

1. Submission with ...
C2001/217-04

Writer: Peter Morrison
Our Ref: PJM:JAR 10856
Email: pmorrison@nmck.com.au



N 90962



HAND DELIVERY

Australian Competition
& Consumer Commission
Level 6, Commonwealth Building
370 Flinders Mall
TOWNSVILLE QLD 4810

21 December 2001

ROBERTS
NEHMER
MCKEE
Lawyers

Dear Sirs

JAMES COOK UNIVERSITY - NOTIFICATION FOR EXCLUSIVE DEALING

We act for James Cook University.

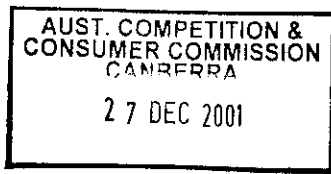
We hereby give to the Australian Competition and Consumer Commission (ACCC) notification of exclusive dealing pursuant to ss.93(1) of the *Trade Practices Act 1974*.

We enclose the following by way of lodgement of James Cook University's notification to the ACCC:

1. Form G: Exclusive Dealing Notification;
2. Submission by James Cook University in support of Notification; and
3. cheque for Notification fee in the amount of \$1,000.

Yours faithfully
Roberts Nehmer McKee

[Handwritten signature of Peter Morrison]
Peter Morrison
Partner



Encl.

The Partners and Staff wish to extend best wishes for the festive season. This office will be closed from 5.00pm on Friday 21 December 2001 and will re-open at 8.30am on Wednesday 2 January 2002.

- Peter Roberts
Notary Public
- Rod Barnes
B.Com/LL.B
- Peter Morrison
RFD LL.M
- Philip Askin
LL.B
- Tim McKee
LL.B
- Heather Watson
LL.B/Acc.Spec.(Fam)
- Rohan Armstrong
LL.B (Hons)
- Noela Gorey
LL.B (Hons)
- Graham Roberts
O.A.M.
- Bernie Messer
LL.B
- Jo-Anne Fitchett
LL.B
- Barbara Bogiatzis
LL.B
- Trudi Holt
LL.B
- Kerrie Dixon
LL.B
- Terry Betts
LL.B (Hons)
- Jodi Chapman
B.A LL.B.

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111 Charters Towers Road Townsville Q 4812, PO Box 5374 Townsville 4810

Telephone (07) 4772 2177 Fax (07) 4721 1548 Email RNMCK@RNMCK.com.au Website www.RNMCK.com.au

Quality Assured Supplier AS/NZS 9002:1994 ABN: 66 853 126 449

Form G

Commonwealth of Australia
Trade Practices Act 1974 ---- Sub-section 93(1)
**EXCLUSIVE DEALING
NOTIFICATION**

THIS IS A CONFIDENTIAL LEGAL DOCUMENT. This Notification and attaching Submissions are made pursuant to Section 93(1) of the *Trade Practices Act 1975* (Cth). All information contained herein is confidential and is intended solely for the use of the Australian Competition and Consumer Commission.

To the Australian Competition and Consumer Commission:

Notice is hereby given, in accordance with sub-section 93(1) of the *Trade Practices Act 1974*, of particulars of conduct or of proposed conduct of a kind referred to in sub-section 47(2), (3), (4), (5), (6), (7), or paragraph 47 (8) (a), (b) or (c) or (9) (a), (b), (c) or (d) of the Act in which the person giving notice engages or proposes to engage.

(PLEASE READ DIRECTIONS AND NOTICES ON BACK OF FORM)

1. (a) **The person giving notice:** James Cook University

(See Direction 2 on the back of this form)

- (b) **Short description of business carried on by that person:**

James Cook University ("JCU") is a tertiary education service provider. It supplies a number of undergraduate and postgraduate courses, research facilities, pastoral care as well as library and computing services to students from North Queensland, other parts of Australia and overseas.

- (c) **Address in Australia for service of documents on that person:**

Roberts Nehmer McKee, 111 Charters Towers Road, Townsville, 4810

2. (a) **Description of goods or services in relation to the supply or acquisition in which this notice relates:**

James Cook University provides courses, degrees and associated services to students enrolled at the University.

The James Cook University Student Association ("the Association") is a body run by students and set up independently of the University to provide support services, non-academic activities and student representation. The Association grants/renews ordinary membership to a student upon that student's payment of the Association Services Fee (See Appendix A: James Cook University Student Association Constitution 2001, Clause 5.2.1 ("the JCUSAC")).

Ordinary members are entitled, among other things, to utilise the amenities and services provided by the Association (Clause 5.3 JCUSAC).

The Association provides a wide range of services either free of charge or at discounted rate to all University students. A list of these services is provided in Appendix B.

- (b) **Description of the conduct or proposed conduct:**

As a condition of enrolment, James Cook University requires that students gain and maintain membership to the James Cook University Student Association.

JCU currently collects an Association Services Fee ("ASF") from enrolling and continuing students on behalf of the Association. The University's current policy is to disallow enrolment unless a student

makes either a membership payment to the Student Association or in the case of having a conscientious or religious objection to membership, pays an equivalent value to the Building Development Fund. Where continuing students fail to make such payment, JCU's unwritten policy is to withhold academic records until the fee is paid.

On 6 September 1990, the JCU Council resolved that payment of the Union Membership Fee (now Association Services Fee) be a condition of enrolment (see Appendix C attached).

As of May 1991, Clause 3 of the *University Statute No 22 – Admission and Enrolment* provided that:

“no student is to be enrolled by the University unless a student is, and continues to be, or undertakes to become, and continued to be a member of the Union or has been granted exemption from membership of the Union on the basis that the student has a bona fide contentious or religious objection to the Union membership as provided for in the Constitution of the Union”. (see Appendix D)

On 4 December 1997, the James Cook University Council resolved to continue to collect on behalf of the Student Association, fees payable by a member of the Association after the lapse of *Statute No. 22*. (See Appendix E)

The *University Statute No. 22* lapsed in 1998 and on 3 December 1998 the James Cook University Council resolved to formulate *University Statute No. 3 – Admission and Enrolment 1998*. A draft a version of *Statute No. 3* contains a clause similar to Clause 3 of the pre-existing *Statute No. 22*. (See Appendix f)

(See Direction 4 on the back of this Form)

3. (a) **Classes of persons to which the conduct relates:**

Students enrolling or continuing to enrol at James Cook University.

(b) **Number of those persons--**

- (i) At present time: 12,992 as at 29 August 2001
- (ii) Estimated within the next year: 13,000

4. **Names and address of persons authorised by the person giving this notice to provide additional information in relations to this notice.**

James Cook University Acting Registrar
Michael Kern
James Cook University
Townsville QLD 4811
Telephone: (07) 4781 4111
Mobile: 0417 725 651

JCU Student Association General Manager
Norm Linthwaite
James Cook University
Townsville QLD 4811
Telephone: (07) 4781 5717
Mobile: 0417 728 519

Dated... 21/12/01

Signed by/on behalf of the applicant giving notice

.....
Michael Kern
Acting Registrar

JAMES COOK UNIVERSITY STUDENT ASSOCIATION
CONSTITUTION 2001

As approved by the James Cook University Council,
effective from the 2 April 2001.

PART 2 - INTERPRETATION

2.1 In this Constitution, unless the contrary intention appears –

"Academic Year" means the period beginning on the first Monday of the first semester of a calendar year and ending on the Sunday proceeding the corresponding Monday of the next calendar year.

"Annual General Election" means the Association election conducted annually in accordance with this Constitution and the Regulations.

"Days" means clear days, including weekends and public holidays; a day is calculated by excluding the day upon which the act or event occurs and the day upon which the act or event is fulfilled.

"Regulations" means regulations made by the Association Council in accordance with this Constitution.

"Student" means a person who has been admitted to the University and has enrolled for a course or a subject, and whose enrolment for that course or for that subject has not lapsed or been cancelled.

"Association" means the James Cook University Student Association.

"Association Council" means the Council of the Association constituted under this Constitution.

"University" means the James Cook University as constituted under the *James Cook University Act 1997*.

PART 4 - POWERS

4.1 For the purposes of carrying out its objects the Association may exercise any of the following powers:

- (a) to expend and invest its income;
- (b) to operate banking accounts;
- (c) to borrow money;
- (d) to lend money to its members;
- (e) to enter into contracts;
- (f) to acquire, dispose and in any way deal with any property whether real or personal;
- (g) to sue for and recover money or property owing to the Association;
- (h) to operate and administer facilities, services and commercial outlets for the benefit of members of the Association;
- (i) to engage and dismiss employees;
- (j) to publish any newspaper or other publication;
- (k) to hold licences under legislation;
- (l) to recognise and/or grant financial assistance to any club or society;
- (m) to set and charge membership fees;
- (n) to receive and distribute grants;
- (o) to impose fines in accordance with the Constitution and the Regulations;
- (p) to discipline members of the Association in accordance with the Constitution and the Regulations;
- (q) to pay members of the Association Council;
- (r) to grant leave to members of the Association Council;
- (s) to affiliate with and/or grant financial assistance to properly constituted bodies; and
- (t) to generally do all things that will give effect to or further the objects of the Association.

PART 5 - MEMBERSHIP

5.1 Categories of Membership

The classes of membership of the Association are:

- (a) Ordinary Membership;
- (b) Life Membership;
- (c) Honorary Life Membership;
- (d) Associate Membership;
- (e) Postgraduate Discount Membership.

PART 5 - MEMBERSHIP (CONTINUED)

5.4 Life Membership

- 5.4.1 An existing Life Member as appointed prior to the amendment of this Part who is a student will not be liable to pay the association services fee and is entitled to exercise the full rights and privileges of ordinary membership.
- 5.4.2 A Life Member as appointed prior to the amendment of this Part who is not a student is entitled to utilise the amenities and services provided by the Association.
- 5.4.3 Association Council shall not grant further life membership.

5.5 Postgraduate Discount Membership

- 5.5.1 A Postgraduate Student of James Cook University who has paid the equivalent of six (6) years full-time association services fees and has completed the equivalent of six (6) years full-time tertiary study, is entitled to a fifty (50) per cent discount on their association services fees, for full-time and part-time fees only, and is entitled to exercise the full rights and privileges of Ordinary membership.

5.6 Honorary Life Membership

- 5.6.1 The Association may grant Honorary Life Membership to a person who has been an ordinary member of the Association for five (5) consecutive years and has made a significant contribution and given meritorious service to the Association if:
- (a) the person has been nominated for Honorary Life Membership by two ordinary members of the Association;
 - (b) the nomination has been posted on the official Association Notice Board for fourteen (14) days prior to the Association Council meeting at which the nomination is considered; and
 - (c) the nomination is accepted by two-thirds (2/3) of the members present and entitled to vote at the Association Council meeting.
- 5.6.2 Honorary Life Membership will commence from the date that the Council accepted the nomination and will continue for the lifetime of the member.

PART 5 - MEMBERSHIP (CONTINUED)

5.10 Association Services Fees

- 5.10.1 The association services fee and fee structure for a member of the Association will be as approved by the Association Council and approved by the University Council in accordance with the Association's Regulations.
- 5.10.2 The Association can vary the prescribed fee between campuses.
- 5.10.3 The Association can set a different prescribed fee for different classes of students including, but not limited to, full time and part time, undergraduate and postgraduate, external and open learning students.
- 5.10.4 The Association may refund in part or in full, the paid association services fee should a member cease to be a student within a period as determined by Association Council.

5.11 Building Development Fund

- 5.11.1 The Association shall establish and operate a "Building Development Fund" in accordance with the Regulations.
 - 5.11.2 A person may apply to Association Council in writing for an exemption from payment of the association services fee on the grounds that he/she may have a bona fide, conscientious or religious objection to Association membership.
 - 5.11.3 Association Council may grant an exemption under this section on condition that the applicant agrees to make payment of an amount equivalent to the association services fee to the "Building Development Fund".
- 5.12 All rights granted in this part are subject to the other provisions of this Constitution or the Regulations.

PART 6 - GOVERNANCE (CONTINUED)

6.3 Vacation of Office

- 6.3.1 An elected member of the Association Council has vacated office if that member:
- (a) is dismissed by referendum in accordance with the Regulations;
 - (b) delivers a signed resignation to the General Secretary, or if the person is the General Secretary, to the President;
 - (c) is absent without leave from three (3) consecutive meetings of the Association Council;
 - (d) becomes a full time member of the academic or general staff of the University;
 - (e) ceases to be entitled to exercise the rights of ordinary membership; or
 - (f) dies.

6.4 Leave of Absence

- 6.4.1 The Association Council may grant leave of absence to any of its members.
- 6.4.2 An elected member is absent without leave if that member is not in attendance at the meeting according to the conditions laid down in the Regulations.
- 6.4.3 A meeting of the Association Council may grant leave of absence if a verbal or written apology is received by the meeting.
- 6.4.4 In an emergency where it was not possible for a member to furnish an apology, the Association Council may resolve to retrospectively grant leave of absence on application in writing by the member at the next ordinary meeting of the Association Council.

6.5 Casual Vacancies

- 6.5.1 Where the office of either the President or the General Secretary becomes vacant, the Association Council must meet as soon as possible to appoint a member to the position of Acting President or Acting General Secretary as the case may be until the position is filled subject to this section and the Regulations.

PART 6 - GOVERNANCE (CONTINUED)

6.8 Legitimacy of Proceedings

6.8.1 No proceedings of the Association Council can be invalidated by reason of:

- (a) any defect in the appointment or election of a member of the Association Council;
- (b) the fact that a person purporting to be a member of the Association Council by virtue of an office held by that person did not hold that office;
- (c) the fact that a person purporting to be a member of the Association Council was not such a member; or
- (d) any defect in the convening or conduct of any meeting of the Association Council after the minutes of the meeting in question have been accepted and confirmed.

6.9 Liability of officers

6.9.1 A member of the Association Council is not liable to the Association for any loss or expense incurred by the Association unless the loss or expense resulted from their own wilful act or default.

6.9.2 The Association will indemnify and keep indemnified all members of the Association Council against all expenses, losses or liabilities that they incur in the bona fide performance of their functions and duties as such a member.

6.10 Meetings

6.10.1 The Association Council may meet at Ordinary Council Meetings, Special Association Council Meetings and General Council meetings in accordance with the Regulations.

6.10.2 General meetings of the Association membership will be held at such times and for such purposes as laid down by this Constitution and the Regulations.

PART 8 - FINANCE AND ACCOUNTS (CONTINUED)

8.4 No Distribution to Members

8.4.1 No portion of the income or property of the Association may be paid directly or indirectly, by way of dividend, bonus or otherwise to the members of the Association.

8.4.2 Clause 8.4.1 does not prevent:

8.4.2.1 the payment in good faith of remuneration to any officer, servant or member of the Association in return for any services actually rendered to the Association or for goods supplied in the ordinary and usual way of business;

8.4.2.2 the payment of interest at a rate not exceeding 12% per annum on money borrowed from any member of the Association;

8.4.2.3 the payment of reasonable and proper rent by the Association to a member of the Association for premises leased by the member to the Association; or

8.4.2.4 the reimbursement of expenses incurred by any member of the Association on behalf of the Association.

PART 9 - THE COMMON SEAL

9.1 The Association will have a common seal which will be in the custody of the Executive Secretary of the Association and which must be affixed to a document or writing by resolution of the Association Council in the presence of any two of the Office Bearers of the Association, one of whom must be the President or the General Secretary of the Association.

PART 10 - REGULATIONS

10.1 Association Council may by resolution passed at two (2) consecutive meetings of Council make Regulations not inconsistent with this Constitution in respect to all matters concerning the provisions and objects of this Constitution. Such meetings will be no less than fourteen (14) days apart.

PART 11 - REFERENDA (CONTINUED)

- 11.3 All referenda with the exception of referenda called pursuant to 11.2 (d), will be held pursuant to such other provisions as prescribed in the Regulations.
- 11.4 Referenda called pursuant to 11.2 (d) will be governed by this Constitution and Regulations only so far as they are consistent with the rules of affiliation as required by the Representative body or organisation.

PART 12 - ALTERATION TO CONSTITUTION

- 12.1 Subject to the provisions of Section 38 of the *James Cook University Act 1997*, the Association Council may repeal, amend or otherwise modify the Constitution provided that:
- (a) notice of amendment has been given seven (7) days prior to the amendment being first presented to Council;
 - (b) notice of amendment has been published on the official Association Notice Board and in two (2) consecutive editions of the Association's weekly publication; and
 - (c) the amendment is passed by resolution at two (2) consecutive meetings of the Association Council and there is a period of at least fourteen (14) days between the meetings.
- 12.2 This Constitution may not be altered, repealed or amended retrospectively, save that any unintentional error, misdescription, omission, typographic errors of a cosmetic nature only, may be corrected without the necessity of a special resolution in accordance with the Constitution and Regulations.

PART 13 - OPERATION

- 13.1 The Constitution, all Regulations made pursuant to it, and all decisions made by the Association Council under this Constitution and the Regulations are binding on all members of the Association.

PART 14 - DISTRIBUTION OF SURPLUS ASSETS TO ANOTHER ENTITY

- 14.1 This section applies if the Association resolves by special resolution of Council as prescribed by this Constitution to wind up the operations of the Association or is otherwise dissolved by operation of law and there are surplus assets.



APPENDIX B

"The Student Association is run by students for students, and we always have your best interests at heart"

The Student Association works independently of the University to provide you with services, representation, and non-academic activities.

The Student Association represents students at a number of different levels: to the University, to the community, and to the Government - both on a local basis, and state-wide. One of the most important reasons the Student Association exists is to represent you in any disputes and discussions that arise within the University. Without the representation of the Student Association, the University wouldn't have to consider students when making important decisions about campus life.

If you wanted to influence the way the Student Association is run you could:

- Talk to a member of the Student Association Council
- Go to Student Association Council meetings & have your say;
- Become a member of one of the various committees of the Student Association;
- Vote in the elections
- Run for a position on the Student Association Council; or
- Write to one of the Student Association publications to let them know how you feel!

STUDENT ASSOCIATION SERVICES FREECALL: 1800 330021

Student Services

ACADEMIC SUPPORT &

LEAFARE SERVICES

- Free and confidential service
- Appeals and assessment reviews
- Representation of students to University and outside bodies
- Interpreting University rules
- Examination options
- Monitor quality of education
- Research and campaigns
- Subject evaluations
- Resource library
- Lost property
- Youth allowance/Ausstudy and study advice - information
- Centrelink advice
- Student emergency loan scheme
- Financial assistance (money management)
- Free legal advisory service
- Tenancy advice
- Tax help scheme (information, advice and assistance)
- Student accident insurance
- Information, education and resources relating to welfare, health and lifestyle issues
- Condoms
- Safer sex information
- HIECs information
- Harassment grievance advice
- Conflict resolution
- Policy development and lobbying
- Drinksmart program
- Address personal safety concerns
- Soup kitchens

- Assist with choosing subjects

- Subject timetables printed

WOMEN'S ROOM*

- Tea and coffee facilities
- Access to fridge
- Relaxed environment
- Comfy chairs
- Nap/snooze facilities
- Information and resources

PARENTING ROOM

- Baby changing facilities
- Nursing mothers area

ADMINISTRATION

- Main Reception
- General referrals
- Fax/photocopying service
- Meeting facilities
- Conference room bookings
- Finance Office

SPORT & RECREATION*

Recreation Programs

- O'Week
- Market Days
- Arts Week
- Campus Band Competition
- Dis O'Week
- Free Movies
- Lunch Time Entertainment
- Graduation Cocktail Party
- Health Week

Sports Programs

- Social Sports: - touch, soccer, netball, lacrosse
- Inter college Fisher Shield
- Northern University Games
- Northern University Championships
- Australian University Games
- Australian University

Championships

- World Student Games
- Community Sports Clubs
- A range of sporting, recreational and faculty associations where you can meet people and enjoy activities.
- Swimming pool

- Tennis courts

- Squash courts

- Sports ovals

FITNESS CENTRE*

- Friendly qualified staff
- Airconditioned
- Machine and free weights
- Cardio equipment (bikes, rowers, treadmill, climber)
- Range of aerobics classes for all levels
- Aqua aerobics (in Summer)
- Sports and fitness seminars & courses
- Sports specific training & advice

- Assessments and personal programs
- Squash and tennis

MEDIA CENTRE*

- Students' newspaper
- Student diary
- Free classifieds for students
- Scanning facilities
- Advice on production of artwork
- Access to publications produced by other universities
- Website

STUDENT EMPLOYMENT SERVICE*

- Student registry/ database
- Job listings board & web page
- "Tabloid of Toil" job and

information column in the student newspaper & on the web

- Resource library
- Advice & information on employment issues, such as employment awards, workers compensation, workplace health & safety

- Job search skills
- Job applications
- Employment negotiations
- Employment law
- Vacation work & Scholarships
- Volunteer work

- Self employment
- Employment - orientated courses
- Tutoring skills seminars
- Research and production of information packages on employment issues

THE STUDENTS' CLUB*

- Live entertainment
- Top national bands
- Bar and beergarden
- Pool table
- Free movies
- Club nights
- Discounts to members
- Bar facilities
- Open Age Events
- Bartie of the Bands competitions

FOOD SERVICES*

- Air conditioned seated dining facilities
- Alcohol and smoke free eating areas
- Self serve salad bar and self serve buffet

- Meals and snacks plus pick up a newspaper
- Nurses café, Vincent Café
- Western, Douglas and Cairns Campus outlets

- Western, Douglas and Cairns Campus outlets

CHILDCARE

- Full-time, part-time and vacation care
- Educational & developmental early childhood programs
- Caters for 0-5 year olds
- Qualified staff
- Licensed for 40 children (Townsville)

- Licensed for 61 children (Cairns)
- Free flow indoor-outdoor program with spacious, shady outdoor area
- We welcome family involvement
- Meals provided (Cairns only)

STUDENT ASSOCIATION SHOP*

- EFTPOS/EFTPOB access
- Commonwealth Bank Agency
- Graduation gown hire & dry cleaning service
- Bargain priced 2nd-hand text books
- Cheap film processing & locker hire
- Phone cards & greeting cards
- Cigarettes, chocolate or cold drinks
- Grocery essentials & magazines
- James Cook University paraphernalia
- Clothing & fantastic range of gift lines
- Stationery
- Newspapers
- Payment of Student association Childcare Centre fees (by eftpos)
- Posters & jewellery

* Not all services are currently available on Cairns Campus. Contact Cairns Campus Student Association for more details. Ph: (07) 4042 1160

APPENDIX C

- 3 -

COUNCIL

(8/90)

6 SEPTEMBER 1990

6. CORRESPONDENCE AND MATTERS LISTED FOR
CONSIDERATION: (contd)6.3 James Cook University of North Queensland
Union - Financial Matters6.3.1 Audited Financial Statements 1989

M
A-
N-
Council noted the audited accounts of the Union for the year ending 31 December 1989.

6.3.2 Union Membership Fees - Proposed Increase for 1991

(365-651/86)

RESOLVED:

M
A-A/Reg
N-Acad
N-Dir(FS)
that the Union Membership Fees for 1991 be as follows:

Full-time	\$175.00
Part-time	96.00
External	14.00
Late Fee	5.00

6.3.3 Union Membership Fee - Collection Procedure

(365-652)

Council considered a submission entitled: "Collection Procedures for Union Membership Fees", presented by the Union President, Mr Anthony Shearer.

RESOLVED:

M
A-A/Reg
N-Acad
N-Dir(FS)
that, effective from the beginning of the 1991 academic year, payment of the Union Membership Fee (UMF) be a condition of enrolment.

~~6.4 Statutes - Amendment~~6.4.1 Statute No. 6 - Convocation

(453-006)

RESOLVED:

M
A-A/Reg
N-
that the attached Statute amending Statute No. 6 - Convocation be made.

6.4.2 Statute No. 16 - Staff Tenure

(453-016)

RESOLVED:

M
A-A/Reg
N-
that the attached Statute amending Statute No. 16 - Staff Tenure be made.

6.4.3 Statute No. 23 - Traffic on University Sites

(453-023/88)

RESOLVED:

M
A-A/Reg
N-
that the attached Statute amending Statute No. 23 - Traffic on University Sites be made.

4 APPENDIX D

COUNCIL

(4/91)

2 MAY 1991

6. CORRESPONDENCE AND MATTERS LISTED FOR CONSIDERATION: (contd)6.1 Degrees - Award (contd)RESOLVED: (contd)

	<u>Candidate</u>	<u>Award</u>	<u>Department/School/Unit</u>
M	SMITH, Mr W.B.	Master of Social Policy (Class I)	Behavioural Sciences
	TOMLINSON, Ms M.	Master of Science	Geography/Zoology
	WARD, Mrs M.R.	Master of Education	Social and Cultural Studies in Education
A-Exams	WILSON, Mr L.M.	Master of Letters (Class I)	Material Culture Unit
	WILSON, Ms M.M.	Master of Creative Arts (Class I)	Language and Arts Studies in Education
N-	WOODWARD, Dr R.C.	Master of Engineering Science	Civil and Systems Engineering

6.2 Statutes - Amendment

(453-022)

Council was reminded that on 7 February 1991 it had approved amendments to Statute No. 15 and Statute No. 22.

Subsequently, advice had been received from the Parliamentary Counsel on suggested revisions for the proposed Statute amending Statute No. 15 - The Union and Statute No. 22 - Admission and Enrolment.

RESOLVED:

M
A-Dep Reg
N-

that the attached amendments to the Statute amending Statute No. 15 - The Union and Statute No. 22 - Admission and Enrolment be approved.

/5...

A STATUTE OF THE JAMES COOK UNIVERSITY OF NORTH QUEENSLAND

EXISTING	PROPOSED
<p>WHEREAS by virtue of section 39 of the <i>James Cook University of North Queensland Act 1970-1990</i>, the Council of the James Cook University of North Queensland may by Statute repeal, rescind, revoke, alter, vary, amend or otherwise modify any Statute or part of a Statute:</p> <ol style="list-style-type: none"> Now, therefore, the Council of the James Cook University of North Queensland by this Statute hereby amends Statute No. 15 - The Union by - deleting clause 2, with consequential numbering. Now, therefore, the Council of the James Cook University of North Queensland by this Statute hereby amends Statute No. 22 - Admission and Enrolment by - adding the following clause 3: (a) Subject to the provisions of clause 3(b) hereof no student shall be enrolled by the University unless such student shall be a member of the Union. 	<p>WHEREAS by virtue of section 39 of the <i>James Cook University of North Queensland Act 1970-1990</i>, the Council of the James Cook University of North Queensland may by Statute repeal, rescine, revoke, alter, vary, amend or otherwise modify any Statute or part of a Statute:</p> <ol style="list-style-type: none"> Now, therefore, the Council of the James Cook University of North Queensland by this Statute hereby amends Statute No. 15 - The Union by - deleting clause 2, and renumbering clauses 3, 4, 5, 6, 7, 8 and 9 as 2, 3, 4, 5, 6, 7 and 8, respectively. Now, therefore, the Council of the James Cook University of North Queensland by this Statute hereby amends Statute No. 22 - Admission and Enrolment by - adding the following clause 3: (a) Subject to the provisions of clause 3(b) hereof no student is to be enrolled by the University unless the student is and continues to be or undertakes to become and continue to be a member of the Union.

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A STATUTE OF THE JAMES COOK UNIVERSITY
OF NORTH QUEENSLAND (contd)

EXISTING	PROPOSED
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(b) A student may be enrolled by the University without being a member of the Union if the student has applied for and been granted exemption from membership of the Union on the basis that the student has a bonafide conscientious or religious objection to Union membership as provided for in the Constitution of the Union.

(b) No change.

The Common Seal of the James Cook University of North Queensland was hereto affixed pursuant to a resolution of the Council dated the seventh day of February 1991 by me as the proper officer having custody thereof.

J.D. SMITH
REGISTRAR

The Common Seal of the James Cook University of North Queensland was hereto affixed pursuant to a resolution of the Council dated the second day of May 1991 by me as the proper officer having custody thereof.

J.D. SMITH
REGISTRAR

APPENDIX E

COUNCIL

(11/97)

4 DECEMBER 1997

7. CORRESPONDENCE AND MATTERS LISTED FOR THE CONSIDERATION OF COUNCIL: (contd)

7.6 Proclamation of the James Cook University Act 1997 and Legislative Changes Required as a Consequence of Proclamation (contd)

RESOLVED: (contd)

4. that from the commencement of the James Cook University Act 1997:

4.1 Continuing Statutes:

- (i) the following four statutes remain in force for up to twelve months:
 - No. 3 Discipline
 - No. 22 Admission and Enrolment
 - No. 26 Fees and Charges
 - No. 28 Inventions;
- (ii) the review process for the statutes in (i) above, commence no later than July 1998;

4.2 The Academic Board:

- (i) the Academic Board, as established under Statute No. 4, continue;
- (ii) the existing membership of the Academic Board continue; and
- (iii) the document "Academic Board - Membership and Operation" and the associated procedures for the appointment and election of eligible members come into effect;

4.3 Register of Graduates:

the Registrar be required to continue to maintain a register of graduates; being all persons on whom a degree of the University has been conferred or to whom a diploma of the University has been presented;

4.4 The Library:

- (i) the Library Rules be adopted as Library Requirements;
- (ii) the University Librarian be authorised to continue to exercise the powers granted under clauses 2 and 4 of Statute No. 14;

(contd)/7...

COUNCIL(11/97)4 DECEMBER 19977. CORRESPONDENCE AND MATTERS LISTED FOR THE
CONSIDERATION OF COUNCIL: (contd)7.6 Proclamation of the James Cook University Act 1997
and Legislative Changes Required
as a Consequence of Proclamation (contd)RESOLVED: (contd)4.5 The Union:

- (i) the University continue to collect on behalf of the Union the fees payable by a member of the Union;
- (ii) the University not be obliged to enforce or sue for payment of the fees it agrees to collect;
- (iii) as soon as possible after the end of its financial year the Union submit to Council a copy of its Annual Report, a copy of its balance sheet and a statement of its income and expenditure duly audited;
- (iv) the Union be requested to advise Council for the April 1998 meeting on the policies and procedures etc. it wishes Council to approve in place of the provisions currently contained in Statute No. 15;
- (v) the Union be advised that until the advice requested in (iv) above is received, Council will consult the Union on any matter that would abrogate any of the provisions of Statute No. 15;

4.6 The Use and Custody of the Seal:

- (i) the Seal of the University remain in the custody of the Registrar;
- (ii) the Registrar, and in the absence of the Registrar the Vice-President (Administration), be empowered to affix the Seal of the University as follows:
 - a. to any document certifying that a particular person has been admitted to a specified degree or has been granted any other award of the University, upon being satisfied that such person has properly been admitted to such degree or granted such other award;
 - b. to any contract or agreement in writing to which the University is a party, upon being satisfied that such contract or agreement has been approved by the appropriate University authority and requires to be executed under seal;
 - c. to any document relating to the investment of University monies or to the sale or purchase or other dealing with property, upon being satisfied that such investment, sale, purchase or other dealing has been approved by the appropriate University authority;
 - d. to any other document the execution of which under the Seal of the University has been approved by the Council;

(contd)/8...