

# Electrical Safety and Other Legislation Amendment Bill 2025

## Explanatory Notes

### FOR

## Amendments to be moved during consideration in detail by the Honourable Jarrod Bleijie MP, Deputy Premier, Minister for State Development, Infrastructure and Planning and Minister for Industrial Relations

### Short title

The short title of the Bill is the Electrical Safety and Other Legislation Amendment Bill 2025.

### Policy objectives of the amendments

The James Cook University (JCU) is a public university in North Queensland, Australia. The second oldest university in Queensland, JCU is a teaching and research institution. JCU's main campuses are located in Cairns and Townsville, alongside an international campus in Singapore and a third party operated campus in Brisbane.

The seven Queensland public universities are established under their own Acts, collectively referred to as the university Acts:

- Central Queensland University (CQU) - *Central Queensland University Act 1998*;
- Griffith University (GU) - *Griffith University Act 1998*;
- James Cook University - *James Cook University Act 1997* (JCU Act);
- Queensland University of Technology (QUT) - *Queensland University of Technology Act 1998*;
- University of Queensland (UQ) - *University of Queensland Act 1998*;
- University of Southern Queensland (USQ) - *University of Southern Queensland Act 1998*;
- and
- University of the Sunshine Coast (USC) - *University of the Sunshine Coast Act 1998*.

Under the university Acts, each university is governed by a governing body, referred to as the council (or in the case of the UQ, the senate). The university Acts prescribe the size,

composition and functions of the governing body, the powers of delegation and the power to make university statutes about certain matters.

Since 2012, Australian universities have been regulated by the Tertiary Education Quality and Standards Agency (TEQSA), a Commonwealth agency established under the *Tertiary Education Quality and Standards Agency Act 2011*.

TEQSA adopts a standards and risk-based approach to the regulation and quality assurance of Australia's higher education providers and is responsible for the registration of providers and the accreditation of courses. Therefore, the Queensland Government has no role in the approval of entities as higher education providers or their compliance with the TEQSA standards. Queensland's regulation of the universities is limited to oversight of the public universities in so far as they are statutory bodies.

The JCU Act establishes the JCU as an independent statutory body and provides for its governing body, the Council of JCU (the Council). The JCU Act prescribes the size, composition and functions of the Council, the powers of delegation and the power to make university statutes about certain matters.

As a consequence of a review of university Acts in 2016 and 2017, amendments were made to the JCU Act in the *University Legislation Amendment Act 2017* (ULA Act) to provide for a new governance structure, which allowed for a Council membership resolution (carried by a two-thirds majority of Council) that could adjust the composition of the Council.

At the same time, the JCU Act also retained a fixed model of the Council, similar to how other university councils are provided for in their respective university Acts. The fixed model only applies if a membership resolution is not in place.

Under Part 2, Division 3 of the JCU Act, the fixed model of the Council consists of 22 members, which includes two or three official members (depending on whether the chairperson is the vice-chancellor or not); eight appointed members appointed by the Governor in Council (appointed members), ten elected members, with particular numbers assigned to specific groups, such as academic staff, professional and technical staff, undergraduate students and postgraduate students, and one additional member (must not be a member of JCU staff or a JCU student) appointed by the Council.

However, under the resolution model introduced in 2017 in the ULA Act (new Part 2, Division 3A of the JCU Act), the total number of members must be at least 11, but not more than 21 and comprise of between two to three official members; three to six appointed members; at least three or 25% (whichever is the greater) elected members; and between three to six additional members.

In 2017, the Council adopted a membership resolution that reduced its membership from 22 to 15 members. In June 2023, a further Council resolution was passed that increased the size of the Council from 15 to 16 members, comprising three appointed members, three official members, four elected members and six additional members.

As of March 2026, Council membership reflects this structure, noting that the terms of appointment of ten members' terms will expire on 19 April 2026 (two appointed members; four additional members; four elected members).

Nationally there is a focus on strengthening university governance, with increasing transparency of governance practices and ensuring governing bodies represent a broad and

sufficient range of skills, knowledge, experience and perspectives to effectively govern, being high priority areas for reform.

JCU is the only Queensland public university whose enabling Act provides for its Council to pass a resolution regarding the composition of Council membership. Amending the JCU Act to revert to a prescribed membership, and remove discretionary power for Council to pass a resolution regarding membership composition, improves transparency and public confidence of membership structure.

Furthermore, proposed changes to the Council composition would provide for five elected members, where the current Council resolution includes four. Under section 22F (1) of the JCU Act, elected members comprise of members of the academic university staff, members of the professional and technical staff and university students. Increasing elected members from four to five increases staff and student representation on the council from 25% to 31.25%.

## **Achievement of policy objectives**

The proposed amendments to the JCU Act reshape the Council membership structure, to align the governance structure with other university council compositions and increase alignment with national efforts to strengthen university governance.

The amendments remove the current discretionary power for the Council to pass a resolution (under Part 2, Division 3A of the JCU Act) regarding Council composition and revert the Council member structure to a prescribed legislated model, with amendments. They also modify the legislative model under Part 2, Division 3 of the JCU Act.

Under the amended legislative model, Council membership will reduce from the existing 22 members to 16, which aligns with the current size of the Council under the existing resolution passed in 2023. The amended prescribed legislated Council membership would consist of three official members, six appointed members, five elected members and two additional members.

This structure would align with the overall council size across Queensland universities, which ranges from 15 to 23 members. Regional universities generally have between 15 and 18 council members. It is noted that universities have four additional members under the governance structure, whereas under the proposed structure, the Council would include two.

Providing for the amendments to commence on 19 April 2026, when 10 members' terms will expire (2 (of 3) appointed members, 4 (of 6) additional members, and (all) 4 elected members) means that the remaining 6 members whose terms extend beyond 19 April 2026 will be able to continue on the Council under the new composition without their terms being impacted by the change.

Of the remaining 6 members, 3 are ex officio roles and the 1 remaining appointed member's term expires on 19 April 2028, while the 2 additional members' terms expire on 19 April 2027 and 31 March 2028.

## **Alternative ways of achieving policy objectives**

The Council, and its composition, is established by legislation, so any changes require legislative amendment.

## **Estimated cost for government implementation**

It is expected that the changes will not create any additional costs to government, nor the JCU.

## **Consistency with fundamental legislative principles**

The proposed amendments do not impact the institution of Parliament or the rights and liberties of an individual, apart from one matter identified below.

The commencement and transitional approach of the amendments are designed to minimise the impact on the Council. The amendments take effect on Royal Assent and will change the Council's composition. However, the transitional provisions in the Bill provide that existing Council members retain their terms of office, except for any person who may have been appointed as an additional member to replace an additional member whose term of office expires on 19 April 2026. This is because those additional member positions will not exist under the new Council composition.

There are currently six additional members under the existing Council composition (with four whose terms end on 19 April 2026) and there will only be two additional members under the new Council composition. The two additional members whose terms end on 19 April 2027 and 31 March 2028 will retain their positions and become the two additional members under the new Council composition. Therefore, a transitional provision clarifies that if a person was appointed as an additional member, before the amendments commence, to replace one of the additional members with a term expiring on 19 April 2026, their appointment ends when the amendments commence.

It is uncertain whether any person will be impacted by this provision, as appointments of additional members may not have been finalised before commencement of the amendments. Any impact is expected to be minimal as the person will not have commenced in the position. However, there is a potential perception that a person appointed as an additional member in these circumstances may be deprived of rights and liberties, including property rights in relation to the future remuneration for the position. Since the person's term of office would not have started, remuneration would not have been payable.

As the Council is established by legislation, a person's membership is subject to the requirements of the legislation. All efforts have been made to minimise impacts of the change in composition of the Council, but it is acknowledged that as part of the transition to the new composition, any prospective appointees into any of the four additional member positions that no longer exist under the new Council composition may be adversely impacted.

## **Consultation**

Neither the Council nor other key stakeholders have been consulted on the proposed change to remove the current resolution model. However, the Parliamentary Committee Report on the 2017 Act amendments noted that during the committee's public hearing JCU advised that the majority of Council members supported a medium-sized Council of between 15 and 18. Although time has passed since this support was expressed, it is notable that the Council has been operating with 16 members since 2023, and 15 members since 2017, by a membership resolution passed by the Council.

JCU will be supported by the Department of Education in ensuring compliance with the new requirements.

## Consistency with legislation of other jurisdictions

As with Queensland, universities in other jurisdictions are established by legislative instruments that set out their governance structures. The proposed JCU governance structure aligns with the university governance structures in other Queensland university Acts and aligns with arrangements in other jurisdictions.

## Notes on provisions

Amendment 1 inserts a new part 3A in the Electrical Safety and Other Legislation Amendment Bill 2025. The new part amends the *James Cook University Act 1997*, and contains the following:

- Clause 9A that provides that Part 3A amends the *James Cook University Act 1997* (JCU Act).
- Clause 9B which amends the heading for Part 2, Division 3 to remove the reference to a membership resolution.
- Clause 9C which omits section 11A, which provides that Part 2, Division 3 applies if membership resolution under Part 2, Division 3A has not been passed. This is no longer required as Division 3A is omitted from the JCU Act.
- Clause 9D which amends section 12 to provide for reference to plural additional members to reflect the new composition of the Council.
- Clause 9E which amends section 14 to change the number of appointed members from ‘8’ to ‘6’, to reflect the new composition of the Council.
- Clause 9F which amends section 15 to change the number of elected members from ‘10’ to ‘5’ (noting that under the member resolution made under Division 3A, which is to be repealed, the number was ‘4’ elected members). The amendment also sets out the composition of elected members, ensuring inclusion of staff members and at least two students, one postgraduate and one undergraduate.
- Clause 9G which amends section 16 to provide that there are two additional members in the Council, instead of one (noting that under the member resolution made under Division 3A, which is to be repealed, the number was ‘6’ elected members).
- Clause 9H which amends section 17 to reduce the minimum number of members to properly constitute the Council to reflect the changes to the composition of the Council under Division 3, reducing the number of members from 22 to 16.
- Clause 9I which amends section 19 to make consequential amendments (references to subparagraphs) to reflect changes to section 15.
- Clause 9J which amends section 20 to make a minor change to wording of the section to reflect that there are two additional members rather than one.
- Clause 9K which amends section 20A to make a consequential amendment (references to subparagraphs) to reflect changes to section 15 in relation to dealing with a casual vacancy

of an elected member.

- Clause 9L which amends section 21 to make a consequential amendment (references to subparagraphs) to reflect changes in relation to when elections fail to elect members in accordance with the requirements under section 15.
- Clause 9M which omits Part 2, Division 3A. This Division provides for membership resolutions as an alternative means of composing the Council. The composition of the JCU council will be set out in Part 2, Division 3.
- Clause 9N which amends section 24 to omit references to sections in the omitted Part 2, Division 3A.
- Clause 9O which amends section 26AA to omit references to sections in the omitted Part 2, Division 3A.
- Clause 9P which amends section 26AB to omit references to sections in the omitted Part 2, Division 3A.
- Clause 9Q which amends section 26AC to omit references to sections in the omitted Part 2, Division 3A.
- Clause 9R which amends section 26C to omit references to sections in the omitted Part 2, Division 3A.
- Clause 9S which amends section 62B to omit references to sections in the omitted Part 2, Division 3A.
- Clause 9T which inserts transitional provisions that provide for the following:
  - The existing 10 members of the Council whose terms of office end on 19 April 2026 will continue in accordance with the term until 19 April 2026;
  - For the existing six members whose terms of office end after 19 April 2026 (these will be the three ex officio roles, one appointed member’s term and two additional members) – these members continue as members of the Council after commencement and the end date will be retained in accordance with their term as it was immediately before commencement;
  - Any person who is elected or appointed immediately before commencement of the amendments, but whose term has not commenced (except in relation to additional members) – they will be a member of the Council after commencement in accordance with the terms of the election or appointment made before commencement.
- Clause 9U which amends definitions in schedule 2 to align with amendments made to the JCU Act.

Amendment 2 amends the long title of the Bill to incorporate amendments to the JCU Act.