

**ACTS AMENDMENT
(STUDENT GUILDS AND
ASSOCIATIONS).**

No. 51 of 1983.

AN ACT to amend the University of Western Australia Act 1911-1978, the Murdoch University Act 1973-1980, the Western Australian Institute of Technology Act 1966-1982 and the Colleges Act 1978-1980 and for related purposes.

[Assented to 5 December 1983.]

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:—

PART I—PRELIMINARY.

1. This Act may be cited as the *Acts Amendment (Student Guilds and Associations) Act 1983*. Short title.

Interpretation.

2. In this Act, unless the contrary intention appears—

“section” means a section of this Act.

PART II—UNIVERSITY OF WESTERN AUSTRALIA
ACT 1911-1978.

Citation.
Reprinted
as approved
21 June 1971,
and
amended by
Acts Nos. 58
of 1973, 40
of 1975,
37 of 1976,
61 of 1977
and 62 of
1978.

3. (1) In this Part the University of Western Australia Act 1911-1978 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the University of Western Australia Act 1911-1983.

Section 28
amended.

4. Section 28 of the principal Act is amended—

(a) by repealing subsections (2) and (2a) and substituting the following subsections—

“ (2) Subject to subsection (2a) of this section and to the Statutes, all students shall be members of the Guild.

(2a) Notwithstanding subsection (2) of this section, a student who—

(a) declares by writing addressed to the Vice-Chancellor that he has a conscientious objection to being a member of the Guild and notifies the Guild accordingly;

(b) pays from time to time to the Guild or to a fund or body established for a charitable purpose nominated either by the Guild, or if the student so

elects, by the student himself an amount equivalent to the subscription which would be payable if the student were a member of the Guild,

is exempt from membership of the Guild. ”;

- (b) by repealing subsections (2b), (2c) and (2d);
- (c) by repealing subsections (5), (6), (7) and (8); and
- (d) by repealing subsections (9) and (10) and substituting the following subsections—

“ (9) Members of the Guild shall pay to the Guild such subscriptions as are from time to time determined by the Guild and approved by the Senate.

(10) Different subscriptions payable to the Guild may be determined and approved under subsection (9) of this section in respect of different classes of students or different classes of membership of the Guild. ”.

5. Section 31 of the principal Act is amended in subsection (1) by deleting paragraphs (v) and (va) and substituting the following paragraphs—

Section 31
amended.

- “ (v) Classes of membership and conditions or qualifications for membership of the Guild;
- (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; ”.

Transitional—amenities and services fees.

6. Notwithstanding section 4, section 28 (5), (6), (7), (8) and (10) of the principal Act shall continue to apply during the period terminating on and including 31 December 1983 in relation to—

- (a) the payment of amenities and services fees that became payable before the coming into operation of this Act; and
- (b) the transmission and application of moneys derived from amenities and services fees paid before or after the coming into operation of this Act.

Transitional—ineligibility for membership of the Guild.

7. (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.

PART III—MURDOCH UNIVERSITY ACT 1973-1980.

Citation. (Act No. 20 of 1973 as amended by Acts Nos. 103 of 1975, 38 of 1976, 61 of 1977, 7 of 1978 and 26 of 1980.)

8. (1) In this Part the Murdoch University Act 1973-1980 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Murdoch University Act 1973-1983.

9. Section 20 of the principal Act is amended— Section 20
amended.

(a) in subsection (2) by deleting “a” and substituting the following—“the ”;

(b) by repealing subsections (2a) and (2b) and substituting the following subsections—

“ (2a) Subject to subsection (2b) of this section and to the Statutes, all students shall be members of the Guild.

(2b) Notwithstanding subsection (2a) of this section, a student who—

(a) declares by writing addressed to the Vice-Chancellor that he has a conscientious objection to being a member of the Guild and notifies the Guild accordingly;

(b) pays from time to time to the Guild or to a fund or body established for a charitable purpose nominated either by the Guild, or if the student so elects, by the student himself an amount equivalent to the subscription which would be payable if the student were a member of the Guild,

is exempt from membership of the Guild. ”;

(c) by repealing subsections (2c), (2d) and (2e);

(d) by repealing subsections (5), (6), (7), (8), (9) and (10); and

(e) by repealing subsections (11) and (12) and substituting the following subsections—

“ (11) Members of the Guild shall pay to the Guild such subscriptions as are from time to time determined by the Guild and approved by the Senate.

(12) Different subscriptions payable to the Guild may be determined and approved under subsection (11) of this section in respect of different classes of students or different classes of membership of the Guild. ”.

Section 25 amended.

10. Section 25 of the principal Act is amended in subsection (4)—

(a) in paragraph (o) by inserting before “the conditions” the following—

“ classes of membership and ”; and

(b) by deleting paragraph (oa).

Transitional—amenities and services fees.

11. Notwithstanding section 9, section 20 (5), (6), (7), (8), (9), (10) and (12) of the principal Act shall continue to apply during the period terminating on and including 31 December 1983 in relation to—

(a) the payment of amenities and services fees that became payable before the coming into operation of this Act; and

(b) the transmission and application of moneys derived from amenities and services fees paid before or after the coming into operation of this Act.

Transitional—ineligibility for membership of the Guild.

12. (1) Notwithstanding section 20 (2a) of the principal Act as substituted by section 9 (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 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.

PART IV—WESTERN AUSTRALIAN INSTITUTE
OF TECHNOLOGY ACT 1966-1982.

13. (1) In this Part the Western Australian Institute of Technology Act 1966-1982 is referred to as the principal Act.

Citation.
(Reprinted as approved 2 September 1975, and amended by Acts Nos. 61 of 1977, 37 of 1981 and 59 of 1982.)

(2) The principal Act as amended by this Act may be cited as the Western Australian Institute of Technology Act 1966-1983.

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

Section 4 amended.

- (a) in the definition of "Statute" by deleting "Act." and substituting the following—

“ Act; ”; and

- (b) by inserting after the definition of "Statute" the following definition—

“ “Student Guild” means the Student Guild incorporated under section 44 of this Act. ”.

15. Section 34 of the principal Act is amended in subsection (1)—

Section 34 amended.

- (a) by deleting "and" at the end of paragraph (m);

(b) by deleting the full stop at the end of paragraph (n) and substituting the following—

“ ; and ”; and

(c) by inserting after paragraph (n) the following paragraph—

“ (o) any matter authorized or directed by this Act to be prescribed by Statute. ”.

Section 44
amended.

16. Section 44 of the principal Act is amended—

(a) in subsection (4)—

(i) in paragraph (a) by inserting after “prescribing” the following—

“ classes of membership and ”;
and

(ii) by deleting paragraph (b).

(b) by repealing subsections (5) and (6) and substituting the following subsections—

“ (5) Subject to subsection (6) of this section and to the Statutes, all enrolled students shall be members of the Student Guild.

(6) Notwithstanding subsection (5) of this section, a student who—

(a) declares by writing addressed to the chief executive officer of the Institute that he has a conscientious objection to being a member of the Student Guild and notifies the Student Guild accordingly;

- (b) pays from time to time to the Student Guild or to a fund or body established for a charitable purpose nominated either by the Student Guild, or if the student so elects, by the student himself an amount equivalent to the subscription which would be payable if the student were a member of the Student Guild,

is exempt from membership of the Guild. ”;

- (c) by repealing subsections (7), (8), (9), (10), (11), (12), (13), (14) and (15); and
- (d) by repealing subsections (16) and (17) and substituting the following subsections—

“ (16) Members of the Student Guild shall pay to the Student Guild such subscriptions as are from time to time determined by the Student Guild and approved by the Council.

(17) Different subscriptions payable to the Student Guild may be determined and approved under subsection (16) of this section in respect of different classes of students or different classes of membership of the Student Guild. ”.

17. Notwithstanding section 16, section 44 (10), (11), (12), (13), (14), (15) and (17) of the principal Act shall continue to apply during the period terminating on and including 31 December 1983 in relation to—

Transitional
—amenities
and services
fees.

- (a) the payment of amenities and services fees that became payable before the coming into operation of this Act; and

- (b) the transmission and application of moneys derived from amenities and services fees paid before or after the coming into operation of this Act.

Transitional—
ineligibility
for
membership
of the
Student
Guild.

18. (1) Notwithstanding section 44 (5) of the principal Act as substituted by section 16 (b) of this Act, the following persons and classes of persons shall not be eligible for any form of membership of the Student Guild, that is to say—

- (a) enrolled students who are members of the full time academic staff of the Institute;
- (b) persons who are not enrolled students; and
- (c) such persons or classes of persons as the Council declares by resolution to be ineligible for membership of the Student Guild.

(2) The Governor may by proclamation provide that this section shall cease to be in operation on a day fixed by the proclamation.

PART V—COLLEGES ACT 1978-1980.

Citation.
(Act No. 100
of 1978 as
amended by
Act No. 36
of 1980.)

19. (1) In this Part the Colleges Act 1978-1980 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Colleges Act 1978-1983.

Section 26
amended.

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

- (a) by deleting “and” at the end of paragraph (m);
- (b) by deleting the full stop at the end of paragraph (n) and substituting the following—

“ ; and ”; and

- (c) by inserting after paragraph (n) the following paragraph—

“ (o) any matter authorized or directed by this Act to be prescribed by Statute in relation to the college. ”.

21. Section 44 of the principal Act is amended— Section 44 amended.

- (a) in subsection (1) by inserting after “Act” the following—

“ and in accordance with the Statutes ”;

- (b) by inserting after subsection (1) the following subsections—

“ (1a) By virtue of this subsection, a student association of a college established under subsection (1) of this section shall be a body corporate under the name prescribed in the Statutes of the college or, if no other name is so prescribed, under the name “(name of college) Student Association”.

(1b) The student association of a college under its corporate name—

- (a) has perpetual succession;
- (b) shall have a common seal;
- (c) may sue and be sued in any court; and
- (d) subject to the Statutes, may do and suffer all other acts and things that bodies corporate may by law do and suffer. ”;

(c) by repealing subsections (3) and (4) and substituting the following subsections—

“ (3) Subject to subsection (4) of this section and to the Statutes, where a student association of a college has been established under subsection (1) of this section, all enrolled students of that college shall be members of the student association.

(4) Notwithstanding subsection (3) of this section, a student who—

(a) declares by writing addressed to the chief executive officer of the college that he has a conscientious objection to being a member of the student association and notifies the student association accordingly;

(b) pays from time to time to the student association or to a fund or body established for a charitable purpose nominated either by the student association, or if the student so elects, by the student himself an amount equivalent to the subscription which would be payable if the student were a member of the student association,

is exempt from membership of the Guild. ”;

(d) by repealing subsections (5), (6), (7), (8), (9), (10), (11), (12) and (13);

(e) by repealing subsections (14) and (15) and substituting the following subsections—

“ (14) Members of the student association of a college shall pay to the

student association such subscriptions as are from time to time determined by the student association and approved by the Council.

(15) Different subscriptions payable to the student association of a college may be determined and approved under subsection (14) of this section in respect of different classes of students or different classes of membership of the student association. ”; and

- (f) in paragraph (a) of subsection (16) by inserting before “the conditions” the following—

“ classes of membership and ”.

22. Notwithstanding section 21, section 44 (8), (9), (10), (11), (12), (13) and (15) of the principal Act shall continue to apply during the period terminating on and including 31 December 1983 in relation to—

Transitional—amenities and services fees.

- (a) the payment of amenities and services fees that became payable before the coming into operation of this Act; and
- (b) the transmission and application of moneys derived from amenities and services fees paid before or after the coming into operation of this Act.

23. (1) Notwithstanding section 44 (3) of the principal Act as substituted by section 21 (c) of this Act, the following persons and classes of persons shall not be eligible for any form of membership of the student association, that is to say—

Transitional—ineligibility for membership of the student association.

- (a) enrolled students of the college who are members of the full time academic staff of the college;

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- (b) persons who are not enrolled students of the college; and
- (c) such other persons and classes of persons as the Council declares by resolution to be ineligible for membership of the student association.

(2) The Governor may by proclamation provide that this section shall cease to be in operation on a day fixed by the proclamation.
