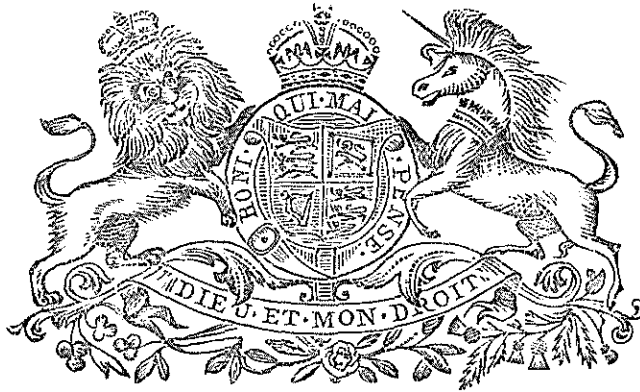


WESTERN AUSTRALIA.



ANNO PRIMO

GEORGI QUINTI REGIS,

XLVIII.

No. 37 of 1911.

AN ACT to Establish, Incorporate, and Endow the University of Western Australia.

[Assented to 16th February, 1911.]

WHEREAS of the States of the Commonwealth Western Australia alone is unprovided with a University: Preamble.

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:—

Preliminary.

1. This Act may be cited as the *University of Western Australia Act, 1911.* Short title.

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

“University”—The University of Western Australia constituted under the authority of this Act;

“Senate”—The Senate of the University;

“Convocation”—Convocation of the University;

“Statutes”—Statutes of the University made under the authority of this Act.

Establishment of the University.

The University of Western Australia.

3. 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.

The University to consist of Senate, Convocation, and members.*

4. The University shall consist of a Senate, Convocation, and graduate and undergraduate members:

Provided that until Convocation is constituted, the University shall consist of a Senate and the members for the time being:

Provided also that on the appointment of the first members of the Senate the University shall be lawfully constituted for the purposes of this Act.

The governing authority.

5. The governing authority of the University shall consist of the Senate and Convocation:

Provided that until Convocation is constituted the governing authority of the University shall consist of the Senate only.

Incorporation.

6. 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.

Visitor.

Visitor.

7. The Governor of the State of Western Australia shall be the Visitor of the University, and shall have authority to do all things which appertain to Visitors as often as to him shall seem meet.

Senate.

The Senate.

8. (1.) The Senate shall consist of eighteen persons appointed or elected as hereinafter provided.

(2.) No person who holds any salaried office in the University as a dean of faculty, professor, lecturer, or examiner shall, on that account only, be incapable of being ap-

pointed or elected or of acting as a member of the Senate, but the number of such officers in the Senate at the same time shall not exceed three.

(3.) No person who is a Principal of any Secondary, Continuation, or Technical School, or School of Mines, or similar educational institution, or is a teacher engaged therein shall on that account only be incapable of being appointed or elected, or of acting as a member of the Senate, but the number of such persons in the Senate at the same time shall not exceed two.

9. (1.) The first members of the Senate shall be appointed by the Governor within one year after the passing of this Act. Appointment of first members.

(2.) The names of the persons so appointed shall be published in the *Government Gazette*.

(3.) All the members of the Senate so appointed shall remain in office until after the first election of members of the Senate to be held on the first Tuesday in March next after the date of the constitution of Convocation, or upon such later date in that month as the Senate may appoint.

(4.) A vacancy which arises in the Senate at any time prior to the last mentioned date shall forthwith be filled by the appointment of a member by the Governor, and every such appointment shall be published in the *Government Gazette*.

10. (1.) After the constitution of Convocation the members of the Senate shall be elected and appointed in manner following, and subject to this Act shall hold office for six years. Election and appointment of members after constitution of Convocation.

(2.) As soon as conveniently may be after the constitution of Convocation, and before the first Tuesday in March next thereafter the Governor, by notification in the *Government Gazette*, shall—

- (a.) divide the members of the Senate into six groups, each group consisting of three members, and
- (b.) declare that the members of one of such groups shall go out of office on the said first Tuesday in March, and that the members of the remaining groups shall respectively go out of office by such groups at the first, second, third, fourth, and fifth annual election of members of the Senate in the next ensuing years.

(3.) On or before the first Tuesday in March next after the constitution of Convocation and thereafter on or before the first Tuesday in March in every year, the Governor shall appoint one person to be a member of the Senate.

(4.) On the first Tuesday in March next after the constitution of Convocation, or upon such later date in that month as the Senate may appoint, and thereafter on the first Tuesday in March

in every year, or upon such later date in that month as the Senate may appoint, Convocation shall elect two persons to be members of the Senate.

(5.) At every election held after the first appointed members have gone out of office by groups as aforesaid, two elective members and one appointed member of the Senate shall go out of office by rotation. The members who shall go out of office shall respectively be the elective or appointed members who have been longest in office without re-election or re-appointment.

(6.) Every member of the Senate going out of office at an annual election shall retain his office until the appointment of a member in his place, or until the members elected at such election are declared duly elected, as the case may be, and shall thereupon, unless he is re-appointed or re-elected, go out of office.

(7.) Elections of members of the Senate shall be conducted by ballot (including postal ballot) in accordance with the Statutes.

Disqualifications

11. No person who—

- (a.) Is not of the full age of twenty-one years;
- (b.) Is an undischarged bankrupt; or
- (c.) Has his affairs under liquidation by arrangement with his creditors; 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;

shall be capable of being or continuing a member of the Senate.

Chancellor and Pro-Chancellor.

Chancellor and
Pro-Chancellor.

12. At its first meeting held after the date of its constitution, and thereafter at its first meeting held after the first Tuesday in March in every year, the Senate shall elect two of its members to be respectively Chancellor and Pro-Chancellor of the University.

Powers of Senate.

Appointment of
officers and man-
agement of
affairs.

13. 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. 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.

Control and management of property.
See 1904, No. 6, s. 6.

15. 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 twenty-one years, and, with the approval of the Governor, but not otherwise, may grant building leases for any term not exceeding ninety-nine years, and may, with the like approval, mortgage such lands.

Power to lease land.
See 1904, No. 6, s. 7.

16. 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.

Power to dispose of land acquired by gift, etc.
See 1904, No. 6, s. 8.

Convocation.

17. (1.) Convocation shall consist of—

Convocation.

- (a.) All members and past members of the Senate;
- (b.) All graduates of the University of the degree of Master or Doctor;
- (c.) All other graduates of the University of three years' standing;
- (d.) All graduates of other Universities of three years' standing who have been admitted to degrees in the University, provided that the standing of such graduate shall be reckoned from the date of his graduation in such other University;
- (e.) Such fellows, members, licentiates, and associates of Colleges or Institutions outside the State, duly authorised to grant degrees, diplomas, licenses, or certificates as shall under the statutes be admitted to be members of Convocation;
- (f.) The representative for the time being of any commercial, industrial, scientific, or educational society, institution, or association within the State having not fewer than fifty *bona fide* members, and which makes an annual contribution to the University of not less than ten pounds, and has made such contribution for two years immediately preceding that for which the said representative claims to be appointed; provided that such

representative shall be appointed by the members of such society, institution or association, and shall hold office for one year, but shall be eligible for re-appointment;

- (g.) All individual persons who have made any gift or donation, whether by instalments or otherwise, to the University amounting in money or value in the aggregate to not less than one hundred pounds;
- (h.) The duly appointed representative of the Guild of Undergraduates.

(2.) Until Convocation is constituted the Senate shall cause to be kept a roll of all persons who are entitled to become members of Convocation, and thereafter shall cause to be kept a roll of all members of Convocation.

(3.) When the number of persons so enrolled amounts to sixty, the Senate shall report the fact to the Governor.

The report shall be published in the *Government Gazette*, and Convocation shall be deemed to be constituted on the date of such publication, and its first meeting shall be convened by the Vice-Chancellor, and shall be held within sixty days thereafter.

Warden.

The Warden.

18. Convocation shall at its first meeting held after the date of its constitution, and thereafter at its first meeting held after the first Tuesday in March in every year, elect one of its members to be its Warden.

Vacancies.

Resignation.

19. (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.

Vacancies.

20. 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 six months;
or
- (c.) Upon death or resignation.

21. Any vacancy which occurs in the office of Chancellor, Pro-Chancellor or Warden from any cause whatsoever, except annual retirement, shall be filled as it occurs, by election, and if any such vacancy is not so filled within three months after it occurred, then it shall be filled by the Governor by the appointment of some qualified person to the office.

Vacancy in office of Chancellor, Pro-Chancellor, or Warden—how filled.

22. After the date of the constitution of Convocation any vacancy which occurs in the Senate, from any cause whatsoever, except annual retirement, shall be filled in the case of an appointed member by the appointment by the Governor of another member, or in the case of an elected member by the election by Convocation of another member, and if in the latter case any such vacancy is not so filled within three months after it occurred, then it shall be filled by the Governor by the appointment of a member.

Vacancy after constitution of Convocation—how filled.

Upon the occurrence of a vacancy to which this section applies, the person appointed or elected to fill such vacancy shall be deemed to have been appointed or elected at the same time as the person whom he succeeds in office.

23. Nothing herein contained shall prevent any person from being immediately, or at any time, re-appointed 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.

Re-appointment.

Proceedings.

24. (1.) At every meeting of the Senate the Chancellor, or in his absence, the Pro-Chancellor, shall, except as hereinafter provided, preside as chairman.

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.

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

Quorum.

26. 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.

Proceedings not invalidated in certain circumstances.

Vice-Chancellor.

The Vice-Chancellor.

27. (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 ten years, but who shall be eligible for re-appointment 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 by statute be prescribed.

(3.) The Vice-Chancellor may be present at any meeting of the Senate or Convocation, and shall have the right to speak thereat, but shall not be entitled to vote.

Guild of Undergraduates.

The Guild of Undergraduates.

28. (1.) There shall be a Guild of Undergraduates.

(2.) Subject to the conditions of membership prescribed by Statute, all undergraduate students of the University shall be members of the Guild.

(3.) The Guild shall be an organised association of such undergraduates for the furthering of their common interests, and shall be the recognised means of communication between the undergraduates and the governing authority of the University in accordance with such Statutes as the governing authority may prescribe.

Instruction, Degrees, Examination.

Instruction, degrees, etc.

29. 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:

Provided that all degrees and other distinctions shall be conferred and held subject to any provisions which may be made in reference thereto by the Statutes.

Examinations.

30. (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.

Statutes.

31. (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—

Power to make
Statutes.

- (a.) The management, good government, and discipline of the University;
- (b.) The use and custody of the common seal;
- (c.) The admission as members of Convocation of any fellows, members, licentiates, or associates of Colleges or Institutions outside the State duly authorised to grant degrees, diplomas, licenses, or certificates;
- (d.) The method of election of members of the Senate by Convocation;
- (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;
- (f.) The tenure of office, stipend, and powers and duties of the Vice-Chancellor;
- (g.) The number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners, and other officers and servants of the University;
- (h.) The matriculation of students;
- (i.) The times, places, and manner of holding lectures, classes, and examinations, and the number and character of such lectures, classes, and examinations;
- (j.) The promotion and extension of University teaching;
- (k.) The granting of degrees, diplomas, certificates, and honours;
- (l.) The conditions upon which degrees, diplomas, certificates, and honours may be granted to non-resident students;
- (m.) The granting of fellowships, scholarships, exhibitions, bursaries, and prizes;

- (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;
- (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 ;
- (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;
- (q.) The establishment, management, and control of libraries and museums in connection with the University;
- (r.) The licensing and supervision of boarding-houses intended for the reception of students, and the suspension or revocation of such licenses;
- (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;
- (t.) Providing for a scheme of superannuation for the salaried teachers and officers upon retirement;
- (u.) The control and investment of the property of the University;
- (v.) The Guild of undergraduates, and the condition of membership;
- (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 three months thereafter disallow the same, such statute shall be deemed to be approved.

(3.) Within the time aforesaid Convocation may amend any such proposed statute and return the same as amended to the Senate for its consideration, whereupon, if the Senate agrees to such amendment, such statute as amended shall be deemed to be approved.

(4.) Save as aforesaid no proposed statute shall be deemed to be approved.

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

(6.) Until Convocation is constituted, the draft of every statute proposed to be made by the Senate shall be published in the *Government Gazette* at least one month before it is finally adopted and approved by the Senate.

32. If the Senate passes any proposed statute which Convocation disallows or returns to the Senate with amendments to which the Senate will not agree, and if after an interval of three months the Senate again passes the proposed statute with or without any amendments which have been made by Convocation and Convocation disallows it or returns it to the Senate with amendments to which the Senate will not agree, then the Governor may convene a special meeting of the Senate to consider the proposed statute as last proposed in the Senate, and any amendments made therein by Convocation, and any such amendments which are affirmed by two-thirds of the members of the Senate present at such meeting shall be deemed to be carried, and if the proposed statute with the amendments, if any, so carried is affirmed by two-thirds of the members of the Senate present at such meeting, it shall be taken to be duly passed and approved by the governing authority, and shall be sealed with the common seal and transmitted by the Chancellor for the approval of the Governor.

Provision in case of disagreement between Senate and Convocation.

33. (1.) Every statute when approved 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.

Statutes to be approved by Governor and published.

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

If either House of Parliament within the next subsequent thirty 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.

Affiliated Institutions.

Affiliated institutions.

34. 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 licenses:

Provided always that no such statutes shall affect the religious observances or regulations enforced in such colleges or educational establishments or boarding-houses.

Endowment and Revenue.

Endowment.
Sec 1904, No. 6,
s. 4.

35. (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.

Exemption of property from taxation.
Sec 1904, No. 6,
s. 10.

36. 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.

Subsidy.

37. There shall be paid to the Senate out of the Consolidated Revenue a sum of not less than thirteen thousand five hundred pounds in every year for the purpose of defraying the charges and expenses connected with the establishment, management, and control of the University.

Application of fees, etc.

38. 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.

General Provisions.

No religious test.

39. 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. The provisions of this Act, and all the benefits, advantages, and privileges of the University, shall extend to women equally with men. Privileges of Act to extend to women.

41. The Senate shall, within three months from the close of the University year transmit to the Governor a report of the proceedings of the University during the previous year, and such report shall contain a true and detailed account of the income and expenditure of the University during such period, audited in such manner as the Governor may direct. Report.

A copy of every such report shall be laid before both Houses of Parliament.

42. 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, except as regards any obligation to account or report in respect of the past administration of such trusts. Discharge of Trustees of University Endowment.