



Western Australia

## **University Building Act 1938**

Compare between:

[06 Jul 1998, 00-a0-05] and [01 Feb 2007, 00-b0-03]



Western Australia

## **University Building Act 1938**

**An Act to authorize the expenditure by the Senate of the University of Western Australia out of certain trust moneys belonging to the University of the amount required for the erection and completion of a certain building at Crawley and to provide for a grant by the State to reimburse the University and for other incidental purposes.**

*[Assented to 25 October 1938]*

Preamble

WHEREAS the Senate of the University of Western Australia deems it necessary to erect and complete at Crawley for the University, in addition to the existing buildings, a suitable building to be used for agricultural and pastoral research, and for training students in such research and for the teaching of agricultural science: And whereas the use of the proposed building for the purposes aforesaid will be of public advantage and utility and it is therefore deemed expedient to authorize the expenditure by the Senate aforesaid of the amount required for the erection and completion of the proposed building out of certain trust moneys belonging to the University and also that the Government of the State shall be authorized to provide out of public moneys of the State a grant to the University to reimburse the University the amount of the expenditure aforesaid: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows: —

**1. Short title**

This Act may be cited as the *University Building Act 1938*.

**2. Interpretation**

In this Act —

“**Government**” means the Government of the State of Western Australia.

“**Senate**” means the Senate of the University.

“**University**” means the University of Western Australia.

**3. University to erect building for certain purposes**

- (1) The University shall, within a period of two years from the commencement of this Act or within such extended time as the Governor may allow, erect and complete at Crawley for the University a suitable building to be used for agricultural and pastoral research and for training students in such research and for the teaching of agricultural science.
- (2) On the lodgment by the Senate with the Minister for Works of a certificate signed by the architect in charge of the erection of such building and by the Chancellor of the University that the said building has been erected and completed, the University shall be deemed to have complied with this section.

**4. Power to Senate to meet expenditure incurred in erection of building**

In order to provide the moneys necessary for the erection and completion of the building aforesaid in accordance with section three of this Act, the Senate is hereby authorized, either by means of a loan on the security of the funds and investments now controlled by the University and known as the Hackett Bequest and of any other funds and investments being or representing trust moneys controlled by the University (other than land and buildings or by means of a sale of any of the investments aforesaid or partly by means of a loan as aforesaid,

as the Senate may deem expedient, to raise a sum of money equal to the amount incurred or to be incurred as the cost of the erection and completion of the said building and to use such sum for the purpose of paying such cost: Provided that, as and when the payments provided for in section six of this Act are made by the Government to the University the Senate shall, as soon as practicable, use and apply such payments firstly to restore the moneys realised by sales of investments as aforesaid to the funds represented by the investments sold and thereby make the same subject to the trusts applying to such funds, and secondly to pay the amount of the principal sum and interest owing in respect of any loan raised as aforesaid.

**5. Cost of building to be paid to University by the Government with interest**

- (1) When the Senate has lodged with the Minister for Works the certificate mentioned in subsection (2) of section three of this Act the Government shall become liable to pay to the University the cost of the erection and completion of the said building up to but not exceeding the sum of fourteen thousand pounds, together with interest upon the amount payable by the Government as aforesaid at the rate of four pounds per centum per annum computed from the date of the lodgment with the Minister for Works of the certificate aforesaid; and the Government shall pay the amount for which it shall become liable as aforesaid, together with interest as aforesaid in the manner provided in section six of this Act.
- (2) The cost of the erection and completion of the said building shall include the amount expended by the University in the erection and completion of the building and also interest at the rate of four pounds per centum per annum on the amounts expended on progress payments or otherwise by the University during the course and for the purposes of such erection and completion; all such interest to be computed from the respective dates of payment by the University and to be capitalised up to the date of the lodgment of the certificate as aforesaid.

- (3) The completion of the building shall include the fitting, furnishing and equipping the building with apparatus and appliances necessary to make the building ready and fit for the purposes for which it is to be used as provided in section three of this Act.

**6. Provisions for payment by the Government to the University**

- (1) The amount of the cost of the erection and completion of the said building payable by the Government to the University as provided for in section five of this Act shall be paid as follows: —
- (a) The University shall create a sinking fund for the redemption of the said cost payable by the Government as aforesaid and in each and every year computed from the date of the lodgment of the said certificate with the Minister for Works as aforesaid the Government shall pay to the University as a contribution to such sinking fund a sum calculated at the rate of ten shillings for every one hundred pounds of the cost payable by the Government as aforesaid until the aggregate amount of such annual contributions, which contributions for the purposes of this subsection are hereby presumed to be invested at the rate of four per centum per annum compounded, is equal to the amount of the cost of erecting and completing the said building payable by the Government as aforesaid.
- (b) Concurrently with the payment of the annual contributions payable by the Government under the next preceding paragraph (a), the Government shall also in each and every year computed from the date of the lodgment of the said certificate with the Minister for Works as aforesaid pay to the University at the rate of four pounds per centum per annum on the total amount of the cost of erecting and completing the said building which is payable by the Government as aforesaid but so that the liability of the Government to pay interest under

this paragraph shall cease and determine when the liability of the Government to pay contributions to the sinking fund under the next preceding paragraph (a) ceases and determines.

- (2) The first of the annual payments to be made by the Government under subsection (1) of this section shall be paid twelve months after the date of the lodgement of the said certificate with the Minister for Works as aforesaid and the succeeding annual payments shall be paid annually thereafter.

**7. Appropriation**

All moneys payable by the Government under this Act are hereby charged on the Consolidated ~~Fund~~[Account](#) and that ~~fund~~[Account](#) to the extent required for the payment thereof is hereby permanently appropriated accordingly.

*[Section 7 amended by No. 6 of 1993 s.11~~7~~; [No. 77 of 2006 s. 4 and 5\(5\).](#)]*

## Notes

- <sup>1.</sup> This is a compilation of the *University Building Act 1938* and includes ~~all~~[the](#) amendments ~~effected~~[made](#) by the other ~~Acts~~[written laws](#) referred to in the following ~~Table~~[table](#).

### Table of Acts

#### Compilation table

<del>Act</del> <a href="#">Short title</a>	<del>Number</del> and <del>Year</del> <a href="#">year</a>	<del>Assent</del>	<del>Commencement</del>	<del>Miscellaneous</del>
<i>University Building Act 1938</i>	4 of 1938	25 <del>October</del> <a href="#">O</a> <a href="#">ct</a> 1938	25 <del>October</del> <a href="#">Oct</a> 1938	
<i>Financial Administration Legislation Amendment Act 1993</i> , <del>section</del> <a href="#">s. 11</a>	6 of 1993	27 <del>August</del> <a href="#">Au</a> <a href="#">g</a> 1993	Deemed operative 1 <del>July</del> <a href="#">Jul</a> 1993	
<i>Financial Legislation Amendment and Repeal Act 2006</i> <a href="#">s. 4 and 5(5)</a>	<a href="#">77 of 2006</a>	<a href="#">21 Dec 2006</a>	<a href="#">1 Feb 2007</a> (see <a href="#">s. 2(1)</a> and <i>Gazette</i> 19 Jan 2007 <a href="#">p. 137</a> )	