

WESTERN AUSTRALIA

**WESTERN AUSTRALIAN
INSTITUTE OF TECHNOLOGY
AMENDMENT ACT**

No. 96 of 1986

AN ACT to amend the *Western Australian Institute of Technology Act 1966* and the *Acts Amendment (Student Guilds and Associations) Act 1983*.

[Assented to 10 December 1986.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the 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 *Western Australian Institute of Technology Amendment Act 1986*.

Commencement

2. This Act shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act the *Western Australian Institute of Technology Act 1966** is referred to as the principal Act.

*[*Reprinted as approved 2 September 1975 and amended by Acts Nos. 61 of 1977, 37 of 1981, 59 of 1982, 51 of 1983, and 77 and 98 of 1985.]*

Section 4 amended

4. Section 4 of the principal Act is amended in subsection (1)—

- (a) by deleting the definitions of “Chairman” and “Institute”;
- (b) by deleting the full stop at the end of the definition of “Student Guild” and substituting a semicolon; and
- (c) by inserting in the appropriate alphabetical positions, the following definitions—

“ “Chancellor” means the Chancellor of the University; ”;

“ “University” means the Curtin University of Technology established under this Act. ”.

Section 5 amended

5. Section 5 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 Institute of Technology Amendment Act 1986* comes into operation (in this section called “the proclaimed date”) the body corporate, consisting of the Council, the members of the academic and other staff, and the enrolled students, that was hitherto established under this Act by the name of the “Western Australian Institute of Technology” is preserved and continues in existence as a body corporate under and subject to the provisions of this Act to be called

the "Curtin University of Technology", but so that the corporate identity of the body corporate and its rights and obligations are not thereby affected.

(1a) A reference to the Western Australian Institute of Technology, 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 proclaimed date;
- (b) in any document or other instrument made, executed, entered into or done before the proclaimed date; or
- (c) made before the proclaimed date in any other manner,

shall, unless the context is such that it would be incorrect or inappropriate so to do, be read and construed as a reference to the Curtin University of Technology. ”;

(b) in subsection (2)—

- (i) by deleting "Institute shall be a body corporate by the name of the "Western Australian Institute of Technology" and under that corporate name" and substituting the following—

“ University ” and

- (ii) 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 20 or 31 for a term not exceeding 99 years subject, where the term exceeds 21 years, to the approval of the Governor; ”; and

(c) by repealing subsection (3).

Section 7 repealed and a section substituted

6. Section 7 of the principal Act is repealed and the following section is substituted—

Functions of the University

“ 7. (1) The functions of the University shall include the following—

- (a) to provide courses of study appropriate to a university, and other tertiary courses, and to aid the advancement, development and practical application of knowledge;
- (b) to encourage and participate in the development and improvement of tertiary education whether on a full or part time basis;
- (c) to provide such other courses as may be approved by the Council;
- (d) to encourage and undertake research and to aid directly or indirectly the application of science and technology to industry;
- (e) to foster the general welfare and development of its enrolled students;
- (f) subject to this Act and the Statutes to make appropriate academic awards to enrolled students who have attained standards approved by the University in examinations and to other persons as prescribed; and
- (g) to provide such facilities relating to the foregoing functions as the Council thinks necessary or conducive for their attainment.

(2) The University shall have all such powers, rights and privileges as are reasonably necessary to enable it to carry out its functions. ”.

Section 14 amended

7. Section 14 of the principal Act is amended in subsection (2) by deleting “and the Minister approves”.

Section 20 amended

8. Section 20 of the principal Act is amended by repealing subsection (3) and substituting the following subsection—

“ (3) 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 21 amended

9. Section 21 of the principal Act is amended—

(a) by inserting after “the Statutes” the following—

“ and to the *Western Australian Post-Secondary Education Commission Act 1970* ”; and

(b) in paragraph (a), by deleting “advanced education” and substituting the following—

“ education not below tertiary level ”.

Section 25 amended

10. Section 25 of the principal Act is amended by deleting “it in any investments authorised by law as those in which trust funds may be invested” and substituting the following—

“ it—

(a) where the manner in which such money may be invested is provided for in any deed, will, or other instrument under which the money is acquired, in the manner so provided;

(b) in any other case, in any investments authorized by law as those in which trust funds may be invested ”.

Miscellaneous amendments**11. The principal Act is amended as follows—**

<i>Provision or provisions affected</i>	<i>Amendment</i>
Long title	Delete " Western Australian Institute " and substitute " Curtin University ".
Section 1	Delete " <i>Western Australian Institute</i> " and substitute " <i>Curtin University</i> ".
Sections 23 (2) and 25	Delete " Western Australian Institute " and substitute " Curtin University ".
Sections 4 (1) (other than the definition of "Institute") and (2), 5 (2) (d), 6 (1) and (2), 8, 9 (1) (f), (g), (gb), (gc), (i), and (j), 10 (g) (iv), 14 (1), 15 (1), 16, 17, 17A, 18 (2), 20 (1) and (2), 20A (1), (2), (4), (5), and (7), 21 (b), (c), and (e), 21A (1) and (2), 21C (d), 21G (1) (b) and (c), and (2) (a) and (c), 22 (1), 23 (1) (b), (c), and (d), and (3), 24 (1), (2), and (3), 27 (1), 28, 30A (1), 31 (1) and (2), 32, 33 (1) and (2), 34 (1), (1a), (1b), (1c), (1d), (3) (a), and (4), 35 (1) and (4), 44 (6) (a), the Schedule	Delete "Institute" and substitute "University".
Heading to Part 1	Delete " WESTERN AUSTRALIAN INSTITUTE " and substitute " CURTIN UNIVERSITY ".
Headings to Divisions 1 and 2A of Part 1	Delete " <i>Institute</i> " and substitute " <i>University</i> ".
Sections 9 (1) (h), 11 (1) and (5), 34 (1) (e)	Delete "Chairman" and substitute "Chancellor".
Section 11 (2) (a)	Delete "Chairman" and substitute "Chancellor of the University".
Section 11 (2) (b) and (3)	Delete "Deputy Chairman" and substitute "Pro-Chancellor of the University".
Section 11 (3)	Delete "Chairman" in the first place where it occurs in each of paragraphs (a) and (b), and at the end of the subsection, and substitute "Chancellor".
Sections 21A (3) and 30A (3)	Delete "Institute" in the first place where it occurs and substitute "University".
Section 34 (1) (j)	Delete "institutes of technology or".

Transitional

12. 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.

Section 18 of 1983 amending Act amended

13. Section 18 of the *Acts Amendment (Students Guilds and Associations) Act 1983** is amended in subsection (1) (a) by deleting "Institute" and substituting the following—

“ University ”.

[*Act No. 51 of 1983.]
