

# MURDOCH UNIVERSITY.

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No. 20 of 1973.

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AN ACT to establish and incorporate Murdoch University, to make provision for the government of the University, and for incidental and other purposes.

[Assented to 6th June, 1973.]

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 *Murdoch University Act, 1973*. Short title.

2. This Act shall come into operation on a date to be fixed by proclamation. Commencement.

Interpreta-  
tion.

3. (1) In this Act, unless the context otherwise requires—

“absolute majority” means a majority of all the persons for the time being holding office;

“Academic Council” means the Council established in accordance with section 21;

“Chancellor” means the Chancellor of the University;

“Convocation” means the body established by that name pursuant to section 19;

“examination” means an examination conducted by the University or an examination conducted by any other person or body prescribed by the Statutes as a person or body authorized to conduct examinations for the University;

“Guild” means the Guild of Students of Murdoch University incorporated under section 20;

“prescribed” means prescribed by this Act, a by-law or Statute, as is required;

“Pro-Chancellor” means the Pro-Chancellor of the University;

“regulation” means a regulation made under section 26;

“section” means section of this Act;

“Statute” means a Statute of the University in force pursuant to this Act;

“student” means a person enrolled in the University as a student but for the purpose of sections 12, 13, 14 and 15 of this Act it does not include a person who has been admitted to a degree awarded by the University of the status of a Bachelor, a Master or a Doctor and who attends the University on a part-time basis;

“Treasurer” means the person holding or acting in the office of Treasurer of the State;

“Vice-Chancellor” means the Vice-Chancellor of the University;

“Visitor” means the Visitor of the University.

(2) Any question arising as to whether a person is or is not a member of the academic staff, or an officer or servant of the University shall be determined by the Senate and the decision of the Senate thereon is final.

4. (1) There shall be in the State of Western Australia a university, to be called "Murdoch University".

Murdoch  
University.

(2) The University shall be a body corporate and shall have perpetual succession and an official seal.

(3) Subject to the provisions of this Act, the University—

- (a) may, in its corporate name acquire, accept, hold, deal with, charge, or dispose of real and personal property; and
- (b) is capable of suing and being sued in its corporate name and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

(4) All courts, judges and persons acting judicially shall take notice of the official seal of the University affixed to a document and shall presume that it was duly affixed.

(5) The official seal of the University shall be kept in strict custody and shall not be used except in accordance with the direction of the Chancellor or as is prescribed by Statute.

5. The objects of the University shall be the advancement of learning and knowledge, and the provision of university education.

Objects  
of the  
University.

Functions  
of the  
University.

6. (1) The functions of the University shall include the following—

- (a) to establish and maintain such schools of study as are prescribed by Statute;
- (b) to participate in the development and improvement of tertiary education to meet the needs of the community;
- (c) to encourage and undertake research; and
- (d) to provide such facilities as are necessary or conducive to the attainment of the objects of the University and the performance of its functions.

(2) The University shall have all such powers, rights and privileges as are reasonably necessary to enable it to carry out its functions.

No discrimi-  
nation.

7. (1) Men and women shall be equally eligible for any office or appointment in the University and for membership of any of its constituent bodies and all degrees and courses of study in the University shall be open to men and women alike.

(2) No religious, racial or political test shall be imposed upon any person in order to entitle him or her to be admitted as a student or other member of the University, or as a member of the academic or other staff of the University, or to hold office in or to graduate at the University, or to hold any advantage or privilege thereof.

Constitution.

8. (1) The University shall be lawfully constituted for the purposes of this Act on the appointment of the first members of the Senate by the Governor under paragraph (g) of subsection (1) of section 12.

(2) Until Convocation is constituted the University shall consist of—

- (a) the Senate;

- (b) such members of the academic and other staff of the University as are prescribed by Statute;
- (c) the graduate members of the University; and
- (d) the students for the time being.

(3) When Convocation is constituted in accordance with this Act on the first day of July, 1980, it shall thereupon be a constituent body of the University.

9. (1) The Governor shall be the Visitor of the University, and shall exercise in that capacity such general powers as usually pertain to the office of Visitor of a university as well as such particular powers as may be conferred upon him by this Act or any Statute. Visitor.

(2) For the purposes of this section the Governor is authorized to act without the requirement of obtaining the advice and consent of the Executive Council, section 23 of the Interpretation Act, 1918, notwithstanding.

(3) The Visitor has the right from time to time and in such manner as he thinks fit to direct an inspection of the University, its buildings and general equipment and also an inquiry into the teaching, research, examinations and other work done by the University.

10. (1) There shall be a Chancellor of the University who shall be elected by the members of the Senate, and where at the time of his election the person so elected is not a member of the Senate he is by virtue of his election to the office of Chancellor of the University hereby appointed to be a member of the Senate for so long as he continues to hold office as Chancellor. Chancellor.

(2) Where the Chancellor is elected from amongst the members of the Senate his election creates a casual vacancy in the office of member of the Senate.

(3) Subject to section 15, the Chancellor holds office for the term of three years from the date of his election and is eligible for re-election.

(4) The Chancellor shall preside at all meetings of the Senate at which he is present.

(5) It shall be the duty of the Chancellor to confer the degrees awarded by the University.

Pro-  
Chancellor.

11. (1) There shall be a Pro-Chancellor of the University who shall be elected by the members of the Senate from amongst their number.

(2) Subject to section 15, the Pro-Chancellor holds office for the term of one year from the date of his election and is eligible for re-election.

(3) In the absence of the Chancellor, or where there is a vacancy in the office of Chancellor, the Pro-Chancellor shall preside at all meetings of the Senate at which he is present and may exercise all the functions of the Chancellor except the conferring of degrees.

The Senate.

12. (1) The membership of the Senate shall consist of—

- (a) the persons holding or acting in the office of Chancellor and of Vice-Chancellor respectively;
- (b) the person holding or acting in the office of Director-General of Education under section 7 of the Education Act, 1928;
- (c) the person holding or acting in the office of President of the Guild of Students of Murdoch University;
- (d) three persons elected by and from amongst the members of the full-time academic staff of the University in the manner prescribed by Statute;

- (e) two persons elected by and from amongst the students in the manner prescribed by Statute;
- (f) three persons elected by Convocation in the manner prescribed by Statute;
- (g) four members, not being persons eligible to be elected to the Senate under paragraph (d) or paragraph (e) of this subsection, appointed by the Governor;
- (h) two members, selected from persons who are members of either House of Parliament, and appointed by the Governor, of whom one shall be nominated by the Premier and the other by the Leader of the Opposition;
- (i) two members, selected from persons who are not members of either House of Parliament, and appointed by the Governor, of whom one shall be nominated by the Premier and the other by the Leader of the Opposition; and
- (j) such persons, not being more than three in number at any one time, as may be co-opted to serve as members of the Senate by an absolute majority of the other members.

(2) (a) A person whose sole or principal employment is in connexion with his duties as a member of the teaching staff or as an officer of the University is not eligible for election or appointment under paragraphs (g) or (j) of subsection (1) of this section.

(b) A person who is a member of the teaching staff or an officer of the University is not eligible for appointment under paragraphs (h) or (i) of subsection (1) of this section.

(3) The Senate may, from time to time, appoint a committee or committees, which may comprise persons who are not members of the Senate, to advise the Senate on such matters relating to its functions as are referred by the Senate to a committee.

(4) Subject to the requirements as to a quorum, the Senate or a committee has power to act notwithstanding any vacancy among its members or that any number of members has not been appointed or elected at the time of the proceedings.

(5) All acts done at any meeting of the Senate, or a committee, shall notwithstanding that it is afterwards discovered that there was some defect in the election, appointment or qualification of a person purporting to be a member, be as valid as if that defect had not existed.

(6) The quorum to constitute a meeting of the Senate may be prescribed by Statute but shall not be less than eight persons.

(7) Each member shall have a deliberative vote at any meeting of the Senate and, unless otherwise provided by Statute, where there is an equality of votes the person presiding has a casting vote as well as a deliberative vote.

(8) Subject to this Act, and to any Statute, the Senate may determine its own procedure.

Inception  
of Senate.

13. For the purposes of constituting the membership of the Senate at its inception—

- (a) until such time as Convocation is constituted, the other members of the Senate may co-opt not more than three persons, each of whom shall be a graduate of a recognized university, to serve as members of the Senate for a period which shall not exceed three years in the case of any member and shall be fixed by the Senate at the time of co-option, but so that no such period shall expire later than six months after the date on which Convocation is constituted;
- (b) the members of the Senate who are first—
  - (i) elected by and from amongst the academic staff; and
  - (ii) elected by Convocation,

shall be elected respectively for a period of one, two or three years as designated by them at the time of seeking such election in accordance with the manner prescribed by Statute;

- (c) the members of the Senate who are first appointed by the Governor under paragraph (g) of subsection (1) of section 12 shall be appointed for such period as the Governor may fix, not being a period of more than three years, at the time of the appointment; and
- (d) the members of the Senate who are first to be elected by and from amongst the students shall take office from a date in the year 1976 to be prescribed.

14. (1) Subject to sections 13, 15, and 16—

Tenure of  
office.

- (a) a member of the Senate elected by the students holds office for the term of one year and is eligible for re-election;
- (b) a member of the Senate elected otherwise than by the students or a person, other than a person appointed under paragraph (h) of subsection (1) of section 12, who is appointed to be a member holds office for the term of three years from the date on which he became a member, unless he succeeds to a casual vacancy, and is eligible to hold office for one further term of three years;
- (c) a person who is appointed to be a member of the Senate under paragraph (h) of subsection (1) of section 12 on the nomination of the Premier or of the Leader of the Opposition holds office during the pleasure of the Premier or of the Leader of the Opposition, as the case may be, for the time being;
- (d) a person who is co-opted to be a member of the Senate holds office for such period not exceeding three years as is fixed by the Senate at the time of co-option.

(2) A member of the Senate who has held office by election, appointment or co-option for two successive terms is not thereafter eligible to hold office as a member until the expiry of a period of twelve months from the last day on which he was a member.

Resignation,  
disqualifica-  
tion and  
vacation  
of office.

15. (1) The Chancellor may resign his office by writing under his hand addressed to and accepted by the Visitor.

(2) The Pro-Chancellor or a member of the Senate may resign his office by writing under his hand addressed to the Chancellor, and every such resignation takes effect when it is received at the office of the University.

(3) A person who—

- (a) is an incapable person within the meaning of section 5 of the Mental Health Act, 1962;
- (b) is an undischarged bankrupt or a person whose property is subject to an order or arrangement under the laws relating to bankruptcy;
- (c) is convicted of an indictable offence; or
- (d) has his appointment terminated by the Governor for inability, inefficiency or misbehaviour,

is not capable of holding office under this Act and on the happening of any such event his office becomes vacant and he is not eligible for re-election or re-appointment.

(4) Where a person was elected to the Senate by and from amongst—

- (a) the members of the full-time academic staff of the University; or
- (b) the students,

and he ceases to be a member of that staff or a student, as the case may be, his office as a member of the Senate becomes vacant.

(5) The office of a member of the Senate shall be vacated if, without leave obtained from the Senate, he has been absent from all meetings of the Senate for six consecutive months, or has been absent from more than one-half of the meetings of the Senate during any period of twelve consecutive months.

16. (1) A vacancy in the office of Chancellor, Pro-Chancellor or member of the Senate which occurs otherwise than by the effluxion of time is a casual vacancy and shall be filled as it occurs.

Appointment  
to casual  
vacancies.

(2) A casual vacancy in an office to which a person may be elected under this Act shall be filled by the election of another person to that office by the persons so authorized to elect to that office, but it shall not be necessary to hold any such election to fill a casual vacancy where the unexpired portion of the term of office left vacant is less than six months.

(3) A casual vacancy in an office to which a person may be appointed under this Act shall be filled by the appointment to that office of another person by the person or persons holding the power to appoint.

(4) Where, in the opinion of the Governor, a casual vacancy is not filled within six months of the date on which it was required to be filled, he may appoint a qualified person to that vacancy, and any such appointment is valid and effective for the purposes of this Act.

(5) A person who succeeds to a casual vacancy holds office only for the residue of the term of office commenced by his predecessor and remaining unexpired.

17. (1) The governing body of the University shall be the Senate.

Functions of  
the Senate,  
its powers  
and duties.

(2) Subject to the provisions of this Act and the Western Australian Tertiary Education Commission Act, 1970, the Senate—

(a) shall have the entire control and management of the affairs and concerns of the University and may act in all matters

- concerning the University in the manner which to it appears most likely to promote the objects and interests of the University;
- (b) shall appoint, and may vary or terminate the appointment of, the academic and other staff, officers and servants of the University;
  - (c) in the name and on behalf of the University and in accordance with the Statutes and regulations relating thereto, shall have the power to award degrees and other academic distinctions, and may grant honorary degrees and other distinctions on approved persons, and may for good cause deprive persons of any degree or other distinction granted or awarded by the University;
  - (d) in the name and on behalf of the University, may, with the approval of the Governor and in the manner and to the extent by this Act provided, make, alter and repeal by-laws for the purpose of managing, preserving and protecting the lands of the University and regulating the use of those lands by any person;
  - (e) may, with the approval of the Governor and in the manner by this Act provided, make, alter and repeal Statutes with respect to the constitution, management, good government and discipline of the University.

Delegation  
by Senate.

18. (1) The Senate may, in relation to any matter or class of matters, or in relation to any activity or function of the University, by resolution, delegate all or any of its powers and functions under this Act (except this power of delegation and its powers in relation to the making of by-laws, Statutes, and regulations) to any committee of its members, or to any officer or officers of the University.

(2) Every delegation under this section shall be revocable by resolution of the Senate, and no delegation shall prevent the exercise of any power or function by the Senate.

19. (1) Convocation shall be constituted on the first day of July, 1980. Convocation.

(2) Convocation shall consist of—

- (a) all persons who are or have been members of the Senate;
- (b) all persons admitted to a degree awarded by the University of the status of a Bachelor, a Master or a Doctor;
- (c) all persons who are members of the academic staff of the University on the basis of their full-time employment by the University, and such other members of the staff of the University as may be prescribed by Statute; and
- (d) such other persons as may be prescribed by Statute.

(3) The functions of Convocation shall include—

- (a) the submission for the consideration of the Senate of such proposals as Convocation thinks fit with respect to the welfare of the University;
- (b) the furnishing to the Senate of reports on matters referred to it by the Senate for consideration; and
- (c) such other acts or matters as may be conferred or imposed by Statute,

and Convocation shall have all such powers as may be necessary to discharge its functions.

(4) Meetings of Convocation shall be convened and the proceedings of Convocation regulated as may be prescribed by Statute, and where not so prescribed as Convocation may determine.

20. (1) The Guild of Students of Murdoch University shall be established as a body corporate under that name, and by virtue of this section, on the first day of September, 1976, unless prior to that Guild of Students.

date the Guild is so established as a body corporate by the Senate, which the Senate is hereby empowered to do.

(2) The Guild shall be an organised association for the furthering of the common interests of the students of the University and shall be the recognised means of communication between the students and the Senate.

(3) Subject to the conditions of membership prescribed by Statute all students of the University shall be members of the Guild, but the functions of the Guild, its powers and duties, authorities, obligations and privileges shall be prescribed by Statute together with such other matters as are considered by the Senate to be necessary or desirable to ensure the effective exercise of those functions.

(4) When established as a body corporate the Guild in its corporate name shall have perpetual succession and an official seal, may sue and be sued, and, subject to the Statutes, may do and suffer such other acts and things as bodies corporate may by law do and suffer.

Academic  
Council.

21. (1) It shall be the duty of the Senate to establish by Statute an Academic Council.

(2) The membership of the Academic Council shall consist of—

- (a) the Vice-Chancellor;
- (b) members of the academic staff of the University appointed by virtue of their office;
- (c) persons elected from amongst the members of the University; and

- (d) persons co-opted by reason of their qualifications, interest or experience for the purpose of making a specific contribution to the deliberations of the Academic Council.

(3) The number of members who shall comprise the Academic Council from time to time, the method of their appointment and selection, their term of office, the conduct of proceedings and all other matters in the opinion of the Senate necessary or desirable to ensure the effective exercise of the functions of the Academic Council may be prescribed by Statute.

(4) The functions of the Academic Council shall include—

- (a) the discussion and submission to the Senate of opinions and recommendations on academic policy, academic development, the admission of students, instruction, studies and examinations, research, the admission to degrees, the discipline of the University and any other matters which in the opinion of the Academic Council are relevant to the objects of this Act;
- (b) the furnishing to the Senate of reports on all matters referred to it by the Senate for consideration; and
- (c) such other acts or matters as may be conferred or imposed by Statute,

and the Academic Council shall have all such powers as may be necessary to discharge its functions.

22. (1) The University shall have power to award to any person after examination and in accordance with the Statutes and regulations such degrees and other academic distinctions as may be constituted by Statute.

Degrees and  
academic  
distinctions.

(2) The University shall have power, without examination, but in accordance with the Statutes and regulations of the University, to admit to degrees or other academic distinctions which the University has power to award, persons who have graduated at any other tertiary institution.

(3) The University shall have power to admit any person *honoris causa* to any degree.

Vice-  
Chancellor.

23. (1) There shall be a Vice-Chancellor of the University who shall be the chief executive officer and academic principal of the University.

(2) The Vice-Chancellor shall be appointed by the Senate and shall hold office at the pleasure of the Senate on such terms and conditions as the Senate from time to time determines.

(3) In the absence of the Chancellor, or if there is a vacancy in the office of Chancellor, it shall be the duty of the Vice-Chancellor to confer the degrees awarded by the University.

(4) The Vice-Chancellor shall have the powers and duties conferred or imposed upon him by the Statutes and regulations of the University.

(5) Subject to the Statutes and regulations 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 academic or other staff of the University, any committee of members of the University, or a person who is a member of the University, or an officer or servant of the University.

(6) A delegation under subsection (5) of this section shall be revocable at the pleasure of the Vice-Chancellor and shall not prevent the exercise of any power or function by the Vice-Chancellor.

24. (1) By-laws made under this Act—

By-laws.

- (a) apply only within the boundaries of the University lands;
- (b) may be limited in their application to time, place or circumstance;
- (c) may provide that any act or thing shall be done with the approval or to the satisfaction of a specified person or class of persons and may confer a discretionary authority;
- (d) may impose a penalty not exceeding fifty dollars for any breach or non-observance thereof.

(2) For the purposes of by-laws made under this Act, the Governor may, by proclamation,—

- (a) declare any land to be University land;
- (b) alter the boundaries of any University land; or
- (c) declare that any land shall cease to be University land,

and the by-laws shall thereupon apply to that land accordingly and to any building, structure or erection on that land.

(3) By-laws may empower persons authorized in writing by the Senate, or any police officer,—

- (a) to remove any vehicle, animal or other thing from the land without assigning any reason;
- (b) to request the name and address of any other person on the land who, in the reasonable belief of the person so em-

powered, is on the land in breach of a by-law or has committed thereon a breach of a by-law; and

(c) to take proceedings for a breach of a by-law.

(4) Every proposed by-law approved by a motion of an absolute majority of the members of the Senate shall be sealed with the official seal of the University and shall be transmitted by the Chancellor for the approval of the Governor.

(5) Upon being approved by the Governor a by-law shall be published in the *Government Gazette* and shall thereupon, subject to section 27, have the force of law.

(6) The production of a copy of a by-law under the official seal of the University, or of a copy of the *Government Gazette* purporting to contain a reprint or copy of a by-law, shall in all proceedings be sufficient evidence of the by-law.

(7) Without derogating from the generality of the power given by paragraph (d) of subsection (2) of section 17, the Senate may make by-laws not inconsistent with this Act or any Statute for—

- (a) prohibiting or regulating the admission to the University lands of persons, vehicles, and animals;
- (b) prohibiting or regulating the use of vehicles, including provisions as to speed, manner of driving, class of vehicles, routes, entrances and exits, one-way traffic, noise, parking or standing, the removal of vehicles by a person authorized under that by-law and for the regulation of traffic generally;
- (c) fees, charges and exemptions;
- (d) the prevention of damage to or interference with the grounds of the University and the trees, shrubs, bushes, flowers, gardens and lawns on or in those grounds;

- (e) the use, safety and preservation of buildings, structures, erections, fixtures, fittings and chattels;
- (f) the regulation of the conduct of meetings, and the interruption of lectures or meetings by noise, unseemly behaviour or other means;
- (g) the prohibition of nuisances, or any offensive, indecent or improper act, conduct, language or behaviour;
- (h) the prohibition, restriction or regulation of the possession, use or supply of alcoholic liquor or deleterious substances;
- (i) the recovery of summary compensation for damage to University property; and
- (j) the apprehension of persons guilty of a breach of any by-law by any police constable or officer or servant of the University; the removal of such persons from the University lands, and the enforcement of the by-laws.

(8) The complaint in respect of an offence against a by-law shall be made and the proceedings commenced within six months after the offence thereby charged was committed, and all offences shall be punishable on summary conviction.

(9) All pecuniary penalties shall, notwithstanding anything to the contrary contained in the Fines and Penalties Appropriation Act, 1909, or any other Act, be appropriated and paid to the Senate for the use of the University.

(10) Where a contravention of any by-law made by the Senate has been committed by any student of the University, the Senate, instead of charging him with that contravention in a court of summary jurisdiction, may direct that he be charged with the contravention before a disciplinary body to be constituted by the Senate and if that disciplinary body

when constituted finds the offence to be proved, it may punish the offender in any of the ways mentioned in the Statute made by the Senate prescribing the functions, powers, and punishments of that disciplinary body.

(11) In any proceedings for any contravention of any by-law the allegation in the complaint that any place was on the University lands shall be sufficient evidence of the fact alleged in the absence of proof to the contrary.

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

## Statutes.

25. (1) Every proposed Statute—

- (a) if approved by a motion of an absolute majority of the members of the Senate; and
- (b) if after the contents thereof have been displayed in a conspicuous place within the University for a period of not less than three weeks, it is ratified by a motion of an absolute majority of the members of the Senate at a meeting of the Senate held not less than three weeks nor more than ten weeks after the meeting at which the proposed Statute was approved,

shall be sealed with the official seal of the University and shall be transmitted by the Chancellor for the approval of the Governor.

(2) Upon being approved by the Governor a Statute shall be published in the *Government Gazette* and shall thereupon, subject to section 27, have the force of law.

(3) The production of a copy of a Statute under the official seal of the University, or of a copy of the *Government Gazette* purporting to contain a reprint or copy of a Statute, shall in all proceedings be sufficient evidence of the Statute.

(4) Without derogating from the generality of the power given by paragraph (e) of subsection (2) of section 17, Statutes not inconsistent with this Act may be made by the Senate in respect of—

- (a) the use and custody of the official seal of the University;
- (b) the qualifications for entry to the University and the selection and enrolment of students;
- (c) examinations for or in connection with fellowships, scholarships, prizes, exhibitions, degrees, honours, or other academic distinctions;
- (d) the courses of lectures or instruction for the degrees and other academic distinctions which the University awards, and the constitution of those degrees and distinctions;
- (e) the admission of students of other tertiary education institutions to any corresponding status, or of graduates of those institutions to any corresponding degree or academic distinction, without examination;
- (f) any election to an office in a constituent body of the University, or to any committee;
- (g) the procedure for the co-option of members to the Senate;
- (h) the conditions of service, and the powers and duties of the Vice-Chancellor;
- (i) the number, the conditions of service of, and the powers and duties of the academic and other staff, officers and servants of the University;
- (j) the conditions under which persons may be appointed by the Senate as members of Convocation;
- (k) the powers, authorities, duties and functions which may be exercised and discharged by Convocation;

- (l) the meetings of the Senate, Convocation and the Academic Council; the method of voting at meetings, the powers and duties of the person presiding, the conduct and record of the business, the appointment of committees and the quorum, powers and duties of committees;
- (m) the membership of the Academic Council;
- (n) the powers and duties of the Academic Council;
- (o) the conditions of membership of the Guild of Students;
- (p) the powers, duties and obligations of the Guild of Students and any other matters necessary or convenient for the effective functioning of that body;
- (q) the affiliation to or in connection with the University of any college or educational establishment, with the consent of the governing body of any such college or educational establishment;
- (r) the regulation of the discipline of the University and to determine in what manner disciplinary powers shall be exercised;
- (s) the fees and charges to be paid including fees and charges for entrance, tuition, lectures, examination, residence and the conferring of degrees and other academic distinctions;
- (t) the exemption from payment of fees and charges;
- (u) the terms and conditions upon which scholarships and prizes may be conferred or awarded;
- (v) the establishment and conduct of external teaching;
- (w) academic dress; and
- (x) in general all matters whatsoever regarding the University.

(5) The Statutes may direct that any of the matters authorized or directed in this Act to be prescribed by Statute shall be regulated by the decisions made by the Senate.

26. (1) The Senate may by a motion approved Regulations. by a majority of the members present make, alter and repeal regulations for the purpose of implementing the provisions of this Act or any Statute, and regulations so made are binding upon all academic and other staff, officers and servants of the University and all students.

(2) A certificate signed by the Chancellor, Pro-Chancellor, Vice-Chancellor or Secretary of the University, whose signatures shall be judicially noted, that a person named therein is a member of the academic or other staff, or an officer or servant of the University, or is a student, is sufficient evidence of that fact in the absence of proof to the contrary.

27. The provisions of section thirty-six of the Disallowance. Interpretation Act, 1918,—

- (a) apply to a by-law made by the Senate in the name and on behalf of the University;
- (b) apply in relation to a Statute as though it were a regulation made by the Governor;
- (c) do not apply to a regulation made by the Senate under section 26, which shall take effect from the date of its promulgation in the University or from such later date as may be therein specified.

28. (1) For the purposes of this Act the Governor Power to vest certain lands in the University. may, upon being requested by the Minister so to do, by Order in Council, vest in the University—

- (a) any land reserved to Her Majesty under the Land Act, 1933 as sites for schools and other buildings for the purposes of education or for the purposes of the University; and

- (b) any land that is vested in the Minister by virtue of section 6 of the Education Act, 1928,

and on the making of the Order in Council the land therein specified shall vest accordingly.

(2) The University shall hold and use any land vested in the University under this section subject to this Act and for the purposes of this Act.

(3) Any land vested in the University under this section may be disposed of with the approval of the Governor, but not otherwise.

Financial  
provisions  
and dealings  
in land.

29. (1) The Senate, in the name of and on behalf of the University—

- (a) shall, subject to the provisions of this Act, have the control and management of all real and personal property at any time vested in or acquired by the University; and may set out roads, streets, and open spaces, and erect and maintain buildings upon and otherwise improve any such land or other property as it thinks fit, and may apply any trust funds of the University to any such purposes;
- (b) may borrow money for the purpose of carrying out and performing any of its functions, the renewal of loans or the discharge or partial discharge of any indebtedness to the Treasurer or to any bank within such limits, to such extent and upon such conditions as to security or otherwise as the Governor upon the recommendation of the Treasurer may approve;
- (c) may with the approval of the Governor give security for any loan;
- (d) may acquire by gift, bequest or devise any property for the purposes of the University and may agree to carry out the conditions of any such gift, bequest or devise;

- (e) may dispose of any real or personal property acquired by gift, devise, or bequest as it may think fit, subject only to the express trusts of any deed, will, or instrument under which the property was acquired;
- (f) may grant leases of any lands vested in the University for any term not exceeding twenty-one years, and, with the approval of the Governor, but not otherwise, may grant leases for any term not exceeding ninety-nine years;
- (g) subject to the provisions of section 31 relating to trust moneys, may invest any moneys belonging to or vested in the University in such securities as the Senate thinks fit and may sell and realise any security or re-invest the proceeds of any sale;
- (h) may enter into or approve a scheme for the provision of housing assistance to members of the academic or other staff of the University and guarantee loans made to such persons thereunder.

30. (1) The Senate may establish one or more investment common funds for the collective investment of any trust or other moneys held by or in the custody of the University.

Special  
powers of  
investment.

(2) The Senate may from time to time without liability for breach of trust bring into or withdraw from any investment common fund the whole or any part of any trust fund or other moneys held by or in the custody of the University.

(3) The Senate shall not bring into any investment common fund the whole or any part of any trust fund—

- (a) if the instrument creating the trust expressly directs to the contrary;
- (b) unless all the securities in which the capital of the investment common fund is invested are securities in which the trust fund may properly be invested.

(4) The Senate may if it considers it expedient so to do from time to time add some portion of the income to the capital of the common fund or use some part of the income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.

(5) Subject to subsection (4) of this section, the Senate shall periodically distribute the income of each investment common fund among the funds participating in the common fund having regard to the extent of the participation by each fund in the common fund during the relevant accounting period.

Trust  
moneys.

31. (1) The Senate—

- (a) may act as trustee or manager of any property, legacy, endowment, bequest, gift or trust moneys for the purposes of the University or in furtherance of the work and welfare of the University; and
- (b) may use and apply any moneys or property not immediately required for the purposes of a trust declared in relation thereto in any manner not at variance with the trust.

(2) Where the Senate uses and applies any trust moneys not immediately required for the purposes of the trust,—

- (a) the amount of the trust moneys so used and applied is deemed to be a loan to the University from the trust estate or trust fund from which the amount is taken repayable by the Senate by equal half-yearly instalments together with interest at such rate as the Governor from time to time approves;
- (b) the number of equal half-yearly instalments by which the interest and the principal debt shall be repaid shall be such number as the Governor approves but in any case shall not exceed fifty;

- (c) as and by way of security for the repayment of the loan with interest as aforesaid the Senate shall issue in favour of and deliver to the Treasurer debentures maturing at half-yearly intervals, each for the amount of a half-yearly instalment, and shall redeem those debentures at the office of the Treasurer as and when they respectively mature;
- (d) as and when the Senate redeems any debenture, the Treasurer shall appropriate the amount paid to him by the Senate expressly for repayment thereof to the trust estate or trust fund from which the loan was made, and pay the same to the Senate subject to such appropriation.

(3) Where trust moneys have been used and applied in the manner authorized by subsection (1) of this section and until the same have been fully restored in the manner provided and required by subsection (2) of this section, the amount of the trust moneys from time to time not so restored is a first charge upon any lands of the University upon which buildings erected with those trust moneys are situated and the charge shall run with that land.

(4) In investing any trust funds held by the University from time to time in a common fund or in a separate trust the University in addition to the power to invest in investments authorized by law for the investment of trust funds shall also have power unless otherwise provided in the trust instrument to invest in the purchase of improved or unimproved land or in the making of improvements on any land vested in the University.

32. (1) Where the University proposes to raise a loan for any purpose and desires the Treasurer to guarantee repayment of the amount of the proposed loan and payment of interest thereon, the Senate shall cause particulars of the proposed loan to be submitted to the Treasurer for presentation to the Governor.

Loans may  
be guaran-  
teed by the  
Treasurer.

(2) If the Governor approves the particulars of the proposed loan and approves the guarantee by the Treasurer and causes the Senate to be advised of the approval, the Senate may proceed to negotiate the proposed loan, but shall not finalise the negotiations for, or execute any form of instrument of security required in respect of, the proposed loan, until the form has been submitted to and approved by the Treasurer.

(3) If the Governor approves the particulars of the proposed loan and the Treasurer approves the form of instrument, or if more than one, instruments, of security, the Treasurer on behalf of the State shall guarantee repayment of the amount of the loan and payment of interest thereon in accordance with the provisions of that instrument or those instruments of security, which the Treasurer is hereby authorized to execute on behalf of the State.

(4) The due payment of money payable by the Treasurer under a guarantee given by him under the authority of this section—

(a) is hereby guaranteed by the State; and

(b) shall be paid out of the money referred to in section 4 of the Audit Act, 1904 as "Public moneys".

Cf. No. 12  
of 1904, s.4.

University  
Superannua-  
tion Scheme.

**33.** (1) The Senate may establish and maintain a scheme, in this Act referred to as "the Scheme", to make financial provision in respect of the retirement, invalidity or death of such members of the staff, officers and servants of the University as the Senate decides may be members of the Scheme and as become such members.

(2) The Senate may make agreements with other educational or research institutions for the establishment of joint machinery to facilitate the transfer of members of a superannuation scheme controlled by one of the institutions from that scheme to a superannuation scheme controlled by another of the institutions and generally in relation to matters affecting the Scheme.

(3) The Senate may amend the Scheme or by further agreement amend an agreement made under subsection (2) of this section but any amendment to the Scheme or an agreement shall not prejudice any right that has accrued under the Scheme or the agreement before the amendment.

34. (1) The Senate shall cause to be kept proper records of all moneys and other property received or disposed of by or on behalf of the University, in such manner and form as the Treasurer approves. Accounts and audit.

(2) The Auditor General has, in respect of the accounts of the University, all powers conferred on him by any law for the time being in force relating to the audit of public accounts.

(3) As and whenever the Auditor General audits the accounts of the University he shall prepare in writing a report in connection with that audit either certifying as to the correctness of the accounts or containing such information or particulars as he may think fit to include therein, and a copy of that report shall be furnished by the Auditor General to the Senate, to the Chancellor, and to the Minister.

35. (1) As soon as practicable after the thirty-first day of December in each year, the Senate shall prepare and furnish to the Minister a report upon the proceedings of the University during the period of twelve months immediately preceding that day. Report.

(2) A report furnished under subsection (1) of this section shall include—

(a) a summary of the work, researches and investigations carried out by the University during the period; and

(b) a true and detailed account of the income and expenditure of the University during the period, audited at the expense of the University by the Auditor General, together with any report made thereon by the Auditor General.

(3) A copy of every such report shall be laid before each House of Parliament.