

**WESTERN AUSTRALIAN  
POST-SECONDARY  
EDUCATION COMMISSION.**

No. 110 of 1979.

**AN ACT to amend the Western Australian Post-Secondary Education Commission Act, 1970-1976.**

*[Assented to 17th December, 1979.]*

**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 Post-Secondary Education Commission Act Amendment Act, 1979.* Short title and citation.

Reprint  
approved  
12th July,  
1977.

(2) In this Act the Western Australian Post-Secondary Education Commission Act, 1970-1976 is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Western Australian Post-Secondary Education Commission Act, 1970-1979.

Commence-  
ment.

2. (1) Subject to subsection (2) of this section this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Subsection (1) of section 4 and section 5 of this Act shall come into operation on a day to be fixed by proclamation.

Section 3  
amended.

3. Section 3 of the principal Act is amended by deleting the passage "ss. 12-14" in line eight and substituting the passage "ss. 12-14B".

Section 6  
repealed and  
re-enacted  
and  
transitional  
provision.

4. (1) The principal Act is amended by repealing section 6 and re-enacting that section as follows—

Constitution  
of  
Commission.

6. (1) The Commission shall consist of—

(a) a person appointed as Chairman of the Commission who shall also be the chief executive officer of the Commission;

(b) eleven other members being persons selected for their knowledge of and interest in education, community affairs in the city and country, employment problems, or government.

(2) Of the members other than the Chairman not more than four nor less than three shall be persons actively engaged in post-secondary education.

(3) For the purposes of this section and section 6B a person shall be regarded as being actively engaged in post-secondary education if, and only if, he is a member of the staff, whether academic or otherwise, of a post-secondary education institution. .

(2) A person, other than the Chairman, holding office as a member of the Western Australian Post-Secondary Education Commission immediately before the coming into operation of subsection (1) of this section shall, by virtue of the coming into operation of that subsection, vacate that office but, subject to the principal Act, such a person shall be eligible for re-appointment as a member of that Commission as constituted under the provisions of the principal Act as amended by that subsection.

5. Section 6B of the principal Act is amended— Section 6B amended.

- (a) by deleting the passage “referred to in paragraph (c) of subsection (2) of section 6” in lines two and three and substituting the words “other than the Chairman”;
- (b) by deleting the word “or” after subparagraph (iii) of paragraph (f); and
- (c) by deleting the comma after subparagraph (iv) of paragraph (f) and substituting a passage as follows—

; or

- (v) becomes actively engaged in post-secondary education when there are already four members actively so engaged, .

6. Subsection (2) of section 12 of the principal Act is amended by deleting paragraph (e) and substituting paragraphs as follows— Section 12 amended.

- (e) to advise the Minister and the governing authorities of the respective post-secondary education institutions on—

- (i) the terms and conditions of appointment and employment, including salary payable, of the staff, whether academic or otherwise, of those institutions; and
  - (ii) all claims relating to the terms and conditions referred to in subparagraph (i) of this paragraph;
- (ea) to advise the governing authorities of the respective post-secondary education institutions on—
- (i) the fees to be charged by and paid to those institutions for classes or courses, examinations, and academic awards conferred; and
  - (ii) the criteria for entrance to those institutions with a view to avoiding multiple examinations and facilitating, where desirable, the movement of students between those institutions; .

**Section 13A  
added.**

7. The principal Act is amended by adding after section 13 a section as follows—

**Delegation.**

13A. (1) The Commission may, by instrument in writing, delegate to any person or persons or committee of persons, either generally or to the extent provided in the instrument of delegation, any of its powers or functions, except this power of delegation, so that the delegated powers and functions may be exercised and performed by the delegate or delegates in accordance with the instrument of delegation.

(2) Every delegation shall be revocable in writing at will, and no delegation shall prevent the Commission from acting on any matter itself. .

8. The principal Act is amended by adding after section 14 a section as follows— Section 14A added.

14A. The Commission may require any post-secondary education institution to consult with the Commission, or with the Commission and any other post-secondary education institution or institutions, upon any aspect of the affairs of the institution that is relevant to the functions or duties of the Commission, and the institution shall comply with that requirement according to its tenor. . Power to require consultation.

9. The principal Act is amended by adding after section 14 a section as follows— Section 14B added.

14B. (1) A post-secondary education institution shall— Duty of institution to furnish information.

(a) before making any submission to the Tertiary Education Commission, or any of its agencies, relating to—

(i) the development or financing of the institution;

(ii) the introduction of new courses by the institution, the continuance or discontinuance of existing courses, or any significant change in the nature, duration or content of any existing course; or

(iii) any other significant matter relating to the administration of the institution,

advise the Commission of the proposed submission and, subject to paragraph (b) of subsection (2) of this section, obtain the views of the Commission thereon; and

- (b) furnish the Commission with such other information as the Commission may reasonably require for the purpose of performing any of its functions or duties.

(2) Where a post-secondary education institution has advised the Commission of a proposed submission pursuant to paragraph (a) of subsection (1) of this section—

- (a) the Commission shall use its best endeavours to examine the proposed submission and convey its views thereon to the institution as soon as is practicable;
- (b) the institution may make the proposed submission notwithstanding that the Commission has not yet conveyed its views thereon to the institution if—
  - (i) it is authorised to do so by the Commission; or
  - (ii) a period of thirty days has elapsed since the Commission was advised of the proposed submission.

(3) In subsection (1) of this section “the Tertiary Education Commission” means the Commission constituted under the Tertiary Education Commission Act 1977 of the Commonwealth, as amended from time to time, or any other authority constituted under a law of the Commonwealth to take over the functions of that Commission.

Section 20  
amended.

10. Section 20 of the principal Act is amended by repealing subsection (2a).

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