

UNIVERSITY OF
WESTERN AUSTRALIA.

No. 62 of 1978.

AN ACT to amend the University of Western
Australia Act, 1911-1977.

[Assented to 21st September, 1978.]

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 *University of Western Australia Act Amendment Act, 1978.*

Short title
and
citation.

(2) In this Act the University of Western Australia Act, 1911-1977 is referred to as the principal Act.

Reprinted
as approved
for reprint
21st June,
1971 and
amended by
Acts Nos. 58
of 1973, 40
of 1975, 37 of
1976 and 61
of 1977.

(3) The principal Act as amended by this Act may be cited as the University of Western Australia Act, 1911-1978.

Section 16A
amended.

2. Section 16A of the principal Act is amended—

(a) by adding a subsection immediately before subsection (1) as follows—

(1) For the purposes of section sixteen A to section sixteen F of this Act, inclusive,—

“authorised person” means the Vice-Chancellor or any member of the staff of the University authorised in writing by the Vice-Chancellor to exercise the powers conferred by by-laws made under this section;

“lands of the University” means the lands referred to in subsection (4) of this section and includes all buildings, structures and erections of whatsoever kind or nature, and whether permanent or temporary, standing or being on any such lands;

“owner” in relation to a vehicle means a person who is the owner of that vehicle for the purposes of the Road Traffic Act, 1974. ;

(b) as to subsection (1)—

(i) by deleting the subsection designation “(1)” and substituting the subsection designation “(2)”;

(ii) by deleting the passage “, or any servant of the University” in lines four and five of paragraph (d) and substituting the passage “or an authorised person”;

(iii) by deleting paragraph (j) and substituting the following paragraph—

(j) authorise any police constable or authorised person to remove from such lands any person guilty of a breach of a by-law

and to prohibit the obstruction of any such police constable or authorised person; ; and

- (iv) by deleting the passage “, or servant of the University” in lines three and four of paragraph (k) and substituting the words “or authorised person” ;
- (c) by inserting after subsection (1) a new subsection, to stand as subsection (3), as follows—

(3) By-laws may be made under this section—

- (a) for regulating, controlling and managing the parking and standing of vehicles on lands of the University and in particular—

- (i) providing for the erection of notices, of such form and construction as the Vice-Chancellor considers necessary, within, on or adjacent to the boundaries of any area of the lands of the University indicating that the area is set aside for the purpose of parking or standing of vehicles, the persons or classes of persons who may park or stand vehicles in the area and the period or periods of time during which vehicles may be parked or may stand in the area; or
- (ii) prohibiting any person or class of person from parking or standing any vehicle in any area of the lands of the University;

(b) exempting any person or vehicle or class of person or class of vehicle from complying with any by-law made pursuant to this subsection prohibiting or restricting the parking or standing of vehicles generally or otherwise;

(c) prescribing penalties for the contravention of any by-law made pursuant to this subsection;

(d) providing—

(i) that where an allegation is made of a breach of a by-law and an element of the breach is the use, driving, parking, standing, or leaving of a vehicle and the identity of the driver or person in charge of the vehicle at the time of the breach cannot be immediately established a notice of the allegation may be addressed to the owner of the vehicle at his last known place of residence or business or may be served on the owner of the vehicle by leaving it in or upon, or attaching it to, the vehicle; and

(ii) that if—

(I) the prescribed penalty is not paid within the period specified in the notice; or

(II) the owner of the vehicle does not, within the period specified for the payment of the penalty—

(A) identify the person who was the driver or person in charge of the vehicle at the relevant time to an authorised person; or

(B) satisfy an authorised person that, at the relevant time the vehicle had been stolen or unlawfully taken or used,

the owner is deemed to be the driver or person in charge of the vehicle at the time of the alleged breach;

(e) prescribing the circumstances under which an authorised person may remove a vehicle or cause it to be removed from the lands of the University to any specified place, whether on those lands or not, prescribing his further powers in relation thereto, providing for the recovery of costs and expenses incurred by the University in moving and holding the vehicle, and authorising the University to hold the vehicle until all costs and expenses are paid;

- (f) prescribing the method of notifying a person alleged to have committed an offence against any by-law made pursuant to this subsection of that alleged offence and how it shall be dealt with, and prohibiting the removal by any person other than the driver or owner of a vehicle in respect of which an offence against such a by-law is alleged to have been committed of any notice relating to the offence affixed to the vehicle or left in or on the vehicle by an authorised person; and
- (g) prescribing a modified penalty or modified penalties payable to the University by a person or one of a class of persons who does not contest an allegation that he committed any specified breach of the by-laws and providing that the due payment of a modified penalty is a defence to a charge in respect of which that modified penalty was paid. ;

(d) as to subsection (2)—

- (i) by deleting the subsection designation “(2)” and substituting the subsection designation “(4)”;
- (ii) by deleting the passage “Such by-laws shall apply to” in line one and substituting the passage “For the purposes of the exercise of the powers conferred by this section, but subject to subsection (5) of this section, the lands of the University shall comprise”; and
- (iii) by adding after the word “Crawley”, in line two, the passage “and such other lands vested in or under the

management and control of the University for the purposes of this Act as are prescribed by by-law”;

- (e) by repealing subsection (3) and substituting the following subsection—

(5) A by-law made under this section shall apply to the whole of the lands of the University or to such part thereof as may be specified in any such by-law. ;

- (f) by adding the following subsections—

(6) By-laws made under this section—

(a) may be limited in their application to time, place or circumstance;

(b) may provide that any act or thing shall be done subject to the approval or to the satisfaction of a specific person or class of person; and

(c) may confer a discretionary authority.

(7) In any proceedings for any contravention of a by-law, including a proceeding for a disciplinary offence pursuant to subsection (9) of this section, in the absence of proof to the contrary the allegation in the complaint that any place was on the lands of the University shall be sufficient evidence of that fact.

(8) No by-law made under this section takes away, restricts or otherwise affects any liability, civil or criminal, arising under any provision of any Act other than this Act or at common law.

(9) A complaint for a breach of a by-law by a person who is enrolled as a student of the University may be either—

(a) brought, heard and determined under the disciplinary Statutes, by-laws, and regulations of the University; or

(b) dealt with pursuant to section sixteen D of this Act,

but shall not be dealt with both as a disciplinary matter by the University and by way of a complaint under the Justices Act, 1902. .

Section 16C
amended.

3. Section 16C of the principal Act is amended—

(a) by deleting the words “forty dollars” in line two and substituting the words “one hundred dollars”; and

(b) by deleting the words “any officer or servant of the University” in line five and substituting the words “authorised person”.

Section 16F
amended.

4. Section 16F of the principal Act is amended by adding after the passage “examiner,” in line five the passage “authorised person,”.

Section 27
amended.

5. Section 27 of the principal Act is amended—

(a) by deleting the words “by statute be prescribed” in the last line of subsection (2) and substituting the words “be prescribed by or under this Act”; and

(b) by adding after subsection (2) the following subsection—

(3) Subject to the Statutes, regulations and by-laws of the University, the Vice Chancellor may, by writing under his hand, delegate any function or any power or duty conferred or imposed upon him (except this power of delegation) to any member of the staff of the University or person or persons or committee of persons. .