



Western Australia

## **University of Western Australia Act 1911**

Compare between:

[27 Apr 2015, 05-d0-03] and [19 Oct 2016, 05-e0-04]



Western Australia

## **University of Western Australia Act 1911**

**An Act to establish, incorporate, and endow the University of Western Australia.**

### **Preamble**

Whereas of the States of the Commonwealth Western Australia alone is unprovided with a University:

And whereas it is desirable that provision should be made for further instruction in those practical arts and liberal studies which are needed to advance the prosperity and welfare of the people:

And whereas it is desirable that special encouragement and assistance should be afforded those who may be hindered in the acquisition of sound knowledge and useful learning by lack of opportunity or means:

And whereas for these purposes it is expedient to incorporate and endow a University within the State of Western Australia,

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

## **Part 1 — Preliminary**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

### **1. Short title**

This Act may be cited as the *University of Western Australia Act 1911*<sup>1</sup>.

### **2. Terms used**

In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively —

**Convocation** — Convocation of the University;

**Guild** — The Guild of Undergraduates established under section 28;

**Senate** — The Senate of the University;

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

**student** — A person enrolled in the University as a student;

**University** — The University of Western Australia constituted under the authority of this Act.

*[Section 2 amended by No. 44 of 2002 s. 15.]*

## **Part 2 — Establishment of the University**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

### **3. The University of Western Australia**

There shall be from henceforth for ever in the State of Western Australia a University to be called “The University of Western Australia” with such faculties as the Statutes of the University may from time to time prescribe.

### **4. University to consist of Senate, Convocation, staff and students**

- (1) The University shall consist of a Senate, Convocation, staff and graduate and undergraduate students.
- (2) Despite subsection (1), until Convocation is constituted, the University shall consist of a Senate and the members for the time being.
- (3) On the appointment of the first members of the Senate the University shall be lawfully constituted for the purposes of this Act.

*[Section 4 amended by No. 75 of 2000 s. 5; No. 19 of 2010 s. 51.]*

### **5. Senate is governing authority**

The Senate shall be the governing authority of the University.

*[Section 5 inserted by No. 43 of 1944 s. 2.]*

### **6. University is a body corporate**

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 Western Australia or elsewhere, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

### **Part 3 — Visitor**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

#### **7. Governor is the Visitor**

- (1) The Governor shall be the Visitor of the University, and has authority, as and when he or she thinks fit, to do all things that pertain to the office of Visitor.
- (2) Despite section 60 of the *Interpretation Act 1984*, for the purposes of this section the Governor is authorised to act without the requirement of obtaining the advice and consent of the Executive Council.

*[Section 7 inserted by No. 75 of 2000 s. 6.]*

## **Part 4 — Senate, officers and Convocation**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

### **Division 1 — Senate**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

#### **8. Members**

- (1) The Senate shall consist of 21 members as follows —
- (a) 4 persons appointed by the Governor;
  - (b) 4 persons, who are not persons referred to in paragraph (c), elected by Convocation at the time and place and in the manner prescribed by Statute;
  - (c) 3 persons elected —
    - (i) by and from persons who hold an ongoing or fixed term appointment at the University as an academic staff member; and
    - (ii) at the time and place and in the manner prescribed by regulations;
  - (d) the Chancellor ex officio;
  - (e) one member of the Academic Board of the University, as established under Statute, elected by and from the Academic Board;
  - (f) the Vice-Chancellor of the University ex officio;
  - (g) 2 persons who are enrolled as students of the University, elected by students so enrolled at the time and place and in the manner prescribed by regulations;
  - (h) one member of the Postgraduate Students' Association, elected by the members of the Association;
  - (i) 3 persons selected and coopted as members of the Senate by the other members of the Senate;
  - (j) one person, elected by and from persons who hold an ongoing or fixed term appointment at the University

other than as an academic staff member, elected at the time and place and in the manner prescribed by regulations.

- (2) A person who is a principal of any secondary school, or similar educational institution, or is a teacher engaged in such an institution may be appointed or elected, and act, as a member of the Senate, but no more than 2 such persons may be members of the Senate at the same time.
- (3) The following persons are not eligible to be a member of the Senate under subsection (1)(c) —
  - (a) a person who holds an office which from time to time comprises part of the Executive of the University;
  - (b) the Chair of the Academic Board of the University.
- (4) Of the members of the Senate —
  - (a) at least 2 must have financial expertise (as demonstrated by relevant qualifications and by experience in financial management at a senior level in the public or private sector); and
  - (b) at least one must have commercial expertise (as demonstrated by relevant experience at a senior level in the public or private sector),

and the member mentioned in paragraph (b) may also be one of the members mentioned in paragraph (a).

- (5) The majority of members of the Senate must be persons who are not members of the staff or students of the University.

*[Section 8 inserted by No. 8 of 2005 s. 52.]*

## **9. Terms of members**

- (1) Subject to section 11, the term of office of a member of the Senate referred to in section 8(1)(a), (b), (c), (i) or (j) is 4 years from the date of the appointment or election of the member or the date the member is selected and coopted as a member.



- (2) Subject to section 11, the terms of office of the members of the Senate referred to in section 8(1)(g) are —
  - (a) one year from the date of the election of the member, in the case of one of the members; and
  - (b) 2 years from the date of the election of the member, in the case of the other member.
- (3) Subject to section 11, the term of office of a member of the Senate referred to in section 8(1)(h) is one year from the date of the election of the member.
- (4) A member of the Senate who has held office by election, appointment or selection and cooption for an initial term is eligible to hold office for a subsequent term or terms as long as any consecutive period of membership does not exceed 12 years.
- (5) The Senate may increase the period mentioned in subsection (4) in the case of a particular member if the Senate is of the view that there are exceptional circumstances in that member's case.

*[Section 9 inserted by No. 8 of 2005 s. 52.]*

**10. Duties of members (Sch. 1 Div. 1)**

Schedule 1 Division 1 has effect.

*[Section 10 inserted by No. 8 of 2005 s. 52.]*

*[10A, 10B. Deleted by No. 8 of 2005 s. 52.]*

*[10C. Deleted by No. 113 of 1970 s. 9.]*

**11. People disqualified from being Chancellor, Pro-Chancellor or Senate member**

No person who —

*[(a), (b) deleted]*

- (c) is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or

- (ca) is removed from office by the Senate under section 11A;  
or
- (cb) is, or becomes, disqualified from managing corporations under Part 2D.6 of the *Corporations Act 2001* of the Commonwealth; or
- (d) has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence passed upon him; or
- (e) is an insane person or patient within the meaning of the laws in force for the time being relating to lunacy; or
- (f) ceases to hold the qualification required to be held by him for appointment or election as a member of the Senate,

shall be capable of being or continuing as Chancellor, Pro-Chancellor or a member of the Senate.

*[Section 11 amended by No. 46 of 1969 s. 5; No. 113 of 1970 s. 10; No. 10 of 1998 s. 70; No. 75 of 2000 s. 9; No. 8 of 2005 s. 54; No. 18 of 2009 s. 86.]*

**11A. Removal of members for breach of certain duties and suspension pending removal**

- (1) The Senate may —
  - (a) remove from office a member of the Senate for breach of a duty mentioned in Schedule 1 clause 1(1), 2(1) or 3;
  - (b) suspend from office a member of the Senate who is alleged to have breached a duty mentioned in Schedule 1 clause 1(1), 2(1) or 3 until the motion for removal is put to the vote.
- (2) The removal or suspension from office may be effected only at a meeting of the Senate of which notice (including notice of the motion that the member concerned be removed or suspended from office for breach of duty) was duly given.

- (3) Despite section 25, the removal or suspension from office may be effected only if the motion for removal or suspension is supported by a majority comprising enough of the members for the time being of the Senate for their number to be at least  $\frac{2}{3}$  of the total number of offices (whether vacant or not) of member of the Senate.
- (4) The motion for removal or suspension must not be put to the vote of the meeting unless the member concerned has been given a reasonable opportunity to reply to the motion at the meeting, either orally or in writing.
- (5) If the member to whom the motion for removal or suspension refers does not attend the meeting, a reasonable opportunity to reply to the motion is to be taken to have been given if notice of the meeting has been duly given.
- (6) The Senate cannot remove or suspend from office a member of the Senate for breach of a duty mentioned in Schedule 1 clause 1(1), 2(1) or 3 except in accordance with this section.
- (7) A person must not vote on any question relating to the person's removal or suspension from office by the Senate for the breach of a duty mentioned in Schedule 1 clause 1(1), 2(1) or 3, or be present while the matter is being considered at a meeting.
- (8) This section applies only in relation to a breach of a duty mentioned in Schedule 1 clause 1(1), 2(1) or 3 that occurs after the *Universities Legislation Amendment Act 2005* comes into operation.
- (9) A person does not breach a duty mentioned in Schedule 1 clause 1(1)(a), (b) or (c) by doing or omitting to do anything in compliance with a direction given to the person in exercise of a power conferred by a written law.
- (10) Subsection (9) does not extend to the manner in which a thing is done or omitted if it is done or omitted in a manner that is contrary to Schedule 1 clause 1(1)(a), (b) or (c) and the direction did not require that it be done in that manner.

- (11) The suspension from office of a member of the Senate does not create a vacancy in that office.

*[Section 11A inserted by No. 8 of 2005 s. 55.]*

**Division 2 — Chancellor and Pro-Chancellor**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

**12. Chancellor**

- (1) On —
- (a) the expiration of the term of office of the Chancellor; or
  - (b) the position of the Chancellor becoming vacant,
- the Senate shall elect a person to be the Chancellor of the University.
- (2) A member of the Senate is not on that account incapable of being elected as Chancellor.
- (3) Subject to section 11, the Chancellor holds office for an initial term of up to 4 years, and from a day, that is determined by the Senate.
- (4) A person who has held office as Chancellor for an initial term is eligible to hold office for a subsequent term or terms as long as any consecutive period of membership does not exceed 12 years.
- (5) If a member of the Senate, other than an ex officio member, is elected to be the Chancellor, the office of member of the Senate to which that person was elected, appointed or selected and coopted becomes vacant and the vacancy shall be filled under section 22.
- (6) The election for the office of Chancellor shall be held and conducted in the manner prescribed by regulations.

*[Section 12 inserted by No. 75 of 2000 s. 10; amended by No. 8 of 2005 s. 56.]*

**12A. Pro-Chancellor**

- (1) On —
  - (a) the expiration of the term of office of the Pro-Chancellor; or
  - (b) the position of the Pro-Chancellor becoming vacant,the Senate shall elect one of its members to be the Pro-Chancellor of the University.
- (2) Subject to section 11, the Pro-Chancellor holds office for an initial term of up to 4 years, and from a day, that is determined by the Senate.
- (3) A person who has held office as Pro-Chancellor for an initial term is eligible to hold office for a subsequent term or terms as long as —
  - (a) any consecutive period of membership does not exceed 12 years; and
  - (b) the person continues to be a member of the Senate.
- (4) The election for the office of Pro-Chancellor shall be held and conducted in the manner prescribed by regulations.

*[Section 12A inserted by No. 75 of 2000 s. 10; amended by No. 8 of 2005 s. 57.]*

**Division 3 — Powers of Senate**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

**13. Appointment of officers and management of affairs**

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 control and management of the affairs and concerns 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.

**14. Control and management of property**

- (1) The Senate shall have the control and management of all real and personal property at any time vested in or acquired by the University; and may set out roads, streets, and open spaces, and erect and maintain buildings upon and otherwise improve any land or other property as in their absolute discretion they may think fit, and may apply any trust funds of the University to any such purposes.
- (2) The Senate may, subject to the provisions of section 15A relating to trust moneys, invest any moneys belonging to or vested in the University as trust funds may be invested under Part III of the *Trustees Act 1962*.

*[Section 14 amended by No. 75 of 2000 s. 11.]*

**14A. Sale of endowment land**

- (1) The University may, with the consent of the Governor, sell —
  - (a) any land granted or demised to or vested in the University under section 35;
  - (b) any land acquired from the proceeds of the sale of that land; or
  - (c) any land acquired under section 2 of the *University Endowment Act Amendment Act 1927*,

and transfer such land to a purchaser free and discharged from any trust.

- (2) The proceeds of a sale of any land referred to in subsection (1) are to be invested as trust funds may be invested under Part III of the *Trustees Act 1962*.

*[Section 14A inserted by No. 75 of 2000 s. 12.]*

**15. Leasing University lands**

The Senate, in the name and on behalf of the University, may grant leases of any lands vested in the University for any term

not exceeding 21 years, and, with the approval of the Governor, but not otherwise, may grant leases for any term not exceeding 99 years, and may, with the like approval, mortgage such lands.

*[Section 15 amended by No. 23 of 1917 s. 2.]*

**15A. Trust moneys not immediately required may be used to erect buildings etc.**

- (1) The Senate may, as and by way of investment, use and apply any trust moneys of the University not immediately required for the purposes of the trusts declared in relation thereto in and for the erection and maintenance upon lands granted to or held by the University by way of permanent endowment or otherwise belonging to the University of buildings to be used for the purpose of deriving income therefrom, but subject to section 14, not for any other purpose.
- (2) Where any trust moneys aforesaid are already invested in other forms of investments the Senate may sell and realize upon such other investments for the purpose of utilizing the proceeds of such sale and realization in the manner provided and authorised by subsection (1).
- (3A) When the Senate uses and applies any trust moneys under and for the purposes mentioned in subsection (1), the amount of the trust moneys so used and applied shall be deemed to be a loan to the University from the trust estate or trust fund from which such amount is taken bearing interest and repayable by the Senate by equal half-yearly instalments which shall include interest and be payable half-yearly.
- (3B) The rate of the said interest shall be such as the Governor shall approve.
- (3C) The number of equal half-yearly instalments by which the interest and the principal debt shall be repaid shall be such number as the Governor shall approve, but in any case shall not exceed 50.

- (3D) As and by way of security for the repayment of the said loan with interest as aforesaid the Senate shall issue in favour of and deliver to the Treasurer debentures which shall mature at half-yearly intervals, and each be for the amount of a half-yearly instalment. The Senate shall redeem such debentures as and when they mature respectively at the office of the Treasurer.
- (3E) As and when the Senate redeems any debenture, the Treasurer shall appropriate the amount paid to him by the Senate expressly for repayment thereof to the trust estate or trust fund from which the loan was made, and pay the same to the Senate subject to such appropriation.
- (4) Where buildings have been erected and are being maintained under the authority of this section for the purpose of deriving income therefrom, and as income is derived therefrom, the Senate may use and apply such income either in or towards the redemption of the debentures issued by the Senate and held by the Treasurer as provided for in subsection (3D) or for the general purposes of the University as the Senate may from time to time think fit.
- (5) Where trust moneys have been used and applied in the manner provided and authorised by subsection (1) and until the same have been fully restored in the manner provided and required by subsection (4) the amount of the trust moneys from time to time not so restored shall be a first charge upon the lands of the University upon which the buildings erected and maintained with such trust moneys are situated, and such charge shall run with such lands.

*[Section 15A inserted by No. 43 of 1944 s. 5; amended by No. 19 of 2010 s. 51.]*

**15B. Raising loans**

- (1) The provisions of this section are in addition to, and do not derogate from, those of section 15A.



- (2) Where the University proposes to raise a loan for any purpose and desires the Treasurer of the State to guarantee repayment of the amount of the proposed loan and payment of interest thereon, the Senate shall cause particulars of the proposed loan to be submitted to the Treasurer for presentation to the Governor.
- (3) If the Governor approves the particulars of the proposed loan and approves the guarantee by the Treasurer and causes the Senate to be advised of the approval, the Senate may proceed to negotiate the proposed loan, but shall not finalize the negotiations for, or execute any form of instrument of security required in respect of, the proposed loan, until the form has been submitted to and approved by the Treasurer.
- (4) If the Governor approves the particulars of the proposed loan and the Treasurer approves the form of instrument, or if more than one, instruments, of security, the Treasurer on behalf of the State shall guarantee repayment of the amount of the loan and payment of interest thereon in accordance with the provisions of that instrument or those instruments of security, which the Treasurer is hereby authorised to execute on behalf of the State.
- (5) The due payment of money payable by the Treasurer under a guarantee given by him under the authority of this section —
  - (a) is hereby guaranteed by the State; and
  - (b) shall be charged to the Consolidated Account.

*[Section 15B inserted by No. 25 of 1957 s. 2; amended by No. 98 of 1985 s. 3; No. 6 of 1993 s. 11; No. 49 of 1996 s. 64; No. 37 of 2006 s. 9; No. 77 of 2006 s. 4; No. 32 of 2014 s. 13.]*

**16. Disposal of property acquired by gift etc.**

The Senate, in the name and on behalf of the University, may dispose of any real or personal property acquired by gift, devise, or bequest as they may think fit, subject only to the express trusts of, any deed, will, or instrument under which such property is acquired.

**16A. By-laws regulating use etc. of University lands**

- (1) For the purposes of sections 16A to 16F, inclusive —

**authorised person** means the Vice-Chancellor or any member of the staff of the University authorised in writing by the Vice-Chancellor to exercise the powers conferred by by-laws made under this section;

**lands of the University** means the lands referred to in subsection (4) and includes all buildings, structures and erections of whatsoever kind or nature, and whether permanent or temporary, standing or being on any such lands;

**owner** in relation to a vehicle means a person who is the owner of that vehicle for the purposes of the *Road Traffic (Administration) Act 2008*.

- (2) The Senate, in the name and on behalf of the University, may, from time to time, with the approval of the Governor, make, alter, and repeal by-laws for the purpose of managing, preserving, and protecting the lands of the University, hereafter described, and for the purpose of regulating the terms and conditions on which such lands may be visited or used by any persons whomsoever, and the conduct of such persons when on or upon such lands, and in particular may by by-laws —
- (a) prohibit or regulate the admission to such lands of persons, vehicles, or animals;
  - (b) prescribe the times when and the purposes for which such lands may be used, and the times when and the purposes for which the same shall be open or closed, and prohibit the use thereof or access thereto at any other times, or for any other purpose;
  - (c) prescribe fees to be charged to the public for admission to such lands;
  - (d) provide for the issue to persons using such lands of tickets, and requiring the production of such tickets by such persons if and whenever required by any police constable or an authorised person;

- (e) regulate the conduct of persons using or being in or upon such lands;
  - (f) prohibit any nuisance, or any offensive, indecent, or improper act, conduct, or behaviour on such lands;
  - (g) prohibit the use of abusive or insulting language on such lands;
  - (h) prohibit damage or injury to or interference with such lands, or any tree, shrub, hedge, plant, or flower thereon, or any fixed or movable article thereon;
  - (i) prohibit the writing or printing of any indecent words, or the writing, printing, or drawing, or affixing of any indecent or obscene picture or representation on such lands, or on any fence, wall, tree, shrub, or hedge thereon;
  - (j) authorise any police constable or authorised person to remove from such lands any person guilty of a breach of a by-law and to prohibit the obstruction of any such police constable or authorised person;
  - (k) require any person using such lands to give his name and address, whenever required so to do by any police constable or authorised person;
  - (l) and generally provide for carrying out the purposes of this Act, or any Statute made by the governing authority of the said University.
- (3A) No by-law shall be contrary to the express provisions of this Act, or any amendment thereof, or of any Statute made by the governing body of the University.
- (3) By-laws may be made under this section —
- (a) for regulating, controlling and managing the parking and standing of vehicles on lands of the University and in particular —
    - (i) providing for the erection of notices, of such form and construction as the Vice-Chancellor

considers necessary, within, on or adjacent to the boundaries of any area of the lands of the University indicating that the area is set aside for the purpose of parking or standing of vehicles, the persons or classes of persons who may park or stand vehicles in the area and the period or periods of time during which vehicles may be parked or may stand in the area; or

- (ii) prohibiting any person or class of person from parking or standing any vehicle in any area of the lands of the University;

and

- (b) exempting any person or vehicle or class of person or class of vehicle from complying with any by-law made pursuant to this subsection prohibiting or restricting the parking or standing of vehicles generally or otherwise; and
- (c) prescribing penalties for the contravention of any by-law made pursuant to this subsection; and
- (d) providing —
  - (i) that where an allegation is made of a breach of a by-law and an element of the breach is the use, driving, parking, standing, or leaving of a vehicle and the identity of the driver or person in charge of the vehicle at the time of the breach cannot be immediately established a notice of the allegation may be addressed to the owner of the vehicle at his last known place of residence or business or may be served on the owner of the vehicle by leaving it in or upon, or attaching it to, the vehicle; and
  - (ii) that if —
    - (I) the prescribed penalty is not paid within the period specified in the notice; or

- (II) the owner of the vehicle does not, within the period specified for the payment of the penalty —
- (A) identify the person who was the driver or person in charge of the vehicle at the relevant time to an authorised person; or
  - (B) satisfy an authorised person that, at the relevant time the vehicle had been stolen or unlawfully taken or used,
- the owner is deemed to be the driver or person in charge of the vehicle at the time of the alleged breach;

and

- (e) prescribing the circumstances under which an authorised person may remove a vehicle or cause it to be removed from the lands of the University to any specified place, whether on those lands or not, prescribing his further powers in relation thereto, providing for the recovery of costs and expenses incurred by the University in moving and holding the vehicle, and authorising the University to hold the vehicle until all costs and expenses are paid; and
- (f) prescribing the method of notifying a person alleged to have committed an offence against any by-law made pursuant to this subsection of that alleged offence and how it shall be dealt with, and prohibiting the removal by any person other than the driver or owner of a vehicle in respect of which an offence against such a by-law is alleged to have been committed of any notice relating to the offence affixed to the vehicle or left in or on the vehicle by an authorised person; and

- (g) prescribing a modified penalty or modified penalties payable to the University by a person or one of a class of persons who does not contest an allegation that he committed any specified breach of the by-laws and providing that the due payment of a modified penalty is a defence to a charge in respect of which that modified penalty was paid.
- (4) For the purposes of the exercise of the powers conferred by this section, but subject to subsection (5), the lands of the University shall comprise the lands for the time being forming the University site at Crawley and such other lands vested in or under the management and control of the University for the purposes of this Act as are prescribed by by-law, and until otherwise declared, from time to time, by order of the Governor duly published in the *Gazette*, the lands forming the University site at Crawley shall be those parts of Swan Location 2885, 2886, 3086, 3087, and 3088 which are comprised in Certificates of Title volume 652, folio 42; and volume 902, folio 65; and volume 902, folio 66; and volume 902, folio 67; and volume 808, folio 135.
- (5) A by-law made under this section shall apply to the whole of the lands of the University or to such part thereof as may be specified in any such by-law.
- (6) By-laws made under this section —
  - (a) may be limited in their application to time, place or circumstance; and
  - (b) may provide that any act or thing shall be done subject to the approval or to the satisfaction of a specific person or class of person; and
  - (c) may confer a discretionary authority.
- (7) In any proceedings for any contravention of a by-law, including a proceeding for a disciplinary offence pursuant to subsection (9), in the absence of proof to the contrary the

allegation in the charge that any place was on the lands of the University shall be sufficient evidence of that fact.

- (8) No by-law made under this section takes away, restricts or otherwise affects any liability, civil or criminal, arising under any provision of any Act other than this Act or at common law.
- (9) An allegation of a breach of a by-law by a person who is enrolled as a student of the University may be either —
- (a) dealt with under the disciplinary Statutes, by-laws, and regulations of the University; or
  - (b) dealt with as a simple offence by a court of summary jurisdiction,

but shall not be dealt with both as a disciplinary matter by the University and as a simple offence.

*[Section 16A inserted by No. 17 of 1929 s. 2 (as amended by No. 113 of 1970 s. 14); amended by No. 62 of 1978 s. 2; No. 59 of 2004 s. 141; No. 84 of 2004 s. 80; No. 19 of 2010 s. 51; No. 8 of 2012 s. 197.]*

**16B. Approval and publication of by-laws**

Every by-law as aforesaid, and every alteration and repeal thereof, shall be submitted for the approval of the Governor; and, when so approved, be published in the *Gazette*, and thereupon take effect and have the force of law as from the date of such publication, or from a later date specified in such publication.

*[Section 16B inserted by No. 17 of 1929 s. 3 (as amended by No. 113 of 1970 s. 14).]*

**16C. Penalty etc.**

Any by-law may impose a penalty not exceeding \$100 for any breach or non-observance thereof, and proceedings for the recovery of such penalty may be taken by any police constable or authorised person in his own name; but all pecuniary

penalties shall be appropriated and paid to the Senate for the use of the University.

*[Section 16C inserted by No. 17 of 1929 s. 4 (as amended by No. 113 of 1965 s. 8 and No. 113 of 1970 s. 14); amended by No. 62 of 1978 s. 3; No. 78 of 1995 s. 128.]*

*[16D. Deleted by No. 59 of 2004 s. 141.]*

**16E. Regulations**

- (1) The Senate, in the name and on behalf of the University, may, from time to time, make, alter, and repeal regulations for the purpose of carrying out this Act, or any amendment thereof, or any Statute made by the governing body of the University, or for the purpose of securing and enforcing the management, good government, and discipline of the University; and every such regulation shall be binding upon all deans, professors, lecturers, examiners, and all other officers and servants of the University, and also on all students attending the University.
- (2) The provisions of section 36 of the *Interpretation Act 1918*<sup>2</sup>, do not apply to a regulation made by the Senate under subsection (1), and shall be deemed never so to have applied, and any such regulation shall take effect from the date of its promulgation in the University or from such later date as may be therein specified.

*[Section 16E inserted by No. 17 of 1929 s. 6 (as amended by No. 113 of 1970 s. 14); amended by No. 40 of 1975 s. 2.]*

**16EA. Relief of Senate members from liability**

If, in any civil proceeding against a person who is or was a member of the Senate for negligence, default, breach of trust or breach of duty in the person's capacity as a member of the Senate, it appears to the court that the person —

- (a) is, or may be, liable in respect of the negligence, default or breach; and
- (b) has acted honestly; and



- (c) ought fairly to be excused for the negligence, default or breach having regard to all the circumstances of the case, including those connected with the person's appointment,

the court may relieve the person either wholly or partly from liability on such terms as the court thinks fit.

*[Section 16EA inserted by No. 8 of 2005 s. 58.]*

**16F. Certain certificates of Chancellor etc. to be *prima facie* evidence**

A certificate signed by the Chancellor, Pro-Chancellor, Vice-Chancellor, or Registrar of the University (of whose signatures judicial notice shall be taken), that a person named therein is a dean, professor, lecturer, examiner, authorised person, or other officer or servant of the University, or is a student attending the University, shall be *prima facie* evidence of that fact.

*[Section 16F inserted by No. 17 of 1929 s. 7 (as amended by No. 113 of 1970 s. 14); amended by No. 62 of 1978 s. 4.]*

**Division 4 — Convocation**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

**17. Members**

- (1) Convocation shall consist of —
- (a) all members and past members of the Senate;
  - (b) all graduates of the University;
  - (c) such graduates, fellows, members, licentiates and associates of universities, colleges or institutions duly authorised to grant degrees, diplomas, licences or certificates as are admitted to be members of Convocation under a Statute;

- (d) such persons, being representatives of commercial, industrial, scientific, professional or educational associations, institutions, societies or other bodies as the Senate may, from time to time, admit to be members of Convocation upon such conditions, including contributions to be made by the association, society or body and the term of each respective member, as the Senate may determine, but any such association, society or body shall have only one member representing it at one time;
  - (e) such persons who have rendered services or made gifts to the University as the Senate may, from time to time, admit to be members of Convocation;
  - (f) the duly appointed representative of the Guild of Undergraduates.
- (2) The Senate shall cause to be kept a roll of the members of Convocation.
- (3) Notwithstanding any other provision of this Act, all elections required by this Act to be made by Convocation may be made —
- (a) by postal vote in the manner prescribed by statute; or
  - (b) in such other manner as is so prescribed,

and the members of Convocation eligible to vote at any such election are those who have maintained their names on a postal or other list in the manner so prescribed.

*[Section 17 inserted by No. 113 of 1970 s. 11.]*

**18. Warden**

- (1) Convocation shall in each year elect one of its members to be its Warden.
- (2) The election of the Warden shall be held and conducted at such time and at such place and in such manner as may be prescribed by Statute.

*[Section 18 inserted by No. 113 of 1970 s. 12.]*

### **Division 5 — Vacancies**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

#### **19. Resignation**

- (1) A member of the Senate may resign his office by writing under his hand addressed to the Chancellor.
- (2) The Chancellor or Pro-Chancellor may resign his office by writing under his hand, addressed to the Pro-Chancellor or Chancellor, as the case may be.
- (3) The Warden of Convocation may resign his office by writing under his hand, addressed to the Chancellor.
- (4) Every such resignation shall be complete, and shall take effect from the time when it is received at the office of the University.

#### **20. Senate office vacated on disqualification etc.**

The office of member of the Senate shall be vacated —

- (a) if he is or has become disqualified under the provisions of this Act; or
- (b) 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 6 months; or
- (c) upon death or resignation.

#### **21. Vacancy in office of Warden, how filled**

- (1) A vacancy which occurs in the office of Warden from any cause other than annual retirement shall be filled by election.
- (2) If a vacancy which occurs in the office of Warden is not filled within 3 months after it occurred, then it shall be filled by the Governor by the appointment of a qualified person to the office.

- (3) A person elected or appointed to fill a vacancy referred to in subsection (1) shall hold office for the unexpired part of the term of the office which became vacant.

*[Section 21 inserted by No. 75 of 2000 s. 13; amended by No. 8 of 2005 s. 59.]*

**22. Vacancies in Senate, how filled**

- (1) Any vacancy which occurs in the Senate from any cause whatsoever except termination of office by effluxion of time, shall be filled, in the case of a member appointed by the Governor, by the appointment by the Governor of another member, or, in the case of an elective member, by the election of another member by the persons authorised by this Act to elect such elective member, or, in the case of a selected and coopted member, by the selection and cooption of another such member by the Senate.
- (2) Upon the occurrence of a vacancy to which this section applies the person appointed or elected or selected and coopted as the case may be, to fill such vacancy shall be deemed to have been appointed or elected or selected and coopted at the same time as the person whom he succeeds in office.
- (3) Where a vacancy has occurred as aforesaid in the office of an elective or a selected and coopted member, and a person to fill such vacancy is not elected or is not selected and coopted, as the case may be within 3 months after the occurrence of the vacancy then such vacancy shall be filled by the appointment by the Governor of a member who shall be deemed by virtue of such appointment to have been elected or selected and coopted as the case may be, at the same time as the person whom he succeeds in office.

*[Section 22 inserted by No. 43 of 1944 s. 7 (as amended by No. 113 of 1970 s. 14).]*

**23. Reappointment**

Subject to section 9(4), 12(4) or 12A(3), nothing herein contained shall prevent any person from being immediately, or at any time, reappointed or re-elected to the office of Chancellor, Pro-Chancellor, Warden, or member of the Senate, if he is capable for the time being, under the provisions of this Act, of holding such office.

*[Section 23 amended by No. 75 of 2000 s. 14; No. 8 of 2005 s. 60.]*

**Division 6 — Proceedings**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

**24. Chairman**

- (1) At every meeting of the Senate the Chancellor, or in his absence, the Pro-Chancellor, shall, except as hereinafter provided, preside as chairman.
- (2) At every meeting of Convocation the Warden shall, except as hereinafter provided, preside as chairman.
- (3) In the absence of the Chancellor and Pro-Chancellor the members of the Senate present, and in the absence of the Warden the members of Convocation present, shall elect a chairman of the meeting.

**24A. Disclosure of interests (Sch. 1 Div. 2)**

Schedule 1 Division 2 has effect.

*[Section 24A inserted by No. 8 of 2005 s. 61.]*

**25. Quorum**

No business shall be transacted at any meeting of the Senate unless 8 members, or of Convocation unless 25 members, are present.

**26. Proceedings not invalidated in certain circumstances**

No proceedings of the Senate or Convocation, or of any committee thereof, or of any person acting as member or as Chancellor or Pro-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.

**Division 7 — Vice-Chancellor**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

**27. Vice-Chancellor, appointment and functions of**

- (1) At the first meeting of the Senate held after the passing of this Act or as soon thereafter as may be possible the Senate shall proceed to appoint a Vice-Chancellor, who shall, subject to the Statutes, hold office for a period not exceeding 10 years, but who shall be eligible for reappointment for such further period as the Senate may deem fit.
- (2) The Vice-Chancellor shall be the executive officer of the University, and shall possess such powers and perform such duties as may be prescribed by or under this Act.
- (3) Subject to the Statutes, regulations and by-laws of the University, the Vice-Chancellor may, by writing under his hand, delegate any function or any power or duty conferred or imposed upon him (except this power of delegation) to any member of the staff of the University or person or persons or committee of persons.

*[Section 27 amended by No. 43 of 1944 s. 8 (as amended by No. 113 of 1970 s. 14); No. 62 of 1978 s. 5.]*

## Part 5 — Guild of Undergraduates

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

### 28. Guild of Undergraduates

- (1) There shall be a Guild of Undergraduates.
- (2) Any student is eligible to be a member of the Guild.
- (2a) The University shall not act in a way that may dissuade or discourage a student, or person seeking enrolment as a student, from being or becoming a member of the Guild.

*[(2b) deleted]*

- (2c) No academic benefit, right or privilege shall be denied to or withheld from any student by reason of that student not being a member of the Guild.
- (3) The Guild shall be an organized association of students for the furthering of their common interests, and shall be the recognised means of communication between students and the governing authority of the University in accordance with such Statutes as the governing authority may prescribe.
- (4) The Guild of Undergraduates shall be a body corporate by that name with perpetual succession and a common seal; and shall by that name be capable in law of suing and being sued, and shall have such other powers and authorities and shall be subject to such obligations as shall have been or shall from time to time be prescribed by or under the Statutes for the time being in force.
- (5) Subject to subsection (6), a student becomes a member of the Guild upon enrolment, for the period of enrolment.
- (6) A student may —
  - (a) elect at the time of enrolment not to become a member of the Guild; and
  - (b) resign at any time as a member of the Guild.

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- (7) A student cannot hold an elective office of the Guild unless that student is a member of the Guild.

*[Section 28 amended by No. 40 of 1947 s. 2; No. 61 of 1977 s. 4; No. 51 of 1983 s. 4<sup>3</sup>; No. 91 of 1994 s. 17; No. 44 of 2002 s. 16.]*

**28A. Amenities and services fee**

- (1) An annual amenities and services fee shall be set at an amount approved by the Senate after receiving a report from, and a recommendation by, the Guild.
- (2) The Senate may determine that a different level of the amenities and services fee is payable by a specified class of students.
- (3) The amenities and services fee is payable to the Senate by each student, except a student exempted from doing so, or made ineligible to do so, by Statute.
- (4) The Senate shall pay to the Guild a percentage of the amenities and services fees collected that is not less than the percentage of students that are members of the Guild.
- (5) Despite subsection (4), and regardless of the number of students who are members of the Guild, the percentage of the amenities and services fees paid to the Guild must exceed 50% of those fees.
- (6) The part of the amenities and services fees not paid to the Guild is to be spent on student amenities and services in a manner determined by the Senate after consultation with the Guild.

*[Section 28A inserted by No. 44 of 2002 s. 17.]*

**28B. Senate to include detail in Statute**

- (1) The Senate shall specify, by Statute, the broad categories of amenities and services to which the Guild may apply the fees paid to it.



- (2) The Senate shall prescribe, by Statute, the processes for determining the broad categories of amenities and services to which the Guild may apply the fees.
- (3) The Senate shall prescribe, by Statute, the measures by which the Guild is to account for the fees received, and those measures shall include —
  - (a) a requirement that the annual financial statements of the Guild are to be audited by an independent external auditor whose appointment requires Senate approval; and
  - (b) a requirement for the Guild to provide a copy of each audited balance sheet, and an annual statement of the Guild's income and expenditure, to the Senate.

*[Section 28B inserted by No. 44 of 2002 s. 17.]*

## **Part 6 — Instruction, degrees, examination**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

### **29. Instruction, degrees etc.**

- (1) 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 in which degrees, diplomas, and certificates are granted in the United Kingdom, and may also confer honorary degrees or other distinctions on approved persons.
- (2) All degrees and other distinctions shall be conferred and held subject to any provisions which may be made in reference thereto by the Statutes.

*[Section 29 amended by No. 19 of 2010 s. 51.]*

### **30. Examinations**

- (1) 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.
- (2) 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 or any scholarship, or other reward of merit, or of being admitted to any profession, calling, or office, the Governor 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.

## Part 7 — Statutes

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

### 31. Power to make Statutes

- (1) The governing authority may from time to time make, alter, and repeal Statutes with respect to all or any of the following matters, that is to say —
  - (a) The management, good government, and discipline of the University; and
  - (b) The use and custody of the common seal; and
  - (c) The admission as members of Convocation of any fellows, members, licentiates, or associates of colleges or institutions duly authorised to grant degrees, diplomas, licenses, or certificates; and
  - (d) The election of the elective members of the Senate and of the Warden and any other officers of Convocation and of any committees thereof; and
  - (e) The manner and time of convening, holding and adjourning the meetings of the Senate and Convocation; the method of 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 Convocation, and the quorum, powers, and duties of such committees; and
  - (f) The tenure of office, stipend, and powers and duties of the Vice-Chancellor; and
  - (g) The number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners, and other officers and servants of the University; and
  - (h) The matriculation of students; and
  - (i) The times, places, and manner of holding lectures, classes, and examinations, and the number and character of such lectures, classes, and examinations; and

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- (j) The promotion and extension of University teaching; and
- (k) The granting of degrees, diplomas, certificates, and honours; and
- (l) The conditions upon which degrees, diplomas, certificates, and honours may be granted to non-resident students; and
- (m) The granting of fellowships, scholarships, exhibitions, bursaries, and prizes; and
- (n) 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; and
- (o) The admission to any degree of any woman who has in any university passed such examinations as persons admitted to a corresponding degree in such university would be required to pass, if such university does not, or at the time of passing the examinations did not, grant degrees to women; and
- (p) The fees, if any, to be paid for examinations, for the granting of degrees, diplomas, and certificates, and for attendance at the lectures and classes of the University; and
- (q) The establishment, management, and control of libraries and museums in connection with the University; and
- (r) The licensing and supervision of boarding-houses intended for the reception of students, and the suspension or revocation of such licences; and
- (s) The affiliation to or connection with the University of any college, whether incorporated or not, or any educational establishment wheresoever situated, to which the governing body of such college or educational establishment may consent, and the fees payable thereon; and

- (t) Providing for a scheme of superannuation for the salaried teachers and officers upon retirement; and
  - (u) The control and investment of the property of the University; and
  - (v) Classes of membership and conditions or qualifications for membership of the Guild; and
  - (va) The powers, authorities and obligations of the Guild of Undergraduates, the use and custody of the common seal of the Guild and any other matters necessary or convenient for the effective functioning of that body; and
  - (w) Academical costume; and
  - (x) Generally all other matters not inconsistent with the provisions of this Act.
- (2) The draft of every proposed Statute as passed by the Senate shall be submitted to Convocation for its consideration, and if Convocation does not within 3 months thereafter return the same or returns the same without any request for any amendment thereof such Statute shall be deemed to be approved by Convocation.
- (3) Within the time aforesaid Convocation may consider any such proposed Statute and may —
- (a) draft any amendments of the provisions thereof or any additional provisions for inclusion therein as it may think desirable, and may return the draft of the proposed Statute together with the draft of any amendments or additional provisions proposed by Convocation with a request that the Senate consider the same; or
  - (b) return the draft of the proposed Statute with a notification that Convocation approves of the same as submitted.
- (4A) When Convocation returns to the Senate the draft of a proposed Statute with a notification that Convocation approves of the

same as submitted, or with a request that the Senate consider the amendments or additional provisions proposed by Convocation and the Senate agrees to all such amendments or additional provisions the Senate may forthwith make the Statute.

- (4B) When Convocation returns to the Senate the draft of a proposed Statute with a request that the Senate consider the amendments or additional provisions proposed by Convocation and the Senate after considering the same does not agree to such amendments or additional provisions or to some of them the Senate shall forthwith notify the Warden of Convocation of its decision and its reasons therefor, and shall ask for a conference between the Senate and Convocation to discuss the said amendments or additional provisions and if possible to come to an agreement in respect of same. Failing any such agreement the Senate may forthwith make the Statute as proposed by the Senate. In its next annual report required to be submitted under Part 5 of the *Financial Management Act 2006*, the accountable authority of the University shall include the nature of the amendments or additional provisions proposed by Convocation in relation to the said Statute and the reasons of the Senate for not agreeing thereto.

- (5) Convocation shall have no power to originate any Statute.

*[Section 31 amended by No. 43 of 1944 s. 9; No. 40 of 1947 s. 3; No. 113 of 1970 s. 13; No. 61 of 1977 s. 5; No. 51 of 1983 s. 5; No. 57 of 1997 s. 124; No. 77 of 2006 Sch. 1 cl. 172(1); No. 19 of 2010 s. 51.]*

*[32. Deleted by No. 43 of 1944 s. 10.]*

### **33. Statutes to be approved by Governor and published**

- (1) Every Statute when made by the Senate shall be sealed with the common seal, and shall be transmitted by the Chancellor for the approval of the Governor, and upon being so approved shall be published in the *Government Gazette*, and shall thereupon have the force of law.

- (2) Copies of every such Statute shall be laid before Parliament forthwith, if then sitting, and if not then sitting, within 14 days after the commencement of the next ensuing session.

If either House of Parliament within the next subsequent 30 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 *Government Gazette*, containing a copy of the same, shall, in all proceedings, be sufficient evidence of the Statute.

*[Section 33 amended by No. 43 of 1944 s. 11.]*

*[Heading deleted by No. 19 of 2010 s. 48(2).]*

#### **34. Affiliated institutions**

- (1) It shall be lawful for the governing authority of the University to make Statutes upon such terms, conditions, and payment of fees as the said governing authority may deem fit for the affiliation to or connection with the said University of any college or educational establishment to which the governing body of such college or educational establishment may consent, and for the licensing and supervision of boarding-houses intended for the reception of students and the revocation of such licences.
- (2) No Statutes shall affect the religious observances or regulations enforced in such colleges or educational establishments or boarding-houses.

*[Section 34 amended by No. 19 of 2010 s. 51.]*

## **Part 8 — Endowment and revenue**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

### **35. Endowment of Crown lands etc.**

- (1) By way of permanent endowment, the Governor may grant or demise to the University such lands of the Crown as he may think fit.
- (2) All real and personal property whatsoever vested in “The Trustees of the University Endowment” shall, on the appointment of the Senate, by force of this Act, and without any conveyance, transfer, or assignment, vest in and become the property of the University.

### **36. Exemption of property from taxation**

No tax or rate shall be charged or levied upon any property vested in the University; but the benefit of such exemption shall not extend to any other person who may become the owner of any estate or interest in such property, whether as purchaser, lessee, or otherwise; and notwithstanding such exemption, such property shall be rateable while the same is leased or occupied for any private purpose.

### **37. Parliament may make appropriation to University**

There shall be paid to the Senate for the purpose of defraying the charges and expenses connected with the establishment, management and control of the University such amounts as may be appropriated by Parliament from time to time for the purposes aforesaid.

*[Section 37 inserted by No. 43 of 1944 s. 12; amended by No. 3 of 1955 s. 2; No. 113 of 1965 s. 8; No. 58 of 1973 s. 3; No. 19 of 2010 s. 51.]*



**38. Application of fees etc.**

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

## **Part 9 — General provisions**

*[Heading inserted by No. 19 of 2010 s. 48(3).]*

### **39. No religious test**

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.

### **40. Privileges of Act to extend to women**

The provisions of this Act, and all the benefits, advantages, and privileges of the University, shall extend to women equally with men but the University is not prohibited by this section from acquiring any property by way of gift, devise or bequest and carrying out the objects or trusts thereof, by reason only of the fact that the gift, devise or bequest confers or is intended to confer benefits, advantages or privileges on women only or on men only.

*[Section 40 amended by No. 4 of 1964 s. 2.]*

### **41. Application of *Financial Management Act 2006* and *Auditor General Act 2006***

- (1) Subject to subsection (3), the provisions of the *Financial Management Act 2006* and the *Auditor General Act 2006* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the University and its operations.
- (2) Notwithstanding the provisions of the *Financial Management Act 2006*, the financial year of the University shall end on 31 December.
- (3) Notwithstanding the provisions of the *Financial Management Act 2006* —
  - (a) sections 13, 14 and 40 do not have effect in relation to the University; and

- (b) section 78(1) of that Act has effect in relation to the University as if it had been enacted in the following form —

“

- (1) The Treasurer may issue, amend or revoke instructions concerning —
- (a) the annual report required to be prepared under Part 5; and
  - (b) the establishment and keeping of the accounts of statutory authorities, including the accounts of subsidiary bodies and related bodies; and
  - (c) the form and content of financial statements and reports on the operations of statutory authorities and their subsidiary bodies and related bodies, including information to be disclosed in respect of affiliated bodies; and
  - (d) the preparation of key performance indicators of statutory authorities and their subsidiary bodies and related bodies.

”.

*[Section 41 inserted by No. 98 of 1985 s. 3; amended by No. 92 of 1990 s. 39(4); No. 77 of 2006 Sch. 1 cl. 172(2)-(4).]*

**42. Discharge of Trustees of University Endowment**

On the appointment of the Senate the corporation of the “Trustees of the University Endowment” shall be dissolved, and the trustees incorporated under that name discharged from the trusts imposed upon them by the *University Endowment Act 1904*<sup>4</sup>, except as regards any obligation to account or report in respect of the past administration of such trusts.

## **Schedule 1 — Senate members**

[s. 10, 11A, 24A]

*[Heading inserted by No. 8 of 2005 s. 62.]*

### **Division 1 — Duties**

*[Heading inserted by No. 8 of 2005 s. 62.]*

#### **1. Duties**

- (1) Each member of the Senate —
  - (a) must at all times act honestly in the performance of the functions of a member of the Senate, whether within or outside the State;
  - (b) must at all times exercise the degree of care and diligence in the performance of the functions of a member of the Senate, whether within or outside the State, that a reasonable person in that position would reasonably be expected to exercise in the Senate's circumstances;
  - (c) must at all times act in the best interests of the University and give precedence to the interests of the University over the interests of any person appointing or electing a member of the Senate;
  - (d) must not, whether within or outside the State, make improper use of information acquired by virtue of the position of member of the Senate to gain, directly or indirectly, an advantage for any person or to cause detriment to the University;
  - (e) must not, whether within or outside the State, make improper use of the position of member of the Senate to gain, directly or indirectly, an advantage for any person or to cause detriment to the University.
- (2) Nothing in subclause (1) or section 11A or 24A affects —
  - (a) any other duty a member of the Senate may have under any other law; or

- (b) the operation of any other law in relation to such a duty.

*[Clause 1 inserted by No. 8 of 2005 s. 62.]*

## **Division 2 — Disclosure of interests**

### **2. Disclosure of interests**

- (1) A member of the Senate who has a material personal interest in a matter being considered or about to be considered by the Senate must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature and extent of the interest at a meeting of the Senate.
- (2) A disclosure under subclause (1) is to be recorded in the minutes of the meeting.

*[Clause 2 inserted by No. 8 of 2005 s. 62.]*

### **3. Voting by interested members**

A member of the Senate who has a material personal interest in a matter that is being considered by the Senate —

- (a) must not vote whether at a meeting or otherwise —
- (i) on the matter; or
  - (ii) on a proposed resolution under clause 4 in respect of the matter, whether relating to that member or a different member;

and

- (b) must not be present while —
- (i) the matter; or
  - (ii) a proposed resolution of the kind referred to in paragraph (a)(ii),

is being considered at a meeting.

*[Clause 3 inserted by No. 8 of 2005 s. 62.]*

**4. Clause 3 may be declared inapplicable**

Clause 3 does not apply if the Senate has at any time passed a resolution that —

- (a) specifies the member, the interest and the matter; and
- (b) states that the members voting for the resolution are satisfied that the interest should not disqualify the member from considering or voting on the matter.

*[Clause 4 inserted by No. 8 of 2005 s. 62.]*

**5. Quorum where cl. 3 applies**

Despite section 25, if a member is disqualified under clause 3 in relation to a matter, a quorum is present during the consideration of the matter if at least 7 members of the Senate are present who are entitled to vote on any motion that may be moved at the meeting in relation to the matter.

*[Clause 5 inserted by No. 8 of 2005 s. 62.]*

**6. Minister may declare cl. 3 and 5 inapplicable**

- (1) The Minister may, on the application of a member of the Senate, by writing declare that clause 3 or 5 or both of them do not apply in relation to a specified matter either generally or in voting on particular resolutions.
- (2) The Minister must cause a copy of a declaration made under subclause (1) to be laid before each House of Parliament within 14 sitting days of that House after the declaration is made.

*[Clause 6 inserted by No. 8 of 2005 s. 62.]*



## Notes

- <sup>1</sup> This is a compilation of the *University of Western Australia Act 1911* and includes the amendments made by the other written laws referred to in the following table [1a](#). The table also contains information about any reprint.

### Compilation table

Short title	Number and year	Assent	Commencement
<i>University of Western Australia Act 1911</i>	37 of 1911 (1 Geo. V No. 48)	16 Feb 1911	16 Feb 1911
<i>University Act Amendment Act 1917</i>	23 of 1917 (8 Geo. V No. 4)	7 Aug 1917	7 Aug 1917
<i>University of Western Australia Act Amendment Act 1929</i>	17 of 1929 (20 Geo. V No. 15) (as amended by No. 113 of 1970 s. 14)	22 Nov 1929	22 Nov 1929
<i>University of Western Australia Act Amendment Act 1944</i>	43 of 1944 (8 and 9 Geo. VI No. 43) (as amended by No. 113 of 1970 s. 14)	12 Jan 1945	Act other than s. 4(1), 7(1) and 8(1): 12 Jan 1945; s. 4(1), 7(1) and 8(1): 14 Mar 1945 (see s. 4(2)(i), 7(2) and 8(2) and <i>Gazette</i> 9 Feb 1945 p. 169)
<i>University of Western Australia Act Amendment Act 1947</i>	40 of 1947 (11 and 12 Geo. VI No. 40)	11 Dec 1947	11 Dec 1947
<i>University of Western Australia Act Amendment Act 1955</i>	3 of 1955 (4 Eliz. II No. 3)	13 Oct 1955	13 Oct 1955
<i>University of Western Australia Act Amendment Act 1957</i>	25 of 1957 (6 Eliz. II No. 25)	26 Oct 1957	26 Oct 1957
<i>University of Western Australia Act Amendment Act 1964</i>	4 of 1964 (13 Eliz. II No. 4)	2 Oct 1964	2 Oct 1964

<b>Short title</b>	<b>Number and year</b>	<b>Assent</b>	<b>Commencement</b>
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
<i>University of Western Australia Act Amendment Act 1969</i>	46 of 1969	21 May 1969	27 Jun 1969 (see s. 2 and <i>Gazette</i> 27 Jun 1969 p. 1876)
<i>University of Western Australia Act Amendment Act 1970</i>	113 of 1970	10 Dec 1970	1 Jan 1971 (see s. 2 and <i>Gazette</i> 15 Jan 1971 p. 98)
<b>Reprint of the <i>University of Western Australia Act 1911</i> approved 21 Jun 1971</b> (includes amendments listed above)			
<i>University of Western Australia Act Amendment Act 1973</i>	58 of 1973	19 Nov 1973	1 Jan 1974 (see s. 2)
<i>University of Western Australia Act Amendment Act 1975</i>	40 of 1975	11 Sep 1975	11 Sep 1975
<i>University of Western Australia Act Amendment Act 1976</i>	37 of 1976	9 Jun 1976	9 Jun 1976
<i>Acts Amendment (Student Guilds and Associations) Act 1977 Pt. I</i>	61 of 1977	23 Nov 1977	1 Jan 1978 (see s. 2)
<i>University of Western Australia Act Amendment Act 1978</i>	62 of 1978	21 Sep 1978	21 Sep 1978
<i>Acts Amendment (Student Guilds and Associations) Act 1983 Pt. II<sup>3</sup></i>	51 of 1983	5 Dec 1983	5 Dec 1983
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Education) Act 1988 Pt. 13</i>	7 of 1988	30 Jun 1988	8 Jul 1988 (see s. 2 and <i>Gazette</i> 8 Jul 1988 p. 2371)
<i>Financial Administration and Audit Amendment Act 1990 s. 39(4)</i>	92 of 1990	20 Dec 1990	8 Mar 1991 (see s. 2 and <i>Gazette</i> 8 Mar 1991 p. 1029)



Short title	Number and year	Assent	Commencement
<b>Reprint of the University of Western Australia Act 1911 as at 31 Mar 1993</b> (includes amendments listed above) (correction in <i>Gazette</i> 4 May 1993 p. 2297)			
<i>Financial Administration Legislation Amendment Act 1993</i> s. 11	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Voluntary Membership of Student Guilds and Associations Act 1994</i> Pt. 7 <sup>5</sup>	91 of 1994	5 Jan 1995	5 Jan 1995 (see s. 2)
<i>Sentencing (Consequential Provisions) Act 1995</i> Pt. 78	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Education Amendment Act 1996</i> s. 16(12)	22 of 1996	11 Jul 1996	11 Jul 1996 (see s. 2(1))
<i>Financial Legislation Amendment Act 1996</i> s. 64	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act 1997</i> s. 124	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998</i> s. 70	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
<i>School Education Act 1999</i> s. 247	36 of 1999	2 Nov 1999	1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904)
<b>Reprint of the University of Western Australia Act 1911 as at 11 Feb 2000</b> (includes amendments listed above except those in the <i>School Education Act 1999</i> )			
<i>Universities Legislation Amendment Act 2000</i> Pt. 3 <sup>6</sup>	75 of 2000	7 Dec 2000	13 Jan 2001 (see s. 2 and <i>Gazette</i> 12 Jan 2001 p. 245)
<i>Acts Amendment (Student Guilds and Associations) Act 2002</i> Pt. 6	44 of 2002	3 Jan 2003	25 Jan 2003 (see s. 2 and <i>Gazette</i> 24 Jan 2003 p. 141)
<i>Courts Legislation Amendment and Repeal Act 2004</i> s. 141	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))

Short title	Number and year	Assent	Commencement
<i>Universities Legislation Amendment Act 2005</i> Pt. 6 <sup>7</sup>	8 of 2005	7 Jul 2005	13 Aug 2005 (see s. 2 and <i>Gazette</i> 12 Aug 2005 p. 3651)
<b>Reprint 4: The University of Western Australia Act 1911 as at 18 Nov 2005</b> (includes amendments listed above)			
<i>Statute Law Revision Act 2006</i> s. 9	37 of 2006	4 Jul 2006	4 Jul 2006 (see s. 2)
<i>Financial Legislation Amendment and Repeal Act 2006</i> s. 4 and Sch. 1 cl. 172	77 of 2006	21 Dec 2006	1 Feb 2007 (see s. 2(1) and <i>Gazette</i> 19 Jan 2007 p. 137)
<i>Acts Amendment (Bankruptcy) Act 2009</i> s. 86	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
<i>Standardisation of Formatting Act 2010</i> s. 48 and 51	19 of 2010	28 Jun 2010	11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)
<b>Reprint 5: The University of Western Australia Act 1911 as at 10 Dec 2010</b> (includes amendments listed above)			
<i>Road Traffic Legislation Amendment Act 2012</i> Pt. 4 Div. 52	8 of 2012	21 May 2012	27 Apr 2015 (see s. 2(d) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Statutes (Repeals) Act 2014</i> s. 13	32 of 2014	3 Dec 2014	4 Dec 2014 (see s. 2(b))

<sup>1a</sup> [On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.](#)

### Provisions that have not come into operation

<u>Short title</u>	<u>Number and year</u>	<u>Assent</u>	<u>Commencement</u>
<a href="#"><i>Universities Legislation Amendment Act 2016</i> Pt. 6<sup>8</sup></a>	<a href="#">32 of 2016</a>	<a href="#">19 Oct 2016</a>	<a href="#">Pt. 6 (other than s. 139): 2 Jan 2017 (see s. 2(b) and <i>Gazette</i> 9 Dec 2016 p. 5557); s. 139: 1 Oct 2017 (see s. 2(b) and <i>Gazette</i> 9 Dec 2016 p. 5557)</a>

<sup>2</sup> Repealed by *Interpretation Act 1984* s. 77(1).

<sup>3</sup> The *Acts Amendment (Student Guilds and Associations) Act 1983* s. 7 reads as follows:

**7. Transitional — ineligibility for membership of the Guild**

- (1) Notwithstanding section 28(2) of the principal Act as substituted by section 4(a) of this Act, the following persons and classes of persons shall not be eligible for any form of membership of the Guild, that is to say —
  - (a) students who are members of the full-time academic staff of the University;
  - (b) persons who are not students; and
  - (c) such persons and classes of persons as the Senate declares by resolution made after report and recommendation by the Guild to be ineligible for membership of the Guild.
- (2) The Governor may by proclamation provide that this section shall cease to be in operation on a day fixed by the proclamation.

<sup>4</sup> Repealed by the *Universities Legislation Amendment Act 2000*.

<sup>5</sup> The *Voluntary Membership of Student Guilds and Associations Act 1994* s. 2 is a transitional provision that is of no further effect.

<sup>6</sup> The *Universities Legislation Amendment Act 2000* s. 15 is a transitional provision that is of no further effect.

<sup>7</sup> The *Universities Legislation Amendment Act 2005* s. 53 reads as follows:

**53. Transitional provisions**

- (1) In this section —

*commencement day* means the day on which the *Universities Legislation Amendment Act 2005* comes into operation;

*new section 8(1)* means the *University of Western Australia Act 1911* section 8(1) as that provision is in effect on commencement day;

*repealed section 10* means the *University of Western Australia Act 1911* section 10 as that provision was in effect immediately before commencement day;

*Senate* means the University of Western Australia Senate.
- (2) The persons who, immediately before commencement day, were members of the Senate under repealed section 10(a) continue in

- office as members of the Senate under new section 8(1)(a) on and from commencement day.
- (3) The persons who, immediately before commencement day, were members of the Senate under repealed section 10(b) or (e) continue in office as members of the Senate under new section 8(1)(b) on and from commencement day.
  - (4) The persons who, immediately before commencement day, were members of the Senate under repealed section 10(c) continue in office as members of the Senate under new section 8(1)(c) on and from commencement day.
  - (5) The persons who, immediately before commencement day, were members of the Senate under repealed section 10(d), (f), (g), (j) and (l) respectively continue in office as members of the Senate under new section 8(1)(d), (e), (f), (h) and (j) respectively on and from commencement day.
  - (6) The persons who, immediately before commencement day, were members of the Senate under repealed section 10(h) and (i) respectively continue in office as members of the Senate under new section 8(1)(g) on and from commencement day.
  - (7) The persons who, immediately before commencement day, were members of the Senate under repealed section 10(k) continue in office as members of the Senate under new section 8(1)(i) on and from commencement day.
  - (8) A person who, under this section, continues in office as a member of the Senate on and from commencement day, continues in office for the balance of the term of office that applied to the person immediately before commencement day.

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<sup>8</sup> [On the date as at which this compilation was prepared, the \*Universities Legislation Amendment Act 2016\* Pt. 6 had not come into operation. It reads as follows:](#)

**Part 6 — University of Western Australia  
Act 1911 amended**

**131. Act amended**

[This Part amends the \*University of Western Australia Act 1911\*.](#)

**132. Section 2 replaced**

Delete section 2 and insert:

**2. Terms used**

In this Act —

*casual vacancy* means a vacancy arising in the office of a member of the Senate otherwise than by reason of the effluxion of time;

*Convocation* means Convocation of the University;

*regulations* means regulations made by the Senate under section 16E;

*residential accommodation* —

(a) means any form of accommodation (including, without limitation, a residential college, hostel, hall of residence or form of independent living); and

(b) includes facilities that are —

(i) ancillary to residential accommodation; and

(ii) primarily for the use of staff of the University, or students, or both;

*Senate* means the Senate of the University;

*Statutes* means Statutes of the University made under this Act;

*student* means a person enrolled in the University as a student;

*Student Guild* means the Student Guild referred to in section 28(1);

*University* means the University of Western Australia;

*University lands* —

(a) means the land being Reserve 17331 leased to the University under Crown Lease 195321 and any other land vested in, held by, leased to or under the care, control and management of the University for the purposes of this Act; and

(b) includes all buildings, structures and erections of any kind (whether permanent or temporary) on that land.

**133. Section 4 replaced**

Delete section 4 and insert:

**4. University to consist of Senate, Convocation, staff and students**

The University consists of a Senate, Convocation, staff and students.

**134. Section 7 amended**

Delete section 7(1) and insert:

- (1) The Governor is the Visitor of the University, and has the functions that Visitors usually have.

**135. Section 8 amended**

(1) Delete section 8(1) and (2) and insert:

(1) The Senate consists of the following members —

(a) 3 persons appointed by the Governor on the recommendation of the Minister;

(b) one person who is a member of the non-academic salaried staff of the University, and who is elected by the non-academic salaried staff of the University in the manner prescribed by regulations;

(c) one person who is a member of the academic staff of the University and who is elected by the academic staff of the University in the manner prescribed by regulations;

(d) the Chancellor ex officio;

(e) the Chair of the Academic Board of the University, as established under Statute;

(f) the Vice-Chancellor of the University ex officio;

(g) 2 persons who are students and are elected by the students in the manner prescribed by regulations;

(h) 2 persons who are members of Convocation and who are elected by Convocation in the manner prescribed by Statute;

(i) not more than 5 persons coopted as members of the Senate by the Senate.

(2) The fact that a person holds an elective office (for example, an elective office of the Student Guild) does not disqualify that person from being appointed or holding office under subsection (1).

- (2) After section 8(3) insert:
- (3A) A person who is a member of the staff of the University is not eligible to be a member of the Senate under subsection (1)(h).
- (3) Delete section 8(5) and insert:
- (5) At least 4 members of the Senate must be graduates of the University.

**136. Section 9 replaced**

Delete section 9 and insert:

**9A. Nominations Committee**

- (1) The Senate must establish and maintain a committee of the Senate called the Nominations Committee.
- (2) The Nominations Committee is to consist of not more than 6 members of the Senate appointed by the Senate.
- (3) The following members are not eligible to be appointed to the Nominations Committee —
  - (a) the Vice-Chancellor;
  - (b) the member referred to in section 8(1)(b);
  - (c) the member referred to in section 8(1)(c);
  - (d) the members referred to in section 8(1)(g);
  - (e) the members referred to in section 8(1)(h);
  - (f) the Chair of the Academic Board of the University.
- (4) The functions of the Nominations Committee are —
  - (a) to maintain lists of persons who are eligible and willing to be appointed to any vacancy or casual vacancy in the office of any member of the Senate who is appointed by the Governor or the Senate;
  - (b) to recommend to the Minister suitable candidates for appointment to a vacancy or casual vacancy in the office of any member of the Senate who is appointed under section 8(1)(a);
  - (c) to recommend to the Senate suitable candidates for appointment by cooption under section 8(1)(i).

- (5) The fact that the Nominations Committee or the Senate has not recommended a person for appointment under section 8(1) does not prevent the person from being appointed or holding office under section 8(1).
- (6) The Nominations Committee may regulate its own procedure, but it must comply with any direction given by the Senate.
- 9. Terms of members**
- (1) Subject to section 11, the term of office of a member of the Senate referred to in section 8(1)(a) or (i) is 3 years from the date of the appointment of the member or the date the member is coopted as a member.
- (2) Subject to section 11, the term of office of a member of the Senate referred to in section 8(1)(b), (c) or (h) is 3 years from the date their election takes effect.
- (3) Subject to section 11, the term of office of a member of the Senate referred to in section 8(1)(g) is one year from the date their election takes effect.
- (4) A member of the Senate, other than a member referred to in section 8(1)(g), is not eligible to be reappointed or re-elected on the expiry of a third successive term of office until 12 months have elapsed after that expiry.
- (5) A member of the Senate referred to in section 8(1)(g) is not eligible for re-election more than once.
- (6) The Senate may, in the case of a particular member of the Senate, increase the number of successive terms that member may have under subsection (4) if the Senate is of the view that there are exceptional circumstances in that member's case.

**137. Section 11 replaced**

Delete section 11 and insert:

**11. People disqualified from being Chancellor, Pro-Chancellor or Senate member**

A person must not be appointed or continue to hold office as Chancellor, Pro-Chancellor or a member of the Senate if the person —

- (a) is, according to the *Interpretation Act 1984* section 13D, a bankrupt or a person whose affairs are under insolvency laws; or



- (b) is removed from office by the Senate under section 11A;  
or
- (c) is, or becomes, disqualified from managing corporations  
under the *Corporations Act 2001* (Commonwealth)  
Part 2D.6; or
- (d) has been convicted of an offence and sentenced to a term  
of imprisonment, unless the person has been pardoned or  
has completed the term of imprisonment; or
- (e) ceases to hold the qualification required to be held by the  
person for appointment as a member of the Senate; or
- (f) is a person in respect of whom an administration order is  
in force under the *Guardianship and Administration  
Act 1990* Part 6.

**138. Section 11A amended**

In section 11A(3) delete “2/3” and insert:

two-thirds

**139. Section 11B inserted**

After section 11A insert:

**11B. Remuneration and allowances for Senate members**

- (1) A member of the Senate is entitled to be paid the remuneration (if  
any) and allowances (if any) determined by the Salaries and  
Allowances Tribunal under the *Salaries and Allowances Act 1975*.
- (2) Any remuneration and allowances payable —
  - (a) are expenditure for the purposes of the University; and
  - (b) are to be paid out of the funds of the University.

**140. Section 12 amended**

(1) In section 12(3) delete “4 years,” and insert:

3 years.

(2) In section 12(4) delete “12 years.” and insert:

9 years.

(3) Delete section 12(5) and insert:

(5) If the Chancellor is elected from among the members of the Senate, the election creates a casual vacancy in the office of member of the Senate.

**141. Section 12A amended**

(1) In section 12A(2) delete “4 years,” and insert:

3 years,

(2) In section 12A(3)(a) delete “12 years; and” and insert:

9 years; and

**142. Section 13 amended**

In section 13:

(a) delete “Act” and insert:

Act, any relevant written law, any relevant industrial award or industrial agreement

(b) delete “servants” and insert:

employees

**143. Section 15 replaced**

Delete section 15 and insert:

**15. Leasing University lands**

(1) In this section —

*lease* includes a sublease.

(2) The University may grant a lease of any University lands for a term not exceeding 21 years.

(3) The University may, with the approval of the Minister —  
(a) grant a lease of any University lands for a term that exceeds 21 years but does not exceed 99 years; or  
(b) mortgage any University lands.

**144. Section 15A amended**

(1) In section 15A(3B) delete “Governor shall approve.” and insert:

Minister approves.

(2) In section 15A(3C) delete “shall be repaid shall be such number as the Governor shall approve, but in any case shall not” and insert:

are to be repaid is the number approved by the Minister, but in any case is not to

(3) In section 15A(3E) delete “him” and insert:

the Treasurer

(4) After section 15A(5) insert:

(6) Sections 15B, 15C and 15D do not affect or apply to trust moneys used and applied in the manner provided and authorised by subsection (1).

**145. Section 15B replaced**

Delete section 15B and insert:

**15B. Borrowing and other ways of raising money**

(1) In this section —

*debt paper* means inscribed stock, bonds, debentures with coupons annexed, bills of exchange, promissory notes or bearer securities, or other similar instruments evidencing indebtedness.

- (2) The University may do all or any of the following —
  - (a) borrow money;
  - (b) obtain credit;
  - (c) issue, acquire, hold or dispose of debt paper;
  - (d) create and issue capital instruments;
  - (e) arrange for financial accommodation to be extended to the University.
- (3) Capital instruments created and issued by the University under subsection (2)(d) —
  - (a) may be described in any way determined by the University; and
  - (b) are to be created and issued on whatever terms the University determines.
- (4) The University must keep whatever registers for the purposes of this section as are prescribed by regulations made under subsection (5).
- (5) The Governor may make regulations prescribing registers that are to be kept for the purposes of this section and the keeping of those registers.
- (6) Nothing in this section or section 15C or 15D affects or applies to trust moneys used and applied in the manner provided and authorised by section 15A(1).

**15C. Notice of borrowing**

- (1) If the University intends to borrow money and seek a guarantee under section 15D in respect of that borrowing, the University must —
  - (a) give the Minister reasonable advance notice of its intention to borrow that money and to seek a guarantee; and
  - (b) notify the Minister of the outcome of the University's application to borrow that money.
- (2) A liability of the University is not unenforceable or in any way affected by the University's failure to comply with subsection (1).

**15D. Guarantees**

- (1) The Treasurer, on the Minister's recommendation, may guarantee the performance by the University in the State or elsewhere, of any financial obligation of the University.
- (2) A guarantee —
  - (a) is given in the name and on behalf of the State; and

- (b) must be in the form, and contain the terms and conditions, that the Treasurer determines; and
  - (c) without limiting paragraph (b), must be subject to the condition that the person for whose benefit the guarantee is given must not, without the consent in writing of the Treasurer, assign or encumber the benefit of the guarantee.
- (3) Before a guarantee is given, the University must —
  - (a) give the Treasurer any security that the Treasurer requires; and
  - (b) execute all instruments that are required for that purpose.
- (4) Payments made by the Treasurer under a guarantee are to be charged to the Consolidated Account, and this subsection appropriates that Account accordingly.
- (5) The Treasurer must cause to be credited to the Consolidated Account any amounts received or recovered from the University or otherwise in respect of any payment made by the Treasurer under a guarantee.

**15E. Charges for guarantee**

- (1) The Treasurer may, from time to time, after consultation with the University, fix charges to be paid by the University in respect of a guarantee under section 15D.
- (2) Payments by the University in respect of charges fixed under subsection (1) —
  - (a) must be made at the times, and in the instalments, that the Treasurer determines and notifies to the University; and
  - (b) must be credited to the Consolidated Account.

**15F. Power of University to provide residential accommodation for staff and students**

- (1) The University may provide residential accommodation for staff of the University, or students, or both.
- (2) The restrictions imposed by section 15(3) do not apply to the lease of any part of University lands referred to in section 15(3) if the purpose of the lease is the provision of residential accommodation in accordance with this section.

**146. Section 16AA inserted**

Before section 16A insert:

**16AA. Authorised persons**

(1) For the purposes of sections 16A to 16F —

**authorised person** means —

(a) a police officer; or

(b) the Vice-Chancellor; or

(c) a member of the staff of the University, or a contractor, who is authorised under subsection (2) for the purposes of the provision of this section in which the term is used;

**contractor** means —

(a) an individual who works under a contract for services for the University; or

(b) an employee of a body that provides services to the University under a contract;

**owner**, in relation to a vehicle, means a person who is the owner of that vehicle for the purposes of the *Road Traffic (Administration) Act 2008*.

(2) The Vice-Chancellor may, in writing —

(a) designate a member of the staff of the University to be an authorised person for the purposes of any or all of section 16A(2)(j) or (k) or (3) or 16C(2); and

(b) authorise a contractor to be an authorised person for the purposes of any or all of section 16A(2)(j) or (k) or (3) or 16C(2); and

(c) revoke a designation or authorisation made under this subsection.

(3) A designation or authorisation of a person under subsection (2) ceases to have effect if —

(a) the designation or authorisation is revoked; or

(b) the person ceases to be a member of the staff of the University or a contractor.

**147. Section 16A amended**

(1) Delete section 16A(1) and insert:

(1) In this section —

---

lands of the University means the lands described in subsection (4) and includes all buildings, structures and erections of any kind (whether permanent or temporary) on that land.

(2) In section 16A(2):

(a) delete “time, with the approval of the Governor.” and insert:

time

(b) delete “University, hereafter described.” and insert:

University

(c) in paragraph (d) delete “police constable or an”;

(d) delete paragraphs (j) and (k) and insert:

(j) authorise an authorised person to remove from such lands any person guilty of a breach of a by-law and to prohibit the obstruction of an authorised person; and

(k) require any person using such lands to give their name and address if required to do so by an authorised person; and

(e) in paragraph (l) delete “and”.

(3) In section 16A(3):

(a) in paragraph (d)(i) delete “his” and insert:

the owner’s

(b) in paragraph (e) delete “his” and insert:

the authorised person’s

(c) in paragraph (g) delete “he” and insert:

the person

(4) Delete section 16A(7).

(5) In section 16A(2) after each of paragraphs (a) to (i) insert:

and

**148. Sections 16B and 16C replaced**

Delete sections 16B and 16C and insert:

**16B. Approval, publication, disallowance and proof of by-laws**

(1) A by-law made by the Senate —

(a) must be sealed with the common seal of the University;  
and

(b) must be submitted to the Governor for approval; and

(c) if approved by the Governor, must be published in the  
*Gazette*; and

(d) takes effect on the later of —

(i) the day after publication in the *Gazette*; or

(ii) if a later day is specified for that purpose in the  
by-law, that day.

(2) In any proceedings in any court or before any person acting  
judicially, any of the following is sufficient evidence of a  
by-law —

(a) a copy of the by-law under the common seal of the  
University;

(b) a document purporting to be a copy of the by-law and to  
have been printed by the Government Printer;

(c) a copy of the *Gazette* purporting to contain a copy of the  
by-law.

**16C. Penalties**

(1) A by-law may impose a penalty not exceeding a fine of \$1 000 for  
any breach or non-observance of the by-law.

(2) Proceedings for the recovery of a penalty imposed under a by-law  
may be taken by an authorised person in the name of the  
authorised person.

(3) All penalties are to be paid to the Senate for the use of the  
University.



**16D. By-laws to be made readily available to public**

- (1) The Senate must ensure that the following are readily available to the public by whatever means the Senate considers appropriate —
- (a) all by-laws approved and published under section 16B(1);
  - (b) all by-laws that are in effect immediately before the *Universities Legislation Amendment Act 2016* section 148 comes into operation.
- (2) Publication in the *Gazette* is not sufficient compliance with subsection (1).
- (3) Subsection (1) ceases to apply to a by-law once it ceases to be in effect.

**149. Section 16E amended**

- (1) In section 16E(1) delete “servants” and insert:
- employees
- (2) In section 16E(2) delete “provisions of section 36 of the *Interpretation Act 1918*, do not” and insert:
- Interpretation Act 1984* section 42 does not

**150. Section 16F amended**

- In section 16F:
- (a) delete “Pro-Chancellor, Vice-Chancellor, or Registrar of the University” and insert:
- Pro-Chancellor or Vice-Chancellor
- (b) delete “servant” and insert:
- employee

**151. Section 16G inserted**

After section 16F insert:

**16G. Delegation by Senate**

- (1) The Senate may in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution delegate all or any of its powers, authorities, duties and functions under this Act (except its powers in relation to the making of Statutes, regulations and by-laws) to —
  - (a) any member of the Senate; or
  - (b) a committee, council or other body of the University; or
  - (c) any officer of the University.
- (2) The Senate may by resolution revoke a delegation given under this section.
- (3) A resolution delegating a power, authority, duty or function may authorise the delegate to further delegate the delegated power, authority, duty or function to a person or body.
- (4) A subdelegation under this section must be in writing.
- (5) The *Interpretation Act 1984* sections 58 and 59 apply to and in relation to a subdelegation under this section in the same way that they apply to and in relation to a delegation given under this section.

**152. Section 17 amended**

Delete section 17(1) and insert:

- (1) Convocation consists of the following persons —
  - (a) members and past members of the Senate;
  - (b) graduates of the University;
  - (c) persons not referred to in paragraph (a) or (b) who were members of Convocation immediately before the coming into operation of the *Universities Legislation Amendment Act 2016* section 152;
  - (d) persons who the Senate may, from time to time, admit to be members of Convocation.

**153. Section 18A inserted**

After section 17 insert:

**18A. Functions of Convocation**

Convocation has the functions prescribed by Statute.

**154. Section 18 amended**

After section 18(2) insert:

- (3) The Warden may resign their office by written notice given to the Chancellor.

**155. Sections 19 to 23 replaced**

Delete sections 19 to 23 and insert:

**19. Resignation**

- (1) A Chancellor, Pro-Chancellor or a member of the Senate described in section 8(1)(a) may resign their office by written notice given to the Minister.

- (2) Any other member of the Senate may resign their office by written notice given to the Chancellor.

**20. Vacation of Senate office**

A member of the Senate vacates office if—

- (a) the member is or has become disqualified under the provisions of this Act; or
- (b) the member has, without the leave of the Senate, been absent from all meetings of the Senate held during a period of at least 6 months; or
- (c) the member dies or resigns.

**22. Casual vacancies**

If a casual vacancy occurs in the office of a member of the Senate, the vacancy is to be filled in the same manner as if that member's term of office had expired.

**23. Reappointment**

Subject to sections 9(4), 12(4) and 12A(3), a person may at any time be reappointed or re-elected to the office of Chancellor.

Pro-Chancellor, Warden or member of the Senate, if the person is capable under this Act of holding that office.

**156. Section 24 replaced**

Delete section 24 and insert:

**23A. Chair of Senate**

- (1) The Chancellor, or in the absence of the Chancellor the Pro-Chancellor, is to preside as the chair of a meeting of the Senate.
- (2) If the Chancellor and the Pro-Chancellor are not present at a meeting of the Senate, the members of the Senate present at the meeting are to elect a person to preside as the chair of the meeting.

**24. Chair of Convocation**

- (1) The Warden is to preside as the chair of a meeting of Convocation.
- (2) If the Warden is not present at a meeting of Convocation, the members of Convocation present at the meeting are to elect a person to preside as the chair of the meeting.

**157. Section 27 amended**

(1) Delete section 27(1).

(2) In section 27(3):

(a) delete “by writing under his hand,” and insert:

in writing,

(b) delete “him” and insert:

the Vice-Chancellor

(3) After section 27(3) insert:

(4) In addition to or instead of the title of Vice-Chancellor, the Vice-Chancellor may use any other title that is —

(a) approved by the Senate; or

(b) prescribed by Statute, regulation or by-law.

- (5) The use by the Vice-Chancellor, in accordance with subsection (4), of any title in addition to or instead of the title of Vice-Chancellor does not affect the validity of anything done or omitted to be done by, to or in relation to the Vice-Chancellor.

Note: The heading to amended section 27 is to read:

Vice-Chancellor

**158. Part 5 heading replaced**

Delete the heading to Part 5 and insert:

**Part 5 — Student Guild**

**159. Section 28 amended**

- (1) Delete section 28(1) and insert:

(1) There continues to be a body corporate, to be called the Student Guild.

(1A) The Student Guild is the same body corporate that was established under this Act and originally called the Guild of Undergraduates.

- (2) In section 28(2) and (2a) before “Guild” (each occurrence) insert:

Student

- (3) In section 28(2c) delete “not being a member of the Guild.” and insert:

being or not being a member of the Student Guild.

- (4) In section 28(3) before “Guild” insert:

Student

- (5) Delete section 28(4) and insert:

(4) The Student Guild —

(a) has perpetual succession; and

- (b) is to have a common seal; and
- (c) may sue and be sued; and
- (d) subject to the Statutes, may do and suffer all other acts and things that bodies corporate may by law do and suffer.

(6) In section 28(5), (6) and (7) before “Guild” (each occurrence) insert:

Student

Note: The heading to amended section 28 is to read:

Student Guild

**160. Section 28A replaced**

Delete section 28A and insert:

**28A. Amenities and services fee**

- (1) A Statute made under section 31 may provide for an annual amenities and services fee to be payable by students, and (without limitation) for that purpose may —
  - (a) prescribe the procedures to be followed in setting that fee;
  - (b) prescribe the persons by whom the fee is payable, and exempt or provide for the exemption of persons or classes of persons from payment of the fee;
  - (c) provide for different levels of the fee to be payable by different classes of persons;
  - (d) provide for the reduction, waiver or refund, in whole or in part, of the fee;
  - (e) prescribe terms and conditions on which any amount of the total fees collected is to be paid to the Student Guild, including conditions to be met before some or all of the amount may be paid to the Student Guild;
  - (f) provide for the Senate to decide how the amount of the total fees collected (after deducting the amount that is paid to the Student Guild) is to be spent, after consultation by the Senate with the Student Guild.
- (2) This section does not limit section 31.

(3) The Senate must pay to the Student Guild an amount that is not less than 50% of the total amount of the annual amenities and services fees collected.

(4) This section overrides section 38.

**161. Section 28B amended**

In section 28B:

(a) before “Guild” (each occurrence) insert:

Student

(b) before “Guild’s” insert:

Student

**162. Section 29 replaced**

Delete section 29 and insert:

**29. Courses of study and degrees**

(1) The Senate may —

(a) cause to be provided to students courses of study appropriate to a university, and other tertiary courses; and

(b) grant degrees, diplomas and certificates in any branch of knowledge appropriate to a university; and

(c) confer honorary degrees or other distinctions on persons approved by the Senate.

(2) Subsection (1) is subject to any provision in the Statutes relating to the grant or conferral of a degree, diploma, certificate or other distinction.

**163. Section 30 amended**

In section 30(2):

(a) delete “his” and insert:

the person’s

(b) delete "Governor" and insert:

Minister

**164. Section 31 amended**

(1) Delete section 31(1) and insert:

(1) The Senate may make Statutes with respect to any of the following matters —

(a) the management, good government, and discipline of the University;

(b) the use and custody of the common seal;

(c) the election of —

(i) the Warden;

(ii) officers of Convocation or of a committee of Convocation;

(d) procedures for meetings of the Senate and Convocation;

(e) the tenure of office, and powers and duties of the Vice-Chancellor;

(f) the number, manner of appointment and dismissal of deans, professors, lecturers, examiners, and other officers and employees of the University;

(g) the holding of lectures, classes, and examinations;

(h) the promotion and extension of University teaching;

(i) the granting of degrees, diplomas, certificates, and honours;

(j) the conditions on which degrees, diplomas, certificates, and honours may be granted to students who are not residents of Australia;

(k) the granting of fellowships, scholarships, exhibitions, bursaries, and prizes;

(l) 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;

(m) the fees, if any, to be paid for examinations, for the granting of degrees, diplomas, and certificates, and for attendance at the lectures and classes of the University;

(n) the annual amenities and services fee in accordance with section 28A;



- (o) the matters required by section 28B to be specified or prescribed by Statute;
- (p) the establishment, management, and control of libraries and museums in connection with the University;
- (q) the establishment by the Senate of residential accommodation for staff of the University, or students, or both, and the management, control and closing of any residential accommodation;
- (r) the affiliation of residential accommodation for staff of the University, or students, or both, where the residential accommodation is not under the control of the Senate;
- (s) providing for a scheme of superannuation for the salaried teachers and officers on retirement;
- (t) the control and investment of the property of the University;
- (u) classes of membership and conditions or qualifications for membership of the Student Guild;
- (v) the powers, authorities and obligations of the Student Guild, the use and custody of the common seal of the Student Guild and any other matters necessary or convenient for the effective functioning of that body;
- (w) academic costume;
- (x) any other matters not inconsistent with the provisions of this Act.

(2) In section 31(2) delete “3 months” and insert:

28 days

**165. Section 33 replaced**

Delete section 33 and insert:

**33. Approval, publication, disallowance and proof of Statutes**

(1) A Statute made by the Senate —

- (a) must be sealed with the common seal of the University;  
and
- (b) must be submitted to the Governor for approval; and
- (c) if approved by the Governor, must be published in the *Gazette*; and



(2A) Statutes referred to in subsection (1) may provide for conditions, including the payment of fees, to apply in respect of any of the matters referred to in that subsection.

(2) In section 34(2) delete “boarding-houses.” and insert:

residential accommodation.

**167. Section 35 amended**

In section 35(1) delete “he may think.” insert:

the Governor thinks.

**168. Section 36 amended**

(1) In section 36 delete “No tax or” and insert:

(1) No

(2) At the end of section 36 insert:

(2) The *Land Tax Assessment Act 2002* section 33 provides an exemption from land tax in respect of land owned by, vested in or held in trust for the University, in the circumstances set out in that section.

Note: The heading to amended section 36 is to read:

Exemption from rate or tax

**169. Section 37 deleted**

Delete section 37.

**170. Sections 39 and 40 deleted**

Delete sections 39 and 40.

**171. Section 42 deleted**

Delete section 42.

172. Part 10 inserted

After section 42 insert:

**Part 10 — Transitional provisions for *Universities  
Legislation Amendment Act 2016***

**43. Term used: commencement day**

In this Part —

*commencement day* means the day on which the *Universities  
Legislation Amendment Act 2016* section 131 comes into  
operation.

**44. Transitional provisions (Senate)**

(1) This section applies despite the amendments made to section 8,  
and the replacement of section 9 by the *Universities Legislation  
Amendment Act 2016* sections 135 and 136.

(2) Any person who, immediately before commencement day, holds  
office under section 8 (as in effect immediately before  
commencement day) as an appointed or nominated or elected  
member of the Senate —

(a) continues in office —

(i) under and subject to Part 4; and

(ii) for the balance of the person's term of office  
remaining immediately before commencement  
day;

but

(b) vacates office before then in the circumstances set out in  
section 20 as that section is in effect immediately before  
commencement day.

(3) For the purposes of subsection (2)(a)(ii), the member who holds  
office under section 8(1)(e) (as in effect immediately before  
commencement day) is taken to have a term of office that expires  
on —

(a) 31 December 2016, if the *Universities Legislation  
Amendment Act 2016* section 135 comes into operation  
on or before that date; or

(b) the 60<sup>th</sup> day after the day on which the *Universities  
Legislation Amendment Act 2016* section 135 comes into  
operation, if that section comes into operation after  
31 December 2016.

- (4) If a question arises under this section as to the balance of a person's term of office remaining immediately before commencement day, the question is to be determined by the Minister.

**45. Transitional provisions (Chancellor and Pro-Chancellor)**

- (1) This section applies despite the amendments made to sections 12 and 12A by the *Universities Legislation Amendment Act 2016* sections 140 and 141.
- (2) The person who, immediately before commencement day, holds office under section 12 (as in effect immediately before commencement day) as Chancellor —
- (a) continues in office —
- (i) under and subject to Part 4; and
- (ii) for the balance of the person's term of office remaining immediately before commencement day;
- but
- (b) vacates office before then in the circumstances set out in section 20 as that section is in effect immediately before commencement day.
- (3) The person who, immediately before commencement day, holds office under section 12A (as in effect immediately before commencement day) as Pro-Chancellor —
- (a) continues in office —
- (i) under and subject to Part 4; and
- (ii) for the balance of the person's term of office remaining immediately before commencement day;
- but
- (b) vacates office before then in the circumstances set out in section 20 as that section is in effect immediately before commencement day.

**46. Transitional provisions (guarantees)**

A guarantee given under section 15B (as in effect immediately before commencement day) and in force immediately before commencement day continues as if it had been given under section 15D.

**47. Transitional provisions (by-laws)**

(1) In this section —

former section 16B means section 16B as in effect immediately before it was deleted by the *Universities Legislation Amendment Act 2016* section 148.

(2) Section 16B(2) does not apply to or in relation to any by-law made and published in the *Gazette* before commencement day, and former section 16B applies instead as if the former section 16B had not been deleted.

(3) If a by-law has been made but not published in the *Gazette* before commencement day —

(a) section 16B(2) does not apply to and in relation to that by-law; and

(b) former section 16B applies instead as if the former section 16B had not been deleted.

**48. Transitional provisions (Statutes)**

(1) In this section —

former section 33 means section 33 as in effect immediately before it was deleted by the *Universities Legislation Amendment Act 2016* section 165.

(2) Section 33(2) does not apply to or in relation to any Statute made and published in the *Gazette* before commencement day, and former section 33(2) applies instead as if the former section 33 had not been deleted.

(3) If a Statute has been made but not published in the *Gazette* before commencement day —

(a) section 33(2) does not apply to and in relation to that Statute; and

(b) former section 33(2) applies instead as if the former section 33 had not been deleted.

**173. Schedule 1 clause 5 deleted**

Delete Schedule 1 clause 5.

**174. Schedule 1 clause 6 amended**

In Schedule 1 clause 6(1) delete “or 5 or both of them do not” and insert:

does not

Note: The heading to amended clause 6 is to read:  
Minister may declare clause 3 inapplicable