

WESTERN AUSTRALIA

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**WESTERN AUSTRALIAN COLLEGE  
OF ADVANCED EDUCATION  
AMENDMENT ACT**

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No. 63 of 1990

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**AN ACT to amend the *Western Australian College of Advanced Education Act 1984* and the *Acts Amendment (Educational Institutions Superannuation) Act 1985*.**

*[Assented to 17 December 1990.]*

The Parliament of Western Australia enacts as follows:

**Short title**

1. This Act may be cited as the *Western Australian College of Advanced Education Amendment Act 1990*.

**Commencement**

2. This Act shall come into operation on 1 January 1991.

### **Principal Act**

3. In this Act the *Western Australian College of Advanced Education Act 1984\** is referred to as the principal Act.

[\*Act No. 18 of 1984 as amended by Acts Nos. 77 and 98 of 1985 and 48 of 1989.]

### **Long title repealed and a new long title substituted**

4. The long title to the principal Act is repealed and the following long title is substituted—

“ AN ACT to establish and incorporate the Edith Cowan University and for incidental and other purposes. ”

### **Section 3 amended**

5. Section 3 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting the definitions of “Board of the Institute”, “Chairman”, “College”, “Institute” and “post-secondary education”; and

(ii) by inserting, in the appropriate alphabetical positions, the following definitions—

“ “Academic Board” means the Board established in accordance with section 18;

“Chancellor” means the Chancellor of the University;

“University” means the Edith Cowan University referred to in this Act. ”; and

(b) in subsection (3) by deleting “at the Institute,” in both places where it occurs.

**Section 4 repealed and a section substituted**

6. Section 4 of the principal Act is repealed and the following section is substituted—

**Establishment**

“ 4. (1) On and after the day on which the *Western Australian College of Advanced Education Amendment Act 1990* comes into operation (in this section referred to as “the commencement day”) the body corporate, consisting of the Council, the members of the staff and the enrolled students, that was continued in existence under this Act as if on the coming into operation of this Act it had been established under this Act by the name of the “Western Australian College of Advanced Education” is preserved and continues in existence as a body corporate under and subject to the provisions of this Act to be called the “Edith Cowan University”, but so that the corporate identity of the body corporate and its rights and obligations are not affected by the change in name.

(2) A reference to the Western Australian College of Advanced Education, whether by use of that name or a similar or abbreviated form of that name—

- (a) in a written law passed or made before the commencement day;
- (b) in any document or other instrument made, executed, entered into or done before the commencement day; or
- (c) made before the commencement day in any other manner,

shall be construed as if it had been amended to be a reference to the Edith Cowan University, unless because of the context it would be inappropriate to construe the reference in that manner. ”.

**Section 5 amended**

7. Section 5 of the principal Act is amended—

(a) in subsection (2) by deleting paragraph (e) and substituting the following paragraphs—

“ (e) may grant, sell, alienate, assign and demise real and personal property devised, bequeathed or given to the University as it thinks fit subject only to the express trusts of any deed, will, or instrument under which the property was acquired;

(ea) may grant leases of land vested in the University under section 28 for a term not exceeding 99 years subject, where the term exceeds 21 years, to the approval of the Governor; ”;

and

(b) by repealing subsection (3).

**Section 7 amended**

8. Section 7 of the principal Act is amended—

(a) in paragraph (a) by deleting “post-secondary education” and substituting the following—

“ courses of study appropriate to a university ”;

(b) in paragraph (b) by deleting “post-secondary” and substituting the following—

“ tertiary ”;

(c) in paragraph (c) by deleting “to aid” and substituting the following—

“ to support and pursue research and scholarship and aid ”.

**Section 9 amended**

9. Section 9 of the principal Act is amended in subsection (1)—

(a) by inserting after paragraph (a) the following paragraph—

“ (aa) the person for the time being holding the office of chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act or a person nominated in writing to the Minister by the chief executive officer of that department; ”;

(b) in paragraph (g) by deleting “chairman of the Board of the Institute” and substituting the following—

“ chairperson of the Bunbury Campus Advisory Board constituted under section 20 ”;

(c) in paragraph (h) by deleting “chairman” and substituting the following—

“ chairperson ”; and

(d) in paragraph (i) by deleting “by the Minister on the recommendation of the Council” and substituting the following—

“ by co-option by the Council ”.

**Section 16 amended**

10. Section 16 of the principal Act is amended by repealing subsection (2).

**Section 17 amended**

11. Section 17 of the principal Act is amended in subsection (1)—

(a) in paragraph (a) by inserting after “and with other” the following—

“ tertiary or ”; and

(b) in paragraph (c) by deleting “post secondary education” and substituting the following—

“ courses of study appropriate to a university ”.

**Sections 18, 19, 20, 21, 22 and 23  
repealed and sections substituted**

12. Sections 18, 19, 20, 21, 22 and 23 of the principal Act are repealed and the following sections are substituted—

**Academic Board**

“ 18. (1) There shall be an Academic Board of the University.

(2) The constitution of the Academic Board, the number of persons who shall comprise the Academic Board from time to time, the method of their appointment and selection, their term of office, the conduct of proceedings and all other matters in the opinion of the Council necessary or desirable to ensure the effective exercise of the functions of the Academic Board may be prescribed by Statute.

(3) The functions of the Academic Board shall include—

(a) the discussion and submission to the Council of opinions and recommendations on academic policy, academic development, the admission of students, instruction, studies and examinations, research, the admission to degrees, the discipline of the

University and any other matters which in the opinion of the Academic Board are relevant to the objects of this Act;

- (b) the furnishing to the Council of reports on all matters referred to it by the Council for consideration; and
- (c) such other acts or matters as may be conferred or imposed by Statute,

and the Academic Board shall have all such powers as may be necessary to discharge its functions.

### **Bunbury campus of the University**

19. (1) On and after the coming into operation of the *Western Australian College of Advanced Education Amendment Act 1990* (in this section referred to as “the commencement day”) the branch of the University continued under this Act under the name “Bunbury Institute of Advanced Education” is constituted as a campus of the University and shall be known as the Bunbury Campus of the University.

(2) A reference to the Bunbury Institute of Advanced Education, whether by use of that name or a similar or abbreviated form of that name—

- (a) in a written law passed or made before the commencement day;
- (b) in any document or other instrument made, executed, entered into or done before that commencement day; or
- (c) made before the commencement day in any other manner,

shall be construed as if it had been amended to be a reference to the Bunbury Campus of the University, unless because of the context it would be inappropriate to construe the reference in that manner.

### **Bunbury Campus Advisory Board**

20. (1) There shall be a Bunbury Campus Advisory Board.

(2) The constitution of the Bunbury Campus Advisory Board, the number of persons who shall comprise the Bunbury Campus Advisory Board from time to time, the method of their appointment and selection, their term of office, the conduct of proceedings and all other matters in the opinion of the Council necessary or desirable to ensure the effective exercise of the functions of the Bunbury Campus Advisory Board may be prescribed by Statute.

(3) Subject to subsection (4), the Bunbury Campus Advisory Board shall be responsible to the Council for the control and management of—

(a) the affairs and concerns of the Bunbury Campus;

and

(b) the property of the University held at, or for the purposes of, the Bunbury Campus.

(4) The Bunbury Campus Advisory Board is subject to the direction and control of the Council. ”.

### **Section 25 repealed**

13. Section 25 of the principal Act is repealed.

### **Section 26 amended**

14. Section 26 of the principal Act is amended in subsection (1)—

(a) by deleting “colleges or” in paragraph (j); and

(b) by deleting paragraph (o).



**Section 28 amended**

15. Section 28 of the principal Act is amended by repealing subsection (4) and substituting the following subsection—

“ (4) The restrictions imposed by section 5 (2) (ea) do not apply to the lease of a portion of the University land to an affiliated residential college, affiliated hostel or hall of residence if it is conditional on the leased land being used only as a place for the residence or education and residence of enrolled students and for such other purposes connected therewith or subordinate thereto as are specified in the lease. ”.

**Section 30 amended**

16. Section 30 of the principal Act is amended in subsection (2) by deleting “and the Minister approves”.

**Section 39 amended**

17. Section 39 of the principal Act is amended by repealing subsection (2).

**Section 41 amended**

18. Section 41 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsections—

“ (1) On and after the day on which the *Western Australian College of Advanced Education Amendment Act 1990* comes into operation (in this section referred to as “the commencement day”) the body corporate that was continued in existence under this Act as though it were established under this Act by the name of the “Western Australian College of Advanced Education Student Guild” is preserved and continues in existence as a body corporate under and subject to the provisions of this Act to be called the “Edith Cowan University

Student Guild” but so that the corporate identity of the body corporate and its rights and obligations are not affected by the change in name.

(1a) A reference to the Western Australian College of Advanced Education Student Guild, whether by use of that name or a similar or abbreviated form of that name—

- (a) in a written law passed or made before the commencement day;
- (b) in any document or other instrument made, executed, entered into or done before the commencement day; or
- (c) made before the commencement day in any other manner,

shall be construed as if it had been amended to be a reference to the Edith Cowan University Student Guild, unless because of the context it would be inappropriate to construe the reference in that manner. ”;

and

(b) by inserting after subsection (9) the following subsection—

“ (10) In this section—

“Student Guild” means the Edith Cowan University Student Guild. ”.

### Miscellaneous amendments

19. The principal Act is amended as follows—

*Provision or  
provisions affected*

*Amendment*

Section 1

Delete “*Western Australian College of Advanced Education*” and substitute “*Edith Cowan University*”.

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*Amendment Act*

*Provision or  
provisions affected*

*Amendment*

Sections 3 (1) (other than the definition of "College" and "Student Guild"), (2) and (3), 5 (1) and (2), 6 (1) and (2), 7, 8, 9 (1) (b), (c), (d), (e) and (f) and (3), 15 (1), 16 (1) (a), (b) and (c), 17 (1) and (2), 24 (1), 26 (1), (3), (4) and (8), 27 (1) and (4), 28 (1), (2) and (3), 29 (2), (3), (4), (6) and (9), 30 (1), 31 (1) and (2), 33, 34 (1) and (3), 35 (1), 36 (1) (b), (c) and (d), 37 (2), 39 (1), 41 (3), (5) and (6), 42 (1), 43 (1) and (2), 44, 47 (4), 53.

Delete "College" and substitute "University".

Section 3 (1) (definition of "Student Guild"), 36 (2) and (3), 38

Delete "Western Australian College of Advanced Education" and substitute "Edith Cowan University".

Heading to Part II

Delete "WESTERN AUSTRALIAN COLLEGE OF ADVANCED EDUCATION." and substitute "EDITH COWAN UNIVERSITY".

Headings to Parts III and VI

Delete "COLLEGE" and substitute "UNIVERSITY".

Sections 9 (1) (j), 10 (1) (d), 12 (2), (3), (4) and (6), 26 (1) (e)

Delete "Chairman" and substitute "Chancellor".

Section 12 (1) (a)

Delete "Chairman" and substitute "Chancellor of the University".

Section 12 (1) (b), (2) and (4)

Delete "Deputy Chairman" and substitute "Pro-Chancellor of the University".

<i>Provision or provisions affected</i>	<i>Amendment</i>
Sections 29 (1), (2), (3) and (7), 39 (3)	Delete "college" and substitute "University".
Section 31 (1)	Delete "Arbitration" and substitute "Relations".
Section 31 (2)	Delete "Board" and substitute "Commissioner".
Section 47 (1)	Delete "College" in the third place where it occurs and substitute "University".
Section 47 (3) (b)	Delete "College" in the second place where it occurs and substitute "University".
Section 48	Delete "College" in the second and fourth places where it occurs and substitute "University".
Section 49	Delete "College" in the second place where it occurs and substitute "University".

### **Transitional—Bunbury Campus Advisory Board**

20. Until a Statute providing for the constitution of the Bunbury Campus Advisory Board comes into operation—

- (a) the chairman of the Board of the Bunbury Institute of Advanced Education holding office as such immediately before the coming into operation of this Act shall be the chairman of the Bunbury Campus Advisory Board; and

- (b) the members of the Board of the Bunbury Institute of Advanced Education holding office as such immediately before the coming into operation of this Act shall be the members of the Bunbury Campus Advisory Board,

but the Minister may appoint a person to any office that becomes vacant before the day on which the Statute comes into operation.

### **Transitional—Chancellor and Pro-Chancellor**

21. The persons who, immediately before the coming into operation of this Act, are the Chairman and the Deputy Chairman of the Council under the principal Act shall be taken to have been elected under the principal Act as amended by this Act to be the Chancellor and the Pro-Chancellor, respectively, of the University for the balance of the respective terms for which they were elected.

### ***Acts Amendment (Educational Institutions Superannuation) Act 1985***

22. Section 14 of the *Acts Amendment (Educational Institutions Superannuation) Act 1985\** is amended in subsection (1) by deleting “College” and substituting the following—

“ University ”.

[\*Act No. 77 of 1985.]

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