

Western Australia

# **Murdoch University Act 1973**

**Reprinted as at 26 February 1999**



Western Australia

## Murdoch University Act 1973

---

### CONTENTS

---

1.	Short title	1
2.	Commencement	1
3.	Interpretation	1
4.	Murdoch University	2
5.	Objects of the University	3
6.	Functions of the University	3
7.	No discrimination	3
8.	Constitution	4
9.	Visitor	4
10.	Chancellor	5
11.	Pro-Chancellor	5
12.	The Senate	6
14.	Tenure of office	8
15.	Resignation, disqualification and vacation of office	8
16.	Appointment to casual vacancies	10
17.	Functions of the Senate, its powers and duties	10
18.	Delegation by Senate	11
19.	Convocation	12
20.	Guild of Students	12
20A.	University not to accept certain Commonwealth grants	14
20B.	Guild not to accept certain Commonwealth grants	15
21.	Academic Council	15
22.	Degrees and academic distinctions	16
23.	Vice-Chancellor	17

Contents

---

24.	By-laws	17
25.	Statutes	21
26.	Regulations	24
27.	Disallowance	24
28.	Power to vest certain lands in the University	25
29.	Financial provisions and dealings in land	25
30.	Special powers of investment	27
31.	Trust moneys	28
32.	Loans may be guaranteed by the Treasurer	29
33.	University Superannuation Scheme	30
34.	Application of <i>Financial Administration and Audit Act 1985</i>	30

**Notes**

Western Australia

## Murdoch University Act 1973

**An Act to establish and incorporate Murdoch University, to make provision for the government of the University, and for incidental and other purposes.**

**1. Short title**

This Act may be cited as the *Murdoch University Act 1973*.

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

**3. Interpretation**

(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 student enrolled in the University;

“**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.

*[Section 3 amended by No. 10 of 1998 s.54(1).]*

#### **4. Murdoch University**

- (1) There shall be in the State of Western Australia a university, to be called “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. Objects of the University**

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

**6. Functions of the University**

- (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.

**7. No discrimination**

- (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.

**8. Constitution**

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) Convocation;
- (d) the students for the time being; and
- (e) such other persons, if any, as are prescribed by Statute.

*[Section 8 inserted by No. 57 of 1997 s.92(1).]*

**9. Visitor**

- (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.
- (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*<sup>2</sup>, 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. Chancellor**

- (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.
- (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 3 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.

*[Section 10 amended by No. 10 of 1998 s.54(2).]*

**11. Pro-Chancellor**

- (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 subsection (2a) and section 15, the Pro-Chancellor holds office for the term of 2 years from the date of his election and is eligible for re-election.
- (2a) The Pro-Chancellor ceases to hold office if he ceases to be a member of the Senate.
- (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.

*[Section 11 amended by No. 10 of 1998 s.54(3) and (4).]*

**12. The Senate**

- (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) one person who is nominated by the Minister charged with the administration 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) 4 persons elected by and from amongst the members of the full-time academic staff of the University in the manner prescribed by Statute;
  - (da) one person elected in the manner prescribed by Statute by and from amongst the full-time officers and servants of the University who are not members of the full-time academic staff of the University;
  - (e) 2 persons elected by and from amongst the students in the manner prescribed by Statute;
  - (f) 3 persons elected by Convocation in the manner prescribed by Statute;
  - (g) 6 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) deleted]*
  - (i) 2 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 3 in number at any one time and not being full-time members of the academic staff of the University or full-time officers or servants of the University or any other tertiary education institution 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 connection with his duties as a member of the teaching staff or as an officer or servant of the University is not eligible for election or appointment under paragraphs (f), (g) or (j) of subsection (1).
  - (b) A person who is a member of the teaching staff or an officer or servant of the University is not eligible for appointment under paragraph (i) of subsection (1).
- (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 8 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.

**s. 14**

---

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

*[Section 12 amended by No. 38 of 1976 s.2; No. 7 of 1978 s.2; No. 26 of 1980 s.3; No. 7 of 1988 s.22; No. 22 of 1996 s.16(8).]*

*[13. Repealed by No. 57 of 1997 s.92(2).]*

**14. Tenure of office**

- (1) Subject to sections 15 and 16 —

(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 person who is appointed to be a member holds office for the term of 3 years from the date on which he became a member, unless he succeeds to a casual vacancy, and is eligible to hold office for 2 further such terms of 3 years each;

*[(c) deleted]*

(d) a person who is co-opted to be a member of the Senate holds office for such period not exceeding 3 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 3 successive terms is not thereafter eligible to hold office as a member until the expiry of a period of 12 months from the last day on which he was a member.

*[Section 14 amended by No. 7 of 1978 s.3; No. 57 of 1997 s.92(3).]*

**15. Resignation, disqualification and vacation of office**

- (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 a person in respect of whom an administration order is in force under Part 6 of the *Guardianship and Administration Act 1990*;
  - (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 6 consecutive months, or has been absent from more than one-half of the meetings of the Senate during any period of 12 consecutive months.

*[Section 15 amended by No. 24 of 1990 s.123]*

**16. Appointment to casual vacancies**

- (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.
- (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 6 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 6 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. Functions of the Senate, its powers and duties**

- (1) The governing body of the University shall be the Senate.
- (2) Subject to the provisions of this Act, 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 and the conduct of persons when on or upon those lands;
- (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.

*[Section 17 amended by No. 103 of 1975 s.2; No. 48 of 1989 s.17.]*

**18. Delegation by Senate**

- (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 appointed under this Act or a Statute, 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.

*[Section 18 amended by No. 10 of 1998 s.54(5).]*

**19. Convocation**

- (1) Convocation shall be constituted on 1 July 1980.
- (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. Guild of Students**

- (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 1 September 1976, unless prior to that 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 organized association of students for the furthering of the common interests of its members, and shall be a recognized means of communication between its members and the Senate.
- (2a) Subject to the conditions and qualifications for membership prescribed by Statute any student may be a member of the Guild.
- (2b) It is not compulsory for any student to be a member of the Guild.
- (2c) It is not compulsory for any student or person seeking enrolment as a student —
- (a) to make a subscription or pay any fee required by the Guild, either directly or indirectly, or to pay an amount in lieu of such a subscription or fee; or
  - (b) to pay an amount required by the University for the provision of any amenity, facility or service which is not, or not directly related to, an educational course provided by the University,
- unless that person has chosen to join the Guild or to make use of the amenity, facility or service.
- (2d) No academic benefit, right or privilege shall be denied to or withheld from any student by reason of that student not being a member of the Guild.
- (3) 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

**s. 20A**

---

such other acts and things as bodies corporate may by law do and suffer.

*[(5), (6), (7), (8), (9) and (10) repealed.]*

- (11) Members of the Guild shall pay to the Guild such subscriptions as are from time to time determined by the Guild and approved by the Senate.
- (12) Different subscriptions payable to the Guild may be determined and approved under subsection (11) in respect of different classes of students or different classes of membership of the Guild.

*[Section 20 amended by No. 61 of 1977 s.7; No. 51 of 1983 s.9; No. 91 of 1994 s.13.]*

**20A. University not to accept certain Commonwealth grants**

The University shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth granted to the University for the Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the imposition of fees for the Guild or the collection of those fees;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the University will pay that amount to the Guild or pay that amount to the Guild without undue delay;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the University will pay that amount to the Guild or pay that amount to the Guild without undue delay.

*[Section 20A inserted by No. 91 of 1994 s.14.]*

**20B. Guild not to accept certain Commonwealth grants**

The Guild shall not —

- (a) accept payment of any amount of financial assistance from the Commonwealth authorized to be paid to the Guild as a result of the State taking or refusing or failing to reverse, action having the effect, directly or indirectly, of preventing or hindering the acceptance by the University, or payment by the University to the Guild, of financial assistance from the Commonwealth;
- (b) accept payment of any amount referred to in paragraph (a) on condition that the Guild use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Guild;
- (c) accept payment of any advance on account of any amount referred to in paragraph (a) that is expected to become payable; or
- (d) accept payment of an advance referred to in paragraph (c) on condition that the Guild will use that amount for the purposes of providing benefits to students or for purposes that further the objects of the Guild.

*[Section 20B inserted by No. 91 of 1994 s.14.]*

**21. Academic Council**

- (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. Degrees and academic distinctions**

- (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.
- (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.

**23. Vice-Chancellor**

- (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) repealed]*

- (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) 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.

*[Section 23 amended by No. 10 of 1998 s.54(6).]*

**24. By-laws**

- (1) By-laws made under this Act —
- (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 \$50 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 empowered, 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 section 17(2)(d), 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;
  - (aa) prescribing the times when and the purposes for which the University lands may be used, and the times when and the purposes for which those lands shall be open or closed, and prohibiting the use thereof or access thereto at any other times, or for any other purpose;
  - (ab) providing for the issue to all or any persons using the University lands of permits or tickets and requiring the production of those permits or tickets by such persons if and whenever required by any authorized person;
  - (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;
  - (ba) prescribing, in respect of an alleged breach of the by-laws involving a vehicle, the circumstances under which the person to whom a permit is issued in respect of a vehicle or the owner of the vehicle is deemed to be the driver or person in charge of the vehicle at the time of the alleged breach;
  - (bb) prescribing the circumstances under which an authorized person may remove a vehicle or cause it to be removed from the University lands to a specified place, prescribing his further powers in relation thereto,

- prescribing the scale of charges to be paid to recover the vehicle from that place, and authorizing the University to hold the vehicle until the prescribed charges are paid;
- (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;
  - (ha) prescribing a modified penalty or modified penalties payable to the University by a person or one of a class of persons who does not contest an allegation that he committed any specified breach of the by-laws, and providing that the due payment of a modified penalty is a defence to a charge of the breach in respect of which that modified penalty was paid;
  - (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 6 months after the offence thereby charged was committed, and all offences shall be punishable on summary conviction.



- (9) All pecuniary penalties shall 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.

*[Section 24<sup>3</sup> amended by No. 103 of 1975 s.3; No. 26 of 1980 s.4; No. 78 of 1995 s.75.]*

## **25. Statutes**

- (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 3 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 3 weeks nor more than 10 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 section 17(2)(e), 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) classes of membership and the conditions or qualifications for membership of the Guild of Students;
- [(oa) *deleted*]
- (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.

*[Section 25 amended by No. 61 of 1977 s.8; No. 51 of 1983 s.10.]*

**26. Regulations**

- (1) The Senate may by a motion approved 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 Registrar 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.

*[Section 26 amended by No. 57 of 1997 s.92(4).]*

**27. Disallowance**

The provisions of section 36 of the *Interpretation Act 1918*<sup>4</sup>, —

- (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. Power to vest certain lands in the University**

- (1) For the purposes of this Act the Governor may, upon being requested by the Minister so to do, by Order in Council, vest in the University —
  - (a) any land reserved under Part 4 of the *Land Administration Act 1997* 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.

*[Section 28 amended by No. 31 of 1997 s.72.]*

**29. Financial provisions and dealings in land**

- (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 21 years, and, with the approval of the Governor, but not otherwise, may grant leases for any term not exceeding 99 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 realize any security or reinvest 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.
- (2) No tax or rate may be charged or levied upon any property vested in the University and used or reserved by the University for the purpose of providing facilities necessary or conducive to the attainment of the objects of the University and the performance of its functions.

- (3) All real and personal property that was by virtue of the provisions of the *Murdoch University Planning Board Act 1970*, held for the University shall be deemed, by force of this Act, and without any conveyance, transfer or assignment, to have vested in and become the property of the University on the date of coming into operation of this Act.

*[Section 29 amended by No. 103 of 1975 s.4.]*

### **30. Special powers of investment**

- (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.
- (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), 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.

**31. Trust moneys**

- (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 50;
  - (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) and until the same have been fully restored in the manner provided and required by subsection (2), 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 as trust funds may be invested under Part III of the *Trustees Act 1962* 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.

*[Section 31 amended by No. 1 of 1997 s.18.]*

### **32. Loans may be guaranteed by the Treasurer**

- (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.
- (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 finalize 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 charged to the Consolidated Fund.

*[Section 32 amended by No. 98 of 1985 Schedule 1; No. 6 of 1993 s.11; No. 49 of 1996 s.64.]*

**33. University Superannuation Scheme**

- (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) 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. Application of *Financial Administration and Audit Act 1985***

- (1) Subject to subsection (4), the provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the University and its operations.

- 
- (2) The Senate shall include in its annual report a summary of the work, researches and investigations carried out by the University during that year.
  - (3) Notwithstanding the *Financial Administration and Audit Act 1985*, the financial year of the University shall end on 31 December.
  - (4) Notwithstanding the provisions of the *Financial Administration and Audit Act 1985*—
    - (a) sections 21, 22, 42 and 44 of that Act shall not have effect in relation to the University; and
    - (b) section 58 of that Act shall have effect in relation to the University as if it had been enacted in the following form —

“

**58. Treasurer’s Instructions**

- (1) The Treasurer may prepare and issue and amend instructions, in this Act called the “Treasurer’s Instructions”, with respect to the annual report required to be prepared under section 66, including instructions with respect to accounting standards and other requirements for the preparation of financial statements required under section 67, but instructions issued under this section shall not be inconsistent with this Act or the regulations.
- (2) Without limiting the generality of subsection (1), the Treasurer may issue instructions relating to —
  - (a) the establishment and keeping of the accounts of statutory authorities including accounts of subsidiary and related bodies;
  - (b) the form and content of financial statements and reports on the operations of statutory authorities and their subsidiary and related

- bodies, including information to be disclosed in respect of affiliated bodies; and
- (c) the preparation of performance indicators of statutory authorities and their subsidiary and related bodies.
- (3) The Treasurer's Instructions may be issued —
- (a) so as to apply —
- (i) at all times or at specified time;
- (ii) to all statutory authorities and their subsidiary and related bodies or to specified statutory authorities or subsidiary or related bodies;
- (b) so as to require a matter affected by the instructions to be —
- (i) in accordance with a specified standard or specified requirement;
- (ii) approved by or to the satisfaction of a specified person or body or a specified class of person or body;
- (c) so as to confer a discretionary authority on a specified person or body or a specified class of person or body;
- (d) so as to empower the Treasurer by written direction issued generally or in a particular case to supplement the requirements of the instructions; and
- (e) so as to provide or to empower the Treasurer to provide by written direction, in a specified case or class of case for the exemption of persons or things or a class of persons or things from the provisions of the instructions, whether unconditionally or on specified conditions or conditions additionally imposed and either

wholly or to such an extent as is specified or otherwise determined.

- (4) Subject to this Act, every accountable authority and officer shall comply with the Treasurer's Instructions.
- (5) In subsection (3) "**specified**" means specified in the instructions.
- (6) The Treasurer shall cause to be published in the *Gazette* notice of the making or amendment of Treasurer's Instructions, but notices under this subsection need not include the text of the instructions or the amendments.

”

*[Section 34 inserted by No. 98 of 1985 Schedule 1; amended by No. 92 of 1990 s.39(3).]*

*[35. Repealed by No. 98 of 1985 Schedule 1.]*

=====

## Notes

<sup>1</sup> This reprint is a compilation as at 26 February 1999 of the *Murdoch University Act 1973* and includes all amendments effected by the other Acts referred to in the following Table.

### Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Murdoch University Act 1973</i>	20 of 1973	6 June 1973	1 July 1973 (see <i>Gazette</i> 26 June 1973 pp.2488-9)	
<i>Murdoch University Act Amendment Act 1975</i>	103 of 1975	1 December 1975	1 December 1975	
<i>Murdoch University Act Amendment Act 1976</i>	38 of 1976	9 June 1976	9 June 1976	
<i>Acts Amendment (Student Guilds and Associations) Act 1977</i>	61 of 1977	23 November 1977	1 January 1978	
<i>Murdoch University Act Amendment 1978</i>	7 of 1978	15 May 1978	15 May 1978	
<i>Murdoch University Amendment Act 1980</i>	26 of 1980	23 October 1980	Section 3(a)(ii) operative 18 March 1981 (see <i>Gazette</i> 13 March 1981 p.933); balance on assent	Validation <sup>3</sup> section 5
<i>Acts Amendment (Student Guilds and Associations) Act 1983</i>	51 of 1983	5 December 1983	5 December 1983	

---

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment (Financial Administration and Audit) Act 1985</i>	98 of 1985	4 December 1985	1 July 1986 (see <i>Gazette</i> 30 June 1986 p.2255)	
<i>Acts Amendment (Education) Act 1988</i>	7 of 1988	30 June 1988	8 July 1988 (see <i>Gazette</i> 8 July 1988 p.2371)	
<i>Acts Amendment (Post-Secondary Education) Act 1989</i>	48 of 1989	9 January 1990	1 January 1990 (see section 2)	
<i>Financial Administration and Audit Amendment Act 1990</i>	92 of 1990	20 December 1990	8 March 1991 (see <i>Gazette</i> 8 March 1991 p.1029)	
<i>Guardianship and Administration Act 1990, section 123</i>	24 of 1990	7 September 1990	Section 123: Proclaimed 20 October 1992 (see <i>Gazette</i> 2 October 1992 p.4811)	
<i>Financial Administration Legislation Amendment Act 1993, Part 4</i>	6 of 1993	27 August 1993	Deemed operative 1 July 1993	
<i>Voluntary Membership of Student Guilds and Associations Act 1994, Part 5</i>	91 of 1994	5 January 1995	5 January 1995 (see section 2)	Commence- ment <sup>5</sup>
<i>Education Amendment Act 1996, section 16(8)</i>	22 of 1996	11 July 1996	11 July 1996 (see section 2(1))	

---

## Murdoch University Act 1973

---

Act	Number and Assent Year	Commencement	Miscellaneous
<i>Sentencing (Consequential Provisions) Act 1995, Part 54</i>	78 of 1995	16 January 1996	4 November 1996 (see <i>Gazette</i> 25 October 1996 p.5632)
<i>Financial Legislation Amendment Act 1996, section 64</i>	49 of 1996	25 October 1996	25 October 1996 (see section 2(1))
<i>Trustees Amendment Act 1997, section 18</i>	1 of 1997	6 May 1997	16 June 1997 (see section 2 and <i>Gazette</i> 10 June 1997 p.2661)
<i>Acts Amendment (Land Administration) Act 1997, Part 45</i>	31 of 1997	3 October 1997	30 March 1998 (see section 2 and <i>Gazette</i> 27 March 1998 p.1765)
<i>Statutes (Repeals and Minor Amendments) Act 1997, section 92</i>	57 of 1997	15 December 1997	15 December 1997 (see section 2)
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998, section 54</i>	10 of 1998	30 April 1998	30 April 1998 (see section 2(1))

<sup>2</sup> Now see *Interpretation Act 1984*, section 60.



<sup>3</sup> Section 5 of Act No. 26 of 1980 reads as follows —

“

**5. Validation**

A by-law made or purportedly made pursuant to section 24 of the principal Act before the coming into operation of this Act —

- (a) providing for the issuing of permits to persons and requiring the production of a permit by the person in respect of whom it was issued whenever required by an authorized person; or
- (b) providing that a person in respect of whom a permit is issued in respect of a vehicle is deemed to be the driver or person in charge of the vehicle at the time of an alleged breach of a by-law made under that section,

is hereby declared not to be and not to have been invalid by reason only of such a provision.

”

<sup>4</sup> Now see *Interpretation Act 1984*, Part VI.

<sup>5</sup> Section 2 of Act No. 91 of 1994 reads as follows: —

“

**2. Commencement and effect**

- (1) Subject to subsection (2), this Act comes into operation on the day on which it received the Royal Assent.
- (2) Except as provided in subsection (3), the amendments to each principal Act effected by this Act do not apply in respect of any subscription, fee or amount that became payable under any such principal Act before the commencement of this Act.
- (3) If, before this Act comes into operation, a subscription, fee or amount has been paid under a principal Act that is amended by this Act for membership of a student guild or association in the year commencing 1 January 1995, or any part of that year, the student guild or association shall, upon written application by the person by or on whose behalf the subscription, fee or amount was paid, refund that subscription, fee or amount.

- (4) The amendments to each principal Act effected by this Act are to be construed subject to the limits of the legislative power of the State and are valid to the extent to which they are within that power.

”