

WESTERN AUSTRALIAN  
INSTITUTE OF TECHNOLOGY.

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No. 37 of 1981.

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AN ACT to amend the Western Australian Institute  
of Technology Act 1966-1977.

[Assented to 25 August 1981.]

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 1981*.

Short title  
and  
citation.

(2) In this Act the Western Australian Institute of Technology Act 1966-1977 is referred to as the principal Act.

Reprinted  
as approved  
2 September  
1975;  
amended  
by Act No.  
61 of 1977.

(3) The principal Act as amended by this Act may be cited as the Western Australian Institute of Technology Act 1966-1981.

Commence-  
ment.

2. The provisions of this Act shall come into operation on such day or days as is or are respectively fixed by proclamation.

Long title  
amended.

3. The long title of the principal Act is amended by deleting "The" and substituting the following—  
" the " .

Section 3.  
repealed.

4. Section 3 of the principal Act is repealed.

Section 4  
amended.

5. Section 4 of the principal Act is amended—

(a) by deleting the section designation "4." and substituting the following—

" 4. (1) " ;

(b) in subsection (1), in the definition of "Institute" by deleting "The" and substituting the following—

" the " ; and

(c) in subsection (2)—

(i) by inserting after "academic staff", in the first place where it appears, the following—

" or of the full time salaried staff (other than academic staff) " ; and

(ii) by inserting after "academic staff", in the second place where it appears, the following—

" or the full time salaried staff (other than academic staff) " .

6. Section 5 of the principal Act is amended, in subsection (2), by deleting “ “The Western ” and substituting the following—

Section 5  
amended.

“ the “Western ” .

7. Section 9 of the principal Act is amended—

Section 9  
amended.

(a) in subsection (1)—

(i) by deleting paragraph (d);

(ii) by inserting after paragraph (ga) the following paragraphs—

“ (gb) one person who is a member of the full time salaried staff, other than the academic staff, of the Institute elected by members of that staff;

(gc) one person who is a member of the Alumni Association of the Institute elected by members of that Association; ” ; and

(iii) in paragraph (i) by deleting “academic”; and

(b) by repealing subsections (3), (3a), (4), (5) and (6).

8. (1) The principal Act is amended by inserting, after section 9, the following section—

Section 9A  
inserted.

“ 9A. (1) Subject to this Act—

Term of  
office.

(a) a member appointed under paragraph (a) or (i) of subsection (1) of section 9 of this Act or under subsection (2) of that section holds office for a period of 3 years, commencing on the day of

his appointment, unless a shorter term of office is specified pursuant to subsection (5) of this section;

(b) a member elected under paragraph (g), (gb), or (gc) of subsection (1) of section 9 of this Act holds office for a period of 3 years, commencing on the day on which his election takes effect, unless a shorter term of office is specified pursuant to subsection (6) of this section;

(c) a member elected under paragraph (ga) of subsection (1) of section 9 of this Act holds office for a period of one year commencing on the day on which his election takes effect.

(2) A member co-opted under section 9 (2) of this Act to represent a branch ceases to hold office if that branch ceases to exist as a branch of the Institute.

(3) A member elected under the said paragraph (ga) may be re-elected once, but only once, on the expiry of his term of office, if he continues to be qualified under section 9 of this Act.

(4) Except as provided in subsection (3) of this section, an appointed (which includes co-opted) or elected member, on the expiry of his term of office, may be again appointed or elected, if he continues to be qualified under section 9 of this Act; but on the expiry of a third successive term of office (of whatever duration) he is not eligible to hold office as a member until 12 months have elapsed after such expiry.

(5) Notwithstanding paragraph (a) of subsection (1) of this section, the Governor or the Council may, when appointing a person as a

member, specify a term of office of less than 3 years where an appointment for such shorter term is desirable to ensure that—

- (a) the terms of office of members expire at intervals which will produce reasonable continuity of membership;
- (b) the terms of office expire on dates which afford the convenience of uniformity; or
- (c) the term of office of a member co-opted under section 9(2) of this Act to represent a branch does not extend beyond the time when the branch may cease to exist as a branch of the Institute.

(6) Notwithstanding paragraph (b) of subsection (1) of this section the Council may, before an election is held for the purposes of paragraph (g), (gb), or (gc) of subsection (1) of section 9 of this Act, by notice given in writing to the returning officer for the election specify a term of office of less than 3 years for any member proposed to be elected under the said paragraph (g), (gb), or (gc), where election for such shorter term is desirable for any reason mentioned in paragraphs (a) and (b) of subsection (5) of this section. ” .

(2) Each person holding office as an appointed or elected member of the Council (constituted under section 8 of the principal Act) immediately before the coming into operation of this section shall, subject to the principal Act and the terms of his appointment, continue to hold office as such until the expiry of his term of office, and shall, subject to the principal Act, be eligible for re-appointment or re-election.

(3) The term of office of a member first elected under paragraph (gb) or (gc) of section 9(1) of the principal Act shall commence on the day on which his election takes effect if section 7(a) of this Act is then in operation, or, if it is not, on the day on which the said section 7(a) comes into operation.

9. Section 10 of the principal Act is amended—

(a) in paragraph (f), by deleting “six” and substituting the following—

“ 3 ” ; and

(b) by deleting paragraph (g) and the remainder of the section appearing thereafter and substituting the following—

“ (g) ceases to hold the requisite qualification under section 9 of this Act for being a member, and in particular—

(i) in the case of a person elected under paragraph (g) thereof, he ceases to be a member of the full time academic staff;

(ii) in the case of a person elected under paragraph (ga) thereof, he ceases to be a member of the Student Guild or a voting member of the Council of the Student Guild, as the case may be;

(iii) in the case of a person elected under paragraph (gb) thereof, he ceases to be a member of the full time salaried staff, other than the academic staff; or

(iv) in the case of a person elected under paragraph (gc) thereof, he ceases to be a member of the Alumni Association of the Institute,

his office shall become vacant and shall be filled as a casual vacancy in accordance with section 10A of this Act. ” .

10. The principal Act is amended by inserting, Section 10A inserted.  
after section 10, the following section—

“ 10A. (1) Where a casual vacancy occurs in Casual vacancies.  
the office of a member, the vacancy shall, subject to this section, be filled in the same manner as it would be if it had occurred by effluxion of time, except that—

(a) if the vacancy is in the office of an elected member and it has not, within 3 months after it occurs, been filled by election, it may be filled by an appointment by the Governor of a person who has the same qualification under section 9 of this Act as that of the former member; and

(b) the person who fills the vacancy shall, subject to this Act, hold office for the residue of the former member's term of office.

(2) Notwithstanding subsection (1) of this section, if a casual vacancy occurs in the office of an elected member within 6 months before the expiry of his term of office by effluxion of time, that vacancy shall not be filled for the residue of the term of the office unless the Council resolves that exceptional circumstances require that the vacancy be filled. ” .

11. Section 23 of the principal Act is amended Section 23 amended.  
in subsection (2) by deleting “ “The Western ” and substituting the following—

“ the “Western ” .

12. Section 25 of the principal Act is amended Section 25 amended.  
by deleting “The” and substituting the following—

“ the ” .

Heading to  
Part II  
substituted  
and sections  
36 to 43  
repealed.

13. Part II of the principal Act is amended by repealing the heading and sections 36 to 43, both inclusive, and substituting the following—

“ PART II.—STUDENT GUILD. ” .

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