

UNIVERSITY OF WESTERN AUSTRALIA.

8° and 9° GEO. VI., No. XLIII.

No. 43 of 1944.

AN ACT to amend the University of Western Australia Act, 1911.

[Assented to 12th January, 1945.]

BE it 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:—

Short title.

1. This Act may be cited as the *University of Western Australia Act Amendment Act, 1944*, and shall be read as one with the University of Western Australia Act, 1911 (No. 37 of 1911 as amended by the Acts No. 23 of 1917 and No. 17 of 1929), hereinafter referred to as the principal Act.

Amendment of s.5.
Repeal and new section.
The Governing authority.

2. Section five of the principal Act is repealed, and a section is inserted in lieu thereof as follows:—

5. The Senate shall be the governing authority of the University.

Amendment of s.8.

3. Section eight of the principal Act is amended as follows:—

(a) by deleting from subsection (1) the word "eighteen" and inserting in lieu thereof the word "twenty-one."

- (b) by deleting from subsection (2) the word "three" at the end of the subsection and inserting in lieu thereof the word "two."

4. (1) Subject to subsection (2) of this section, section ten of the principal Act is repealed and new sections are inserted in lieu thereof as follows:—

Amendment of s.10.
Repeal and new sections.

10. The Senate shall consist of the following members namely:—

Personnel.
Appointment and election of Senate.

- (a) Six persons to be appointed by the Governor.
- (b) Six persons (other than persons holding any salaried office in the University as a dean of faculty, professor, lecturer or assistant lecturer but not part-time lecturer) to be elected by convocation.
- (c) Two persons (being persons holding a salaried office in the University as a professor, an associate professor, lecturer or assistant lecturer but not as Vice-Chancellor or part-time lecturer) to be elected by the persons holding the various salaried offices aforesaid.
- (d) The Under Treasurer of the State *ex officio* or, whenever for any reason he is unable to act, the person whom the Under Treasurer by writing under his hand appoints as his deputy.
- (e) The Director of Education *ex officio*.
- (f) The Vice-Chancellor of the University *ex officio*; and
- (g) Four persons to be selected and co-opted as members of the Senate by the other members thereof enumerated in the foregoing paragraphs of this section. Provided that one of these persons shall be a person who served in His Majesty's Forces during the 1914-1918 war or in the present war. Provided also that two of the members to be selected and co-opted under this paragraph shall be persons who are members of Convocation.

Tenure of
office.

10A. The tenure of office of the members of the Senate, other than the *ex officio* members, shall be as follows:—

(a) Subject to the proviso to this paragraph, the six members mentioned in paragraph (a) of section ten of this Act shall each hold office for six years from the date of their appointment, and shall be eligible for re-appointment.

Provided that as regards the six members aforesaid first appointed under section ten of this Act—

- (i) one shall hold office for one year only and the others shall retire at intervals of one year thereafter so that the last member so to retire shall hold office for the full term of six years.
- (ii) the order in which the said members shall retire as aforesaid shall be determined and declared by the Governor at the time when such six members are appointed.
- (iii) Each of the said members upon his retirement shall be eligible for re-appointment.
- (iv) The persons appointed from time to time to fill vacancies caused by the retirement of the said members respectively shall each hold office for six years.

(b) Subject to the proviso to this paragraph, the six members mentioned in paragraph (b) of section ten of this Act shall each hold office for six years from the date of the declaration of their election as such members and shall be eligible for re-election.

Provided that as regards the six members aforesaid first elected under section ten of this Act—

- (i) One shall hold office for one year only and the others shall retire at intervals of one year thereafter so that the last member so to retire shall hold office for the full term of six years.
- (ii) The order in which the said members shall retire as aforesaid shall be determined in accordance with the number of votes which each member respectively received at the election so that the first to retire shall be the member who received the lowest number of votes, and the last to retire shall be the

member who received the highest number of votes. In the case of an equality of votes, the members concerned shall draw lots to determine the order in which they shall retire.

- (iii) Each of the said members upon his retirement shall be eligible for re-election.
- (iv) The persons elected from time to time to fill the vacancies caused by the retirement of the said members respectively shall each hold office for six years.

(c) Subject to the proviso to this paragraph, the two members mentioned in paragraph (c) of section ten of this Act shall each hold office for four years from the date of the declaration of his election and shall be eligible for re-election.

Provided that as regards the two members aforesaid first elected under section ten of this Act—

- (i) One shall hold office for two years only and the other shall hold office for the full term of four years.
- (ii) The member to retire first shall be that member who receives the lower number of votes at the election. In the case of an equality of votes the members shall draw lots to determine the order in which they shall retire.
- (iii) Each of the said members upon his retirement shall be eligible for re-election.
- (iv) The persons elected from time to time to fill the vacancy caused by the retirement of each of the said members respectively shall each hold office for four years.

(d) Subject to the proviso to this paragraph, the four members mentioned in paragraph (g) of section ten of this Act shall each hold office for four years from the date when they are co-opted by the remaining members of the Senate, and shall be eligible for re-selection and co-option.

Provided that as regards the four members aforesaid first selected and co-opted under section ten of this Act—

- (i) One shall hold office for one year only, and the others shall retire at intervals of one year

thereafter so that the last of the said members so to retire shall hold office for the full term of four years.

- (ii) The other members of the Senate shall determine and declare the order in which the four members aforesaid shall retire at the time when they select and co-opt such members.
- (iii) Each of the said members upon his retirement shall be eligible for re-selection and co-option.
- (iv) The persons selected and co-opted from time to time to fill the vacancies caused by the retirement of the said members respectively shall each hold office for four years.

Elections to be conducted as prescribed by Statutes.

10B. The elections for the election of the elective members of the Senate as constituted under section ten of this Act shall be held and conducted at such times at such places and in such manner as shall be prescribed by Statutes made or enacted under the authority of section thirty-one of this Act.

Retirement of existing members of Senate.

10C. All the members of the Senate previously appointed or elected who are holding office at the time when this section comes into operation shall retire from office upon the day when this section comes into operation, and such existing members shall be eligible for re-appointment or re-election.

(2) Subject as in this subsection hereinafter provided, subsection (1) of this section shall come into operation and take effect upon a day to be fixed by proclamation.

Provided that—

- (i) At any time after the commencement of this Act and before the commencement of subsection (1) of this section the Governor may make any appointments, and, by Order in Council direct and authorise the holding of any elections of members of the Senate which would be authorised under the principal Act if subsection (1) of this section were then in operation; and
- (ii) Any persons appointed and any persons elected at any elections under the authority

of paragraph (1) of this proviso, shall not take office as members of the Senate and their terms of office as such members shall not begin to run until the date upon which subsection (1) of this section comes into operation and takes effect.

5. A section is inserted in the principal Act after section fifteen as follows:— New section.

15A. (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 fourteen of this Act, not for any other purpose. Senate may invest trust moneys in improvement of lands for purposes of deriving income.

(2) Where any trust moneys aforesaid are already invested in other forms of investments the Senate may sell and realise upon such other investments for the purpose of utilising the proceeds of such sale and realisation in the manner provided and authorised by subsection (1) of this section.

(3) (a) When the Senate uses and applies any trust moneys under and for the purposes mentioned in subsection (1) of this section, 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.

(b) The rate of the said interest shall be such as the Governor shall approve.

(c) 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 fifty.

(d) 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.

(e) 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 paragraph (d) of subsection (3) of this section 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) of this section and until the same have been fully restored in the manner provided and required by subsection (4) of this section 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.

Amendment of
s.17.

6. Section seventeen of the principal Act is amended by adding thereto a subsection as follows:—

(4) (a) As from the date when hostilities cease between the Commonwealth and Germany and Japan and notwithstanding anything to the contrary contained in this Act, any member of Convocation shall be liable to have his name struck off the roll of members of Convocation, and in consequence thereof, cease to be a Member of Convocation, unless he shall have, during any period of five years hereinafter mentioned—

(i) attended at least one meeting of Convocation;
or

(ii) voted at at least one election by Convocation of members of the Senate.

(b) At the end of five years computed from and including the date of the commencement of this subsection, and at the end of every period of five years thereafter the Senate shall cause the roll of members of Convocation to be examined and revised to ascertain whether any, and, if so which members of Convocation are then liable in accordance with paragraph (a) of this subsection to have their names struck off the said roll; and in connection therewith may obtain through the Warden of Convocation all necessary reports information and particulars concerning attendances of members of Convocation at meetings thereof, and the voting of members of Convocation at elections at which they were entitled to vote under the authority of this Act.

(c) When it appears to the Senate that any member of Convocation is liable under this subsection to have his name struck off the roll of members of Convocation, the Senate shall cause notice in writing to be served upon such member at his then last known place of abode stating that his name will be struck off the roll of members of Convocation unless within a period, to be specified in the notice but not less than thirty days from the date of the notice, the member by notice in writing under his hand addressed to the Senate requests that his name be retained on the said roll.

(d) Where a notice under paragraph (c) of this subsection has been served upon a member of Convocation, and within the time specified therein such member in accordance with such paragraph requests that his name be retained on the roll of members of Convocation, his name shall be retained on such roll accordingly.

(e) Where a notice under paragraph (c) of this subsection has been served upon a member of Convocation and such member fails within the time specified in the notice or within such further time as the Senate may allow to make any request for the retention of his name upon the roll of members of Convocation, the Senate shall upon the expiration of such period aforesaid cause the name of such member to be struck off the said roll.

(f) When the name of a person is struck off the roll of members of Convocation under the authority of this subsection such person shall thereupon cease to be a member of Convocation.

(g) Any person who ceases to be a member of Convocation as aforesaid shall not thereafter be eligible for admission to Convocation as a member thereof unless and until he shall have obtained the express consent of the Senate thereto.

Amendment of
s. 22.
Repeal and
new Section.

7. (1) Subject to subsection (2) of this section, section twenty-two of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

Vacancies
in Senate.

22. (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 co-opted member, by the selection and co-option 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 co-opted as the case may be, to fill such vacancy shall be deemed to have been appointed or elected or selected and co-opted 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 co-opted member, and a person to fill such vacancy is not elected or is not selected and co-opted, as the case may be within three 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 co-opted as the case may be, at the same time as the person whom he succeeds in office.

(2) Subsection (1) of this section shall come into operation and take effect upon the day upon which subsection (1) of section four of this Act comes into operation and takes effect.

8. (1) Subject to subsection (2) of this section, section twenty-seven of the principal Act is amended by deleting subsection (3) therefrom.

Amendment of
s.27.

(2) Subsection (1) of this section shall come into operation and take effect upon the day upon which subsection (1) of section four of this Act comes into operation and takes effect.

9. Section thirty-one of the principal Act is amended as follows:—

Amendment of
s.31.

(a) by deleting from subsection (1) the whole of paragraph (d) and inserting in lieu thereof a paragraph as follows:—

(d) the election of the elective members of the Senate.

(b) by deleting from subsection (2) the words “disallow the same such Statute shall be deemed to be approved” in lines three and four of the said subsection, and inserting in lieu thereof the words “return the same or returns the same without any request for any amendment thereof such Statute shall be deemed to be approved by Convocation.”

(c) by deleting subsection (3) and inserting in lieu thereof a subsection as follows:—

(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.

(d) by deleting subsection (4) and inserting in lieu thereof a subsection as follows:—

(4) (a) 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.

- (b) 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 to the Governor under section forty-one of this Act the Senate shall state 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.

- (e) by deleting subsection (6).

Repeal of
s.32.

10. Section thirty-two of the principal Act is hereby repealed.

Amendment of
s.33

11. Section thirty-three of the principal Act is amended by deleting from subsection (1) the word "approved" in line one of such subsection and inserting in lieu thereof the words "made by the Senate."

Amendment of
s.37.
Repeal and
new section.

12. Section thirty-seven of the principal Act is repealed and a section is inserted in lieu thereof as follows:—

Subsidy.

37. There shall be paid to the Senate for the purpose of defraying the charges and expenses con-

nected with the establishment, management and control of the University the following sums, that is to say:—

- (a) In every year the sum of Forty thousand pounds out of the Consolidated Revenue which is hereby permanently appropriated for the purpose of making such annual payment; and
- (b) Such additional amounts as may be appropriated by Parliament from time to time for the purposes aforesaid.

13. Section forty-one of the principal Act is amended as follows:— Amendment of s.41.

- (a) by deleting the words “in such manner as the Governor may direct” in line six of the section and inserting in lieu thereof the words “at the expense of the University by the Auditor General who with respect to such account shall have all the powers conferred on him by the Audit Act, 1904.
- (b) by inserting after the word “report” in line seven of the section the words “together with a copy of the report of the Auditor General in respect of his audit of the Account aforesaid.”
- (c) by adding to the section a subsection as follows:—

(2) As and whenever the Auditor General audits an account of the income and expenditure of the University as provided for in this section he shall prepare in writing a report in connection with such audit containing such information or particulars as he may think fit to include therein, and shall furnish a copy thereof to the Governor and a copy thereof to the Senate and a copy thereof to the Chancellor.

14. The principal Act as amended by this Act may be cited as the University of Western Australia Act, 1911-1944. Citation of principal Act as amended.