

WESTERN AUSTRALIAN
INSTITUTE OF
TECHNOLOGY.

No. 59 of 1982.

**AN ACT to amend the Western Australian Institute
of Technology Act 1966-1981.**

[Assented to 28 September 1982.]

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:—

1. (1) This Act may be cited as the *Western Australian Institute of Technology Amendment Act 1982*.

Short title
and citation.

(2) In this Act the Western Australian Institute of Technology Act 1966-1981 is referred to as the principal Act.

Reprinted as
approved 2
September
1975 and
amended by
Acts Nos. 61
of 1977
and 37 of
1981.

(3) The principal Act as amended by this Act may be cited as the Western Australian Institute of Technology Act 1966-1982.

Commencement.

2. This Act shall come into operation on 1 January 1983.

Section 4 amended.

3. Section 4 of the principal Act is amended—

(a) in subsection (1)—

(i) by inserting before the definition of “casual vacancy” the following definitions—

“ “Board” means the Board of a branch of the Institute;

“branch” means a branch of the Institute established by the Council in accordance with section 21A; ” ; and

(ii) by inserting after “member” in the definition of “casual vacancy” the following—

“ of the Council or a member of a Board ” ; and

(b) in subsection (2), by inserting after “Institute” the following—

“ or a branch ” .

Section 9 amended.

4. Section 9 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting “and” at the end of paragraph (h);

(ii) by deleting the full stop at the end of paragraph (i) and substituting the following—

“ ; and ” ; and

(iii) by inserting after paragraph (i) the following paragraph—

“ (j) a person who is appointed chairman of a Board under section 21C of this Act or, if the Board so resolves another member of the Board nominated by that Board, but a person whose sole or principal employment is that of a member of the staff of the Institute may not be so nominated. ” ;

and

(b) by repealing subsection (2).

5. Section 9A of the principal Act is amended— Section 9A
amended.

(a) in subsection (1), by deleting in paragraph (a) “or under subsection (2) of that section”;

(b) by repealing subsection (2) and substituting the following subsection—

“ (2) A member who holds office under paragraph (j) of subsection (1) of section 9 of this Act ceases to hold office if the branch of which he is chairman of the Board or by the Board of which he is nominated ceases to exist as a branch. ” ; and

(c) in subsection (5),

(i) by inserting at the end of paragraph (a) the following—

“ or ” ;

(ii) by deleting “; or” at the end of paragraph (b) and substituting a full stop; and

(iii) by deleting paragraph (c).

Section 13 amended.

6. Section 13 of the principal Act is amended in subsection (2) by—

(a) inserting after “appoint” the following—

“ or elect ” ; and

(b) inserting after “appointment” the following—

“ or election ” .

Section 15 amended.

7. Section 15 of the principal Act is amended in subsection (1) by inserting after “officers of the Institute” the following—

“ or to a Board ” .

Section 19 repealed.

8. Section 19 of the principal Act is repealed.

Heading and sections inserted.

9. After section 21 of the principal Act the following heading and sections are inserted—

“ *Division 2A.—Branches of the Institute.*

Power to establish branches.

21A. (1) Subject to subsection (2) of this section, the Council may establish and maintain branches of the Institute at such places in the State as the Council, with the approval of the Minister, thinks fit.

(2) A branch of the Institute shall be established for the purposes of this Act by the Council causing to be published in the *Gazette* a notice of the establishment of the branch and such a notice shall specify—

(a) the name by which the branch shall be known; and

(b) the date on which the branch is to be established.

(3) The Western Australian School of Mines shall continue to be a branch of the Institute and for the purposes of this Division shall be deemed to have been established as a branch under that name on the day when the Western Australian Institute of Technology Amendment Act 1982 comes into operation.

21B. Subject to this Act, in respect of each branch there shall be a Board which shall be responsible to the Council for the control and management of the affairs, concerns, and property of the branch.

Management
of branch.

21C. A Board shall consist of—

Constitution
of Board.

- (a) a person appointed by the Minister to be the chairman of the Board;
- (b) seven persons appointed by the Minister representative of education, the professions, industrial, commercial, or other community interests;
- (c) the person for the time being appointed to be the chief executive officer of the branch;
- (d) two persons appointed by the Council, but not more than one of those persons may be a member of the full time staff of the Institute;
- (e) one person who is a member of the full time academic staff of the branch elected by members of that staff in such manner as is prescribed by Statute;
- (f) one person who is a member of the full time salaried staff (other than the academic staff) of the branch elected by members of that salaried staff in such manner as is prescribed by Statute; and

- (g) one person who is for the time being an enrolled student of the branch and who is elected by enrolled students of the branch in such manner as is prescribed by Statute.

Term of
office of
Board
members.

21D. (1) Subject to this Act—

- (a) an appointed member of a Board holds office for such period not exceeding three years as is specified in the instrument of his appointment;
- (b) a member of a Board elected under paragraph (e) or (f) of section 21C of this Act holds office for a term of three years from the date on which his election takes effect;
- (c) a member of a Board elected under paragraph (g) of section 21C of this Act holds office for a term of one year from the date on which his election takes effect.

(2) Subject to subsection (3) of this section, all retiring members are, unless otherwise disqualified, eligible for re-appointment or re-election.

(3) The member referred to in section 21C (g) of this Act is not eligible for re-election more than once.

(4) Where a vacancy occurs in the office of an elected member—

- (a) if, at the expiration of three months from the occurrence of the vacancy, the office has not been filled by election the Minister may fill that

office by appointing a person with the like prescribed qualification as that of the member whose office is vacant;

and

- (b) if the vacancy occurs otherwise than by effluxion of time, the person who fills the vacancy shall, subject to this Act, hold office as member for the residue of his predecessor's term of office.

(5) In this section—

“appointed member” means a member of a Board referred to in paragraph (a), (b), or (d) of section 21C of this Act; and

“elected member” means a member of a Board referred to in paragraph (e), (f), or (g) of section 21C of this Act.

21E. The office of a member of a Board becomes vacant if—

Vacation
of office of
Board
member.

- (a) his term of office expires by effluxion of time;
- (b) he resigns his office by writing under his hand addressed to the Minister;
- (c) he becomes permanently incapable of performing his duties as a member of the Board;
- (d) he is an undischarged bankrupt or has his affairs under liquidation by arrangement with his creditors;
- (e) he is convicted of an indictable offence;
- (f) he is absent without leave of the Board from three consecutive meetings of the Board; or

- (b) a question arising at the meeting shall be determined by a majority of the valid votes of the members of the Board present.

(8) No act or thing done by a Board is invalidated, prejudiced or affected by reason of any vacancy in the membership of the Board or any failure to appoint or elect any member of the Board, or any defect or irregularity in the appointment or election of any person purporting to be a member so long as a quorum of the Board remains.

21G. (1) Subject to this Act, the Board of a branch shall— Powers and
duties of a
Board.

- (a) perform any function conferred or imposed upon the Board by or under this Act;
- (b) act in all matters concerning the branch in such manner as appears to it best calculated to promote the objects and interests of the branch and the Institute;
- (c) advise the Council on the promotion, development and co-ordination of the academic courses and programmes which are offered or to be offered by the branch and which are, or some of which are, offered or to be offered elsewhere by the Institute;
- (d) as soon as practicable after each thirty-first day of December, prepare and furnish to the Council a report of the operations of the branch during the period of twelve months immediately preceding that day;

(2) Subject to this Act, the Board of a branch may—

- (a) select persons who are to be appointed as members of the staff of the branch and recommend the appointment under section 17 of this Act of such persons to the staff of the Institute;
- (b) expend or otherwise apply for the purposes of the branch moneys allocated to the branch;
- (c) expend or otherwise apply moneys received by the Institute, the Council, the branch or the Board by way of gifts, or bequests for educational, research or other purposes associated with the branch. ” .

Section 22 amended.

10. Section 22 of the principal Act is amended by inserting after subsection (1) the following subsection—

“ (1a) A report of the operations of the Institute furnished to the Minister under subsection (1) of this section shall include, in respect of any branch of the Institute, the report required to be made to the Council by the Board of the branch under section 21G (1) (d) of this Act. ” .

Section 34 amended.

11. Section 34 of the principal Act is amended in subsection (1) by inserting after paragraph (e) the following paragraph—

“ (ea) the manner and time of convening, holding and adjourning the meetings of a Board, the manner of voting at those meetings, the powers and duties of the chairman of a Board, the conduct and record of the business, the appointment of committees of a Board and the quorum, powers and duties of those committees; ” .