council, a member elected by the members present is to preside at that meeting.

Minutes

5—The Council is to cause full and accurate minutes to be kept of its proceedings at meetings and must submit to the Minister a copy of the minutes of each meeting within 14 days after the date on which the meeting is held.

General procedure

6—Subject to this Schedule, the procedures for the calling of, and for the conduct of business at, meetings of the Council are as the Council determines.

Validity of proceedings

7—(1) An act or proceeding of the Council or of a person acting under the direction of the Council is not invalid by reason only 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) An act or proceeding of the Council or of a person acting under the direction of the Council is valid even if—

- (a) the appointment of a member of the Council was defective; or
- (b) a person appointed as a member of the Council was disqualified from acting as, or incapable of being, such a member.

*[Second reading presentation speech made in:—
House of Assembly on 3 October 1995
Legislative Council on 19 October 1995]*