

WESTERN AUSTRALIA.

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY.

No. 49 of 1971.

**AN ACT to amend the Western Australian Institute
of Technology Act, 1966-1970.**

[Assented to 10th December, 1971.]

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 Act Amendment Act, 1971.*

Short title
and cita-
tion.

(2) In this Act the Western Australian Institute of Technology Act, 1966-1970 is referred to as the principal Act.

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(3) The principal Act as amended by this Act may be cited as the Western Australian Institute of Technology Act, 1966-1971.

Amendment
to s. 4.
(Interpreta-
tion.)

2. Section 4 of the principal Act is amended by adding after the interpretation "prescribed" an interpretation as follows—

"Scheme" means the Western Australian Institute of Technology Superannuation Scheme established under section thirty A of this Act and if that Scheme is, under that section, amended means that Scheme as amended from time to time; .

Amendment
to s. 9.
(Constitu-
tion of
Council.)

3. Section 9 of the principal Act is amended by repealing and re-enacting subsection (6) as follows—

(6) Where a casual vacancy occurs in the office of a member—

- (a) the vacancy may, subject to paragraph (b) of this subsection, be filled by a person who has the like prescribed qualification, if any, as that of the member whose office has become vacant and who has been appointed, elected, or co-opted, as the case requires, in the manner in which the member whose office has become vacant was appointed, elected, or co-opted;
- (b) if the vacancy is in the office of an elected member and it has not, within three months after it occurs, been filled in accordance with paragraph (a) of this subsection, it may be filled by a person who has been appointed by the Governor and has the like prescribed qualification as that of the member whose office has become vacant; and

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- (c) the person who fills the vacancy shall, subject to this Act, hold office as member for the residue of his predecessor's term of office. .

4. Section 10 of the principal Act is amended by substituting for the word "four", in line two of paragraph (c), the word "five".

Amendment to s. 10. (Vacation of office.)

5. Subsection (3) of section 30 of the principal Act is amended by adding after the word "section", being the last word in the subsection, the passage "unless he is so compelled pursuant to a condition of his appointment under section fourteen or seventeen of this Act but, if he is such a contributor, he shall not be a member of the Scheme".

Amendment to s. 30. (Power of Institute to become a department for purposes of Act No. 34 of 1938.)

6. The principal Act is amended by adding after section 30 sections as follows—

Addition of ss. 30A and 30B.

30A. (1) The Council may establish and maintain a scheme to be called the "Western Australian Institute of Technology Superannuation Scheme" to make financial provision in respect of the retirement, invalidity or death of such members of the staff, officers and employees of the Institute as the Council, subject to subsection (3) of section thirty of this Act, decides may be members of the Scheme and as become such members.

Western Australian Institute of Technology Superannuation Scheme.

(2) The Council 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 Council 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.

(4) A member of the staff, officer or employee of the Institute whom the Council decides may be a member of the Scheme is not compelled to become such a member unless he is so compelled pursuant to a condition of his appointment under section fourteen or seventeen of this Act but, if he is such a member, he shall not be a contributor for pension, superannuation or benefits under an agreement entered into by the Council pursuant to section thirty of this Act.

Validation.

30B. Any act, matter or thing for or with respect to which provision is made in this Act made, done or executed before the coming into operation of the Western Australian Institute of Technology Act Amendment Act, 1971 which would have been lawful if that Act had been in force at the time such act, matter or thing was made, done or executed is hereby validated. .

Amendment
to s. 34.
(Power to
make Stat-
utes.)

7. Section 34 of the principal Act is amended by adding after subsection (1a) a subsection as follows—

(1b) Without limiting any of the powers conferred by subsection (1) of this section, the Council may make a Statute furthering or facilitating the objects or operation of this Act with respect to long service leave entitlements of members of the staff of the Institute and in particular—

(a) providing for lump sum payments instead of long service leave entitlements;

