



Western Australia

Murdoch University Planning Board Act 1970

Compare between:

[19 Oct 2016, 00-b0-01] and [02 Jan 2017, 00-c0-01]

Murdoch University Planning Board Act 1970

An Act to establish the Murdoch University Planning Board and for incidental purposes.

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. Short title

This Act may be cited as the *Murdoch University Planning Board Act 1970*.

2. Definitions

In this Act, unless the contrary intention appears —

Board means the Murdoch University Planning Board established under this Act;

Chairman means the Chairman of the Board;

Deputy Chairman means the Deputy Chairman of the Board;

member means a member of the Board and includes the Chairman;

the University means the second university proposed to be established in the State under an Act and to be called “Murdoch University”.

3. Establishment of the Board

- (1) There shall be a Board by the name of the Murdoch University Planning Board.
- (2) The Board is a body corporate with perpetual succession and shall have a common seal.
- (3) The Board in its corporate name —
 - (a) may sue and be sued;
 - (b) is capable of acquiring and holding real and personal property including any property that is acquired for, or devised, bequeathed or given to, or for, the University;
 - (c) is capable of granting, selling, alienating, mortgaging, charging or demising personal property and with the prior approval of the Minister, of dealing in like manner with real property including any real property that is held for the University;
 - (d) is capable of doing and suffering all such acts and things as bodies corporate may lawfully do or suffer.

4. Membership of the Board

- (1) The Board shall consist of a Chairman and eleven other members but the Minister may, on the recommendation of the Board, from time to time appoint an additional number of members.
- (2) Subject to section 5 of this Act, the members shall be appointed by the Minister and the Minister shall appoint one of the members to be the Chairman.
- (3) The performance of the functions of the Board is not affected by reason only of there being a vacancy or vacancies in the office of a member.

5. First Chairman and members deemed appointed

The persons appointed before the commencement of this Act as Chairman and members respectively of a Board for the purpose of initiating and implementing plans for the establishment of the University shall be deemed to have been appointed by the Minister under this Act as the Chairman and members of the Board established under this Act.

6. Deputy Chairman

- (1) The Board may appoint a member to be the Deputy Chairman.
- (2) The Board may terminate the appointment of a member as Deputy Chairman and may appoint another member as Deputy Chairman.

7. Termination of appointment of member

The Minister —

- (a) may terminate the appointment of a member;
- (b) may appoint a person to fill a vacancy, however caused, in the membership of the Board.

8. Leave of absence

A member may be granted leave of absence by the Board upon such terms and conditions as the Board determines.

9. Resignation

A member may resign his office by writing under his hand addressed to the Minister.

10. Dissolution of Board

- (1) When the governing body, by whatever name called, of the University is constituted and has commenced to carry out its functions, the Board, by force of this section, shall be dissolved.
- (2) Subject to section 7 of this Act, a member —

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- (a) shall hold office until the Board is so dissolved; and
- (b) is eligible to be appointed a member of the governing authority of the University.

11. Common Seal of Board

- (1) The common seal of the Board shall be kept in such custody as the Board directs and shall not be used except upon the resolution of the Board.
- (2) Where the common seal of the Board is affixed to a document it shall be authenticated by the Chairman and one other member or the Deputy Chairman and one other member.
- (3) All courts, judges and persons acting judicially shall take judicial notice of the common seal of the Board affixed to a document and shall presume that it was duly affixed.

12. Meetings of Board

- (1) The Board shall hold such meetings as are necessary for the performance of its powers and functions.
- (2) The Minister or the Chairman may at any time convene a meeting of the Board.
- (3) The Chairman shall preside at all meetings of the Board at which he is present.
- (4) In the event of the absence of the —
 - (a) Chairman from a meeting of the Board, the Deputy Chairman shall preside at that meeting;
 - (b) Chairman and Deputy Chairman from a meeting of the Board, the members present at the meeting shall elect one of the members present at that meeting to preside thereat,

and while so presiding the Deputy Chairman or the member has all the powers and functions of the Chairman.

- (5) At a meeting of the Board a majority of the members for the time being holding office constitutes a quorum.
- (6) Each member has one vote on any question arising at a meeting of the Board and the question shall be decided by a majority of the votes of the members present and voting, but only if that majority consists of the number of the members or more necessary for the time being to constitute a quorum.
- (7) Subject to this Act, the Board may regulate its procedure in such manner as it thinks fit.

13. Functions of Board

The functions of the Board are —

- (a) to formulate plans for the first phase of the development of the University, including provision therein for a school of veterinary science by whatever name called, having regard for the future needs of the community and the requirements of long term planning and the academic inter-relations of the University with the University of Western Australia;
- (b) to prepare estimates of the number of students likely to attend the University and the courses for which they are likely to enrol as students, of the accommodation and equipment likely to be required at the University and recurrent and capital costs embracing the first phase of development of the University, for submission to the Minister and the Australian Universities Commission established under the *Australian Universities Commission Act 1959* of the Commonwealth Parliament;
- (c) to maintain close liaison with a body to be established by an Act and to be called the Western Australian Tertiary Education Commission when it is so established and the University of Western Australia with respect to the academic and physical planning of the University;
- (d) to make such appointments, including appointments to offices and positions in the University, on terms and

conditions approved by the Minister and to take such action as appears to it to be necessary to complete the first phase of the development of the University;

- (e) to execute plans approved by the Minister and the Australian Universities Commission for the first phase of development of the University within the limits of the amount of finance allocated for the purpose; and
- (f) to make recommendations to the Minister on the form of legislation required to establish the University.

14. Powers of the Board

The Board has power to do all things necessary or convenient to be done for or in connection with, or as incidental to, the performance of its powers and functions and the initiation and carrying out of plans for the University and in particular may —

- (a) manage the affairs of the Board;
- (b) open and operate accounts, at a bank approved by the Minister;
- (c) engage executive officers and staff for the Board and dismiss them;
- (d) with the prior approval of the Minister, borrow money from a bank approved by the Minister, including borrowing on overdraft from such a bank;
- (e) appoint committees consisting of members only or of members and other persons to inquire into, and make recommendations to the Board on, any matter relating to the functions of the Board; and
- (f) delegate all or any of its powers under paragraphs (a), (b) and (c) of this section to any member or members, any committee established under paragraph (e) of this section, or to any officer or officers of the Board and may revoke any such delegation at will.

15. Indemnity

No action, claim or demand lies, or shall be commenced or allowed, by or in favour of any person against any member or person who has been a member in respect of any act, matter or thing done by the member or the person while he was a member, in good faith in the exercise or purported exercise of any power or function under this Act or for the purpose of giving effect to the provisions or objects of this Act.

Notes

¹ This is a compilation of the *Murdoch University Planning Board Act 1970* and includes the amendments made by the other written laws referred to in the following table^{+a}.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Murdoch University Planning Board Act 1970</i>	71 of 1970	17 Nov 1970	17 Nov 1970

^{+a} ~~On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.~~

Provisions that have not come into operation

Short title	Number and year
<u>This Act was repealed by the <i>Universities Legislation Amendment Act 2016</i> (No. 32 of 2016) s. 175- as at 2 Jan 2017 (see s. 2(b) and <i>Gazette</i> 9 Dec 2016 p. 5557)</u>	32 of 2016 19 Oct 2016

² ~~On the date as at which this compilation was prepared, the *Universities Legislation Amendment Act 2016* s. 175 had not come into operation. It reads as follows:~~

~~**175. — *Murdoch University Planning Board Act 1970* repealed**
 — The *Murdoch University Planning Board Act 1970* is repealed.~~