

ACTS AMENDMENT
(STUDENT GUILDS AND
ASSOCIATIONS).

No. 61 of 1977.

AN ACT to amend the University of Western Australia Act, 1911-1976, the Murdoch University Act, 1973-1976, the Western Australian Institute of Technology Act, 1966-1974 and the Teacher Education Act, 1972-1976.

[Assented to 23rd November, 1977.]

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. This Act may be cited as the *Acts Amendment (Student Guilds and Associations) Act, 1977.* Short title.

2. This Act shall come into operation on the 1st January, 1978. Commencement.

PART I.—UNIVERSITY OF WESTERN AUSTRALIA
ACT, 1911-1976.

Citation.
Reprint
approved
21st June,
1971.
Amended by
Acts Nos.
58 of 1973,
40 of 1975
and 37 of
1976.

3. (1) In this Part the University of Western Australia Act, 1911-1976 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, 1911-1977.

Section 28
amended.

4. Section 28 of the principal Act is amended—

(a) by repealing subsection (2) and substituting subsections as follows—

(2) Subject to subsection (2a) of this section and to the conditions or qualifications for membership prescribed by Statute any student may be a member of the Guild.

(2a) 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.

(2b) It shall not be compulsory for any student to be a member of the Guild and no academic benefit, right or privilege shall be denied to or withheld from any student by reason of his not being a member of the Guild.

(2c) A student shall, at the time of enrolment, indicate whether he wishes to be a member of—

- (a) the Guild;
- (b) any other body specified by the Senate in the form of application for enrolment,

during the period to which the enrolment relates.

(2d) Any student (whether a member of the Guild or not) may vote at any election held to fill a vacancy in the office of the President of the Guild or the office of a member of the Council of the Guild or any other elective office in the administration of the Guild, but a person shall not hold any office mentioned in this subsection unless he is a member of the Guild.

(b) as to subsection (3)—

- (i) by deleting the words “such undergraduates” in line two and substituting the words “the students”; and
- (ii) by deleting the word “undergraduates” in line four and substituting the word “students”; and

(c) by adding after subsection (4) subsections as follows—

(5) An annual amenities and services fee shall be payable by every student other than a student who, by reason of subsection (2a) of this section, is not eligible for membership of the Guild.

(6) All amenities and services fees payable under subsection (5) of this section shall be payable to the Senate and, notwithstanding section thirty-eight

of this Act, the Senate shall transmit the moneys derived from those fees to the Guild upon the conditions that those moneys are applied solely for the purposes of the provision of amenities or services for students or the development of cultural, social, sporting or recreational activities directly related to the University and that no payment shall be made out of those moneys, whether directly or indirectly, by way of gift.

(7) For the purposes of subsection (6) of this section any payment made to any body that is empowered under its rules or constitution or otherwise to make gifts, or which makes gifts out of funds at its disposal from time to time, shall be deemed to be a payment made indirectly by way of gift.

(8) Subsection (7) of this section does not apply to a payment made in respect of *bona fide* sporting or recreational activities directly related to the University or to a payment made to a body whose objects include the furthering of the common professional interests of persons associated with a particular academic discipline of the University or to a payment made in respect of goods supplied or services rendered to the Guild in the course of the normal business of the Guild.

(9) The Statutes may provide that, in addition to the amenities and services fee payable under subsection (5) of this section, an annual subscription to the Guild shall be payable by every student who is a member of the Guild.

(10) The amounts, respectively, of—

- (a) the amenities and services fee payable under subsection (5) of this section; and

(b) any annual subscription to the Guild payable under the Statutes,

shall be determined by the Senate after report and recommendation by the Guild and the Senate may so determine different amounts in respect of different classes of students.

(11) In this section—

“student” means a person enrolled in the University as a student;

“the Guild” means the Guild of Undergraduates. .

5. Subsection (1) of section 31 of the principal Act is amended— Section 31 amended.

(a) by deleting the word “of” in line two of paragraph (v) and substituting the words “or qualifications for”; and

(b) by adding after paragraph (v) a paragraph as follows—

(va) The payment of an annual subscription to the Guild of Undergraduates by students who are members of the Guild of Undergraduates; .

PART II.—MURDOCH UNIVERSITY ACT, 1973-1976.

6. (1) In this Part the Murdoch University Act, 1973-1976 is referred to as the principal Act. Citation.

(2) The principal Act as amended by this Act may be cited as the Murdoch University Act, 1973-1977. Act No. 20 of 1973 as amended by Acts Nos. 103 of 1975 and 38 of 1976.

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

(a) by deleting the word “the” where it occurs for the second time in line three of subsection (2) and substituting the word “a”;

(b) by adding after subsection (2) subsections as follows—

(2a) Subject to subsection (2b) of this section and to the conditions or qualifications for membership prescribed by Statute any student may be a member of the Guild.

(2b) 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.

(2c) It shall not be compulsory for any student to be a member of the Guild and no academic benefit, right or privilege shall be denied to or withheld from any student by reason of his not being a member of the Guild.

(2d) A student shall, at the time of enrolment, indicate whether he wishes to be a member of—

(a) the Guild;

(b) any other body specified by the Senate in the form of application for enrolment,

during the period to which the enrolment relates.

(2e) Any student (whether a member of the Guild or not) may vote at any election held to fill a vacancy in the office of the President of the Guild or the office of a member of the Secretariat of the Guild or any other elective office in the administration of the Guild, but a person shall not hold any office mentioned in this subsection unless he is a member of the Guild. ;

- (c) as to subsection (3) by deleting the passage "Subject to the conditions of membership prescribed by Statute all students of the University shall be members of the Guild, but the" in lines one, two and three and substituting the word "The"; and
- (d) by adding after subsection (4) subsections as follows—

(5) An annual amenities and services fee shall be payable by every student other than a student who, by reason of subsection (2b) of this section, is not eligible for membership of the Guild.

(6) All amenities and services fees payable under subsection (5) of this section shall be payable to the Senate and the Senate shall apply the moneys derived from those fees in accordance with subsection (10) of this section.

(7) Notwithstanding subsection (6) of this section the Senate may transmit the whole or any part of the moneys referred to in that subsection to the Guild upon the conditions that the moneys so transmitted are applied in accordance with subsection (10) of this section and that no payment shall be made out of those moneys, whether directly or indirectly, by way of gift.

(8) For the purposes of subsection (7) of this section any payment made to any body that is empowered under its rules

or constitution or otherwise to make gifts, or which makes gifts out of funds at its disposal from time to time, shall be deemed to be a payment made indirectly by way of gift.

(9) Subsection (8) of this section does not apply to a payment made in respect of *bona fide* sporting or recreational activities directly related to the University or to a payment made to a body whose objects include the furthering of the common professional interests of persons associated with a particular academic discipline of the University or to a payment made in respect of goods supplied or services rendered to the Guild in the course of the normal business of the Guild.

(10) The moneys referred to in subsection (6) of this section shall be applied solely for the purposes of the provision of amenities or services for students or the development of cultural, social, sporting or recreational activities directly related to the University.

(11) The Statutes may provide that, in addition to the amenities and services fee payable under subsection (5) of this section, an annual subscription to the Guild shall be payable by every student who is a member of the Guild.

- (12) The amounts, respectively, of—
- (a) the amenities and services fee payable under subsection (5) of this section; and
 - (b) any annual subscription to the Guild payable under the Statutes,

shall be determined by the Senate after report and recommendation by the Guild and may be determined so as to differ

according to whether a student is enrolled on a full-time, part-time or external basis.

8. Subsection (4) of section 25 of the principal Act is amended— Section 25 amended.

- (a) by deleting the word “of” where it first occurs in line one of paragraph (o) and substituting the words “or qualifications for”; and
- (b) by adding after paragraph (o) a paragraph as follows—
 - (oa) the payment of an annual subscription to the Guild of Students by students who are members of the Guild of Students; .

PART III.—WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY ACT, 1966-1974.

9. (1) In this Part the Western Australian Institute of Technology Act, 1966-1974 is referred to as the principal Act. Citation.

(2) The principal Act as amended by this Act may be cited as the Western Australian Institute of Technology Act, 1966-1977. Reprint approved 2nd September, 1975.

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

- (a) by deleting the words “its members” in line two of subsection (3) and substituting the words “the enrolled students”;
- (b) by repealing subsection (4) and re-enacting that subsection as follows—
 - (4) For the purposes of this section a Statute may be made—
 - (a) prescribing the conditions or qualifications for membership of the Student Guild;
 - (b) in respect of the payment of an annual subscription to the Student Guild by enrolled students who are members of the Student Guild;

- (c) prescribing, in addition to the function referred to in subsection (3) of this section, the powers, duties and functions of the Student Guild; and
 - (d) prescribing such other matters and things as are necessary or convenient for the effective exercise of the powers, duties and functions of the Student Guild. ; and
- (c) by adding after subsection (4) subsections as follows—

(5) Subject to subsection (6) of this section and to the conditions or qualifications for membership prescribed by Statute any enrolled student may be a member of the Student Guild.

(6) 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.

(7) It shall not be compulsory for any enrolled student to be a member of the Student Guild and no academic benefit, right or privilege shall be denied to or withheld from any enrolled student by reason of his not being a member of the Student Guild.

(8) A student shall, at the time of enrolment, indicate whether he wishes to be a member of—

(a) the Student Guild;

(b) any other body specified by the Council in the form of application for enrolment,

during the period to which the enrolment relates.

(9) Any enrolled student (whether a member of the Student Guild or not) may vote at any election held to fill a vacancy in the office of the President of the Student Guild or the office of a member of the Council of the Student Guild or any other elective office in the administration of the Student Guild, but a person shall not hold any office mentioned in this subsection unless he is a member of the Student Guild.

(10) An annual amenities and services fee shall be payable by every enrolled student other than an enrolled student who, by reason of subsection (6) of this section, is not eligible for membership of the Student Guild.

(11) All amenities and services fees payable under subsection (10) of this section shall be payable to the Council and the Council shall apply the moneys derived from those fees in accordance with subsection (15) of this section.

(12) Notwithstanding subsection (11) of this section or section thirty-two of this Act, the Council may transmit the whole or any part of the moneys referred to in subsection (11) of this section to the Student Guild upon the conditions that the moneys so transmitted are applied in accordance with subsection (15) of this section and that no payment

shall be made out of those moneys, whether directly or indirectly, by way of gift.

(13) For the purposes of subsection (12) of this section any payment made to any body that is empowered under its rules or constitution or otherwise to make gifts, or which makes gifts out of funds at its disposal from time to time, shall be deemed to be a payment made indirectly by way of gift.

(14) Subsection (13) of this section does not apply to a payment made in respect of *bona fide* sporting or recreational activities directly related to the Institute or to a payment made to a body whose objects include the furthering of the common professional interests of persons associated with a particular academic discipline of the Institute or to a payment made in respect of goods supplied or services rendered to the Student Guild in the course of the normal business of the Student Guild.

(15) The moneys referred to in subsection (11) of this section shall be applied solely for the purposes of the provision of amenities or services for enrolled students or the development of cultural, social, sporting, or recreational activities directly related to the Institute.

(16) The Statutes may provide that, in addition to the amenities and services fee payable under subsection (10) of this section, an annual subscription to the Student Guild shall be payable by every enrolled student who is a member of the Student Guild.

(17) The amounts, respectively, of—

- (a) the amenities and services fee payable under subsection (10) of this section; and

- (b) any annual subscription to the Student Guild payable under the Statutes,

shall be determined by the Council after report and recommendation by the Council of the Student Guild and may be determined so as to differ according to whether a student is enrolled on a full time, part time or external basis. .

PART IV.—TEACHER EDUCATION ACT, 1972-1976.

11. (1) In this Act the Teacher Education Act, 1972-1976 is referred to as the principal Act.

(2) The principal Act as amended by this Act may be cited as the Teacher Education Act, 1972-1977.

Citation.
Act No. 93
of 1972 as
amended by
Acts Nos.
21 and 83
of 1974,
and 91
of 1976.

12. The principal Act is amended by adding after section 56 a section as follows—

Section 56A
added.

56A. (1) “Student association” as used in this section means an association of enrolled students established and maintained pursuant to section 55.

Further
provisions
relating to
student
associations.

(2) Subject to subsection (3) this section applies to and in relation to a college and the enrolled students of that college if and only if there is in that college a branch (in this section referred to as “the branch”) of a student association.

(3) Notwithstanding that there is no branch of a student association in a college, where there is an association of enrolled students of that college and—

- (a) that association is, for the time being, recognized by the Board of that college as having as its primary function the furthering of the common interest of the enrolled students of that college; and
- (b) eligibility for membership of that association conforms with the provisions of subsections (4) and (5),

this section applies to and in relation to that college and the enrolled students of that college, and, in that event, a reference in this section to "the branch" shall be read and construed as a reference to that association.

(4) Subject to subsection (5) and to any prescribed conditions or qualifications for membership any enrolled student of the college may be a member of the branch.

(5) The following persons and classes of persons shall not be eligible for any form of membership of the branch, that is to say—

- (a) enrolled students of the college who are members of the full-time academic staff of the college;
- (b) persons who are not enrolled students of the college; and
- (c) such other persons and classes of persons as the Board of the college declares by resolution to be ineligible for membership of the branch.

(6) It shall not be compulsory for any enrolled student of the college to be a member of the branch and no academic benefit, right or privilege shall be denied to or withheld from any enrolled student by reason of his not being a member of the branch.

(7) A student shall, at the time of enrolment, indicate whether he wishes to be a member of—

- (a) the branch;
- (b) any other body specified by the Board of the college in the form of application for enrolment,

during the period to which the enrolment relates.

(8) Any enrolled student of the college (whether a member of the branch or not) may vote at any election held to fill a vacancy in any elective office in the administration of the branch, but a person shall not hold any office mentioned in this subsection unless he is a member of the branch.

(9) An annual amenities and services fee shall be payable by every enrolled student of the college other than an enrolled student who, by reason of subsection (5), is not eligible for membership of the branch.

(10) All amenities and services fees payable under subsection (9) shall be payable in such manner as the Board of the college determines and the moneys derived from those fees shall be applied in accordance with subsection (14).

(11) Where the amenities and services fees payable under subsection (9) are payable to the Board of the college, the Board may, notwithstanding subsection (10) or section 72, transmit the whole or any part of the moneys derived from those fees to the branch upon the conditions that the moneys so transmitted are applied in accordance with subsection (14) and that no payment shall be made out of those moneys, whether directly or indirectly, by way of gift.

(12) For the purposes of subsection (11) any payment made to any body that is empowered under its rules or constitution or otherwise to make gifts, or which makes gifts out of funds at its disposal from time to time, shall be deemed to be a payment made indirectly by way of gift.

(13) Subsection (12) does not apply to a payment made in respect of *bona fide* sporting or recreational activities directly related to the college or to a payment made to a body whose objects include the furthering of the common professional interest of persons associated with a particular academic discipline of the college or to a payment made in respect of goods supplied or services rendered to the branch in the course of the normal business of the branch.

(14) The moneys derived from the amenities and services fees payable under subsection (9) shall be applied solely for the purposes of the provision of amenities or services for enrolled students of the college or the development of cultural, social, sporting, or recreational activities directly related to the college.

(15) Rules made under this Act may provide that, in addition to the amenities and services fee payable under subsection (9), an annual subscription to the branch shall be payable by every enrolled student of the college who is a member of the branch.

(16) The amounts, respectively, of—

- (a) the amenities and services fee payable under subsection (9); and
- (b) any annual subscription to the branch payable under the rules,

shall be determined by the Board of the college on the recommendation of the branch and may be determined so as to differ according to whether a student is enrolled on a full-time, part-time or external basis. .
