



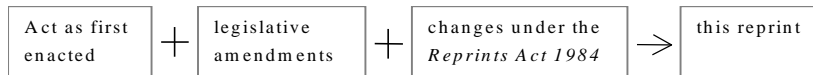
Western Australia

Murdoch University Act 1973

Reprint 2: The Act as at 1 July 2005

Guide for using this reprint

What the reprint includes



Endnotes, Compilation table, and Table of provisions that have not come into operation

1. Details about the original Act and legislation that has amended its text are shown in the Compilation table in endnote 1, at the back of the reprint. The table also shows any previous reprint.
2. Validation, transitional, savings, or other provisions identified in the Compilation table may be important. The table may refer to another endnote setting out the text of these provisions in full.
3. A table of provisions that have not come into operation, to be found in endnote 1a if it is needed, lists any provisions of the Act being reprinted that have not come into operation and any amendments that have not come into operation. The full text is set out in another endnote that is referred to in the table.

Notes amongst text (italicised and within square brackets)

1. If the reprint includes a section that was inserted, or has been amended, since the Act being reprinted was passed, editorial notes at the foot of the section give some history of how the section came to be as it is. If the section replaced an earlier section, no history of the earlier section is given (the full history of the Act is in the Compilation table).

Notes of this kind may also be at the foot of Schedules or headings.

2. The other kind of editorial note shows something has been —
 - removed (because it was repealed or deleted from the law); or
 - omitted under the *Reprints Act 1984* s. 7(4) (because, although still technically part of the text, it no longer has any effect).

The text of anything removed or omitted can be found in an earlier reprint (if there is one) or one of the written laws identified in the Compilation table.

Reprint numbering and date

1. The reprint number (in the footer of each page of the document) shows how many times the Act has been reprinted. For example, numbering a reprint as “Reprint 3” would mean that the reprint was the 3rd reprint since the Act was passed. Reprint numbering was implemented as from 1 January 2003.
2. The information in the reprint is current on the date shown as the date as at which the Act is reprinted. That date is not the date when the reprint was published by the State Law Publisher and it is probably not the date when the most recent amendment had effect.

Reprinted under the
Reprints Act 1984 as
at 1 July 2005

Western Australia

Murdoch University Act 1973

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Western Australia

Reprinted under the
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at 1 July 2005

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*¹.

2. Commencement

This Act shall come into operation on a date to be fixed by proclamation¹.

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 authorised 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 has authority, as and when he or she thinks fit, to do all things that 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 authorised to act without the requirement of obtaining the advice and consent of the Executive Council, section 23 of the *Interpretation Act 1918*², notwithstanding.

[Section 9 amended by No. 75 of 2000 s. 3.]

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 *School Education Act 1999*;
 - (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 subsection (1)(f), (g) or (j).
 - (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 subsection (1)(i).
- (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.
- (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); No. 36 of 1999 s. 247.]

[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 authorised 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 —
 - (a) committee, council or other body; or
 - (b) officer or officers,of the University.

s. 19

- (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); No. 74 of 2003 s. 86(2).]

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 the recognised means of communication between students and the Senate, in accordance with any Statutes that the Senate makes.
 - (2a) Any student is eligible to be a member of the Guild.
 - (2b) The University shall not act in a way that may dissuade or discourage a student, or person seeking enrolment as a student, from being or becoming a member of the Guild.
 - [(2c) repealed]*
 - (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 such other acts and things as bodies corporate may by law do and suffer.
- (5) A student becomes a member of the Guild upon enrolment, for the period of enrolment, unless at the time of enrolment that student elects not to become a member.

s. 20A

- (6) Subject to subsection (7), a student becomes a member of the Guild upon enrolment, for the period of enrolment.
- (7) A student may —
 - (a) elect at the time of enrolment not to become a member of the Guild; and
 - (b) resign at any time as a member of the Guild.
- (8) A student cannot hold an elective office of the Guild unless that student is a member 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; No. 44 of 2002 s. 10.]

20A. Amenities and services fee

- (1) An annual amenities and services fee shall be set at an amount determined by the Senate after receiving a report from, and a recommendation by, the Guild.
- (2) The Senate may determine that a different level of the amenities and services fee is payable by a specified class of students.
- (3) The amenities and services fee is payable to the Senate by each student, except a student exempted from doing so, or made ineligible to do so, by Statute.
- (4) The Senate shall pay to the Guild a percentage of the amenities and services fees collected that is not less than the percentage of students that are members of the Guild.
- (5) Despite subsection (4), and regardless of the number of students who are members of the Guild, the percentage of the amenities and services fees paid to the Guild must exceed 50% of those fees.
- (6) The part of the amenities and services fees not paid to the Guild is to be spent on student amenities and services in the manner agreed by the Senate and the Guild.

[Section 20A inserted by No. 44 of 2002 s. 11.]

20B. Senate to include detail in Statute

- (1) The Senate shall specify, by Statute, the broad categories of amenities and services to which the Guild may apply the fees paid to it.
- (2) The Senate shall prescribe, by Statute, the processes for —
 - (a) determining the broad categories of amenities and services to which the Guild may apply the fees; and
 - (b) resolving disputes that arise in the process of those determinations.
- (3) The Senate shall prescribe, by Statute, the measures by which the Guild is to account for the fees received, and those measures shall include —
 - (a) a requirement that the annual financial statements of the Guild are to be audited by an independent external auditor whose appointment requires Senate approval; and
 - (b) a requirement for the Guild to provide a copy of each audited balance sheet, and an annual statement of the Guild's income and expenditure, to the Senate.
- (4) The Senate shall prescribe, by Statute, the process for reaching agreement between the Senate and the Guild about the expenditure of the part of the amenities and services fees not paid to the Guild.

[Section 20B inserted by No. 44 of 2002 s. 11.]

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 authorised 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 authorised 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 authorised 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 authorised 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 authorising 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) Proceedings for an offence against a by-law shall be commenced within 6 months after the offence was allegedly 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 charge 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 amended by No. 103 of 1975 s. 3; No. 26 of 1980 s. 4; No. 78 of 1995 s. 75; No. 84 of 2004 s. 80.]

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 16 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;
- (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 authorised 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; No. 74 of 2003 s. 86(3).]

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 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.

[Section 26 amended by No. 57 of 1997 s. 92(4); No. 74 of 2003 s. 86(4).]

27. Disallowance

The provisions of section 36 of the *Interpretation Act 1918*³, —

- (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 215 of the *School Education Act 1999*,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; No. 36 of 1999 s. 247.]

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 authorised 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 authorised 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 s. 3; 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.

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- (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 —

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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.

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

[35. Repealed by No. 98 of 1985 s. 3.]

Notes

- ¹ This reprint is a compilation as at 1 July 2005 of the *Murdoch University Act 1973* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Murdoch University Act 1973</i>	20 of 1973	6 Jun 1973	1 Jul 1973 (see s. 2 and <i>Gazette</i> 26 Jun 1973 p. 2488-9)
<i>Murdoch University Act Amendment Act 1975</i>	103 of 1975	1 Dec 1975	1 Dec 1975
<i>Murdoch University Act Amendment Act 1976</i>	38 of 1976	9 Jun 1976	9 Jun 1976
<i>Acts Amendment (Student Guilds and Associations) Act 1977 Pt. II</i>	61 of 1977	23 Nov 1977	1 Jan 1978 (see s. 2)
<i>Murdoch University Act Amendment Act 1978</i>	7 of 1978	15 May 1978	15 May 1978
<i>Murdoch University Amendment Act 1980</i> ⁴	26 of 1980	23 Oct 1980	Act other than s. 3(a)(ii): 23 Oct 1980 (see s. 2(1)); s. 3(a)(ii): 18 Mar 1981 (see s. 2(2) and <i>Gazette</i> 13 Mar 1981 p. 933)
<i>Acts Amendment (Student Guilds and Associations) Act 1983 Pt. III</i>	51 of 1983	5 Dec 1983	5 Dec 1983
<i>Acts Amendment (Financial Administration and Audit) Act 1985 s. 3</i>	98 of 1985	4 Dec 1985	1 Jul 1986 (see s. 2 and <i>Gazette</i> 30 Jun 1986 p. 2255)
<i>Acts Amendment (Education) Act 1988 Pt. 9</i>	7 of 1988	30 Jun 1988	8 Jul 1988 (see s. 2 and <i>Gazette</i> 8 Jul 1988 p. 2371)
<i>Acts Amendment and Repeal (Post-Secondary Education) Act 1989 Pt. 6</i>	48 of 1989	9 Jan 1990	1 Jan 1990 (see s. 2)
<i>Guardianship and Administration Act 1990</i> s. 123	24 of 1990	7 Sep 1990	20 Oct 1992 (see s. 2 and <i>Gazette</i> 2 Oct 1992 p. 4811)

Short title	Number and year	Assent	Commencement
<i>Financial Administration and Audit Amendment Act 1990 s. 39(3)</i>	92 of 1990	20 Dec 1990	8 Mar 1991 (see s. 2 and <i>Gazette</i> 8 Mar 1991 p. 1029)
<i>Financial Administration Legislation Amendment Act 1993 s. 11</i>	6 of 1993	27 Aug 1993	1 Jul 1993 (see s. 2(1))
<i>Voluntary Membership of Student Guilds and Associations Act 1994 Pt. 5⁵</i>	91 of 1994	5 Jan 1995	5 Jan 1995 (see s. 2)
<i>Sentencing (Consequential Provisions) Act 1995 Pt. 54</i>	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Education Amendment Act 1996 s. 16(8)</i>	22 of 1996	11 Jul 1996	11 Jul 1996 (see s. 2(1))
<i>Financial Legislation Amendment Act 1996 s. 64</i>	49 of 1996	25 Oct 1996	25 Oct 1996 (see s. 2(1))
<i>Trustees Amendment Act 1997 s. 18</i>	1 of 1997	6 May 1997	16 Jun 1997 (see s. 2 and <i>Gazette</i> 10 Jun 1997 p. 2661)
<i>Acts Amendment (Land Administration) Act 1997 Pt. 45</i>	31 of 1997	3 Oct 1997	30 Mar 1998 (see s. 2 and <i>Gazette</i> 27 Mar 1998 p. 1765)
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 92</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Statutes (Repeals and Minor Amendments) Act (No. 2) 1998 s. 54</i>	10 of 1998	30 Apr 1998	30 Apr 1998 (see s. 2(1))
Reprint of the Murdoch University Act 1973 as at 26 Feb 1999 (includes amendments listed above)			
<i>School Education Act 1999 s. 247</i>	36 of 1999	2 Nov 1999	1 Jan 2001 (see s. 2 and <i>Gazette</i> 29 Dec 2000 p. 7904)
<i>Universities Legislation Amendment Act 2000 Pt. 2</i>	75 of 2000	7 Dec 2000	13 Jan 2001 (see s. 2 and <i>Gazette</i> 12 Jan 2001 p. 245)
<i>Acts Amendment (Student Guilds and Associations) Act 2002 Pt. 4</i>	44 of 2002	3 Jan 2003	25 Jan 2003 (see s. 2 and <i>Gazette</i> 24 Jan 2003 p. 141)
<i>Statutes (Repeals and Minor Amendments) Act 2003 s. 86</i>	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)

Murdoch University Act 1973

Short title	Number and year	Assent	Commencement
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004</i> s. 80	84 of 2004	16 Dec 2004	2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
Reprint 2: The Murdoch University Act 1973 as at 1 Jul 2005 (includes amendments listed above)			

² Now see the *Interpretation Act 1984* s. 60.

³ Now see the *Interpretation Act 1984* Pt. VI.

⁴ The *Murdoch University Amendment Act 1980* s. 5 is a validation provision that is of no further effect.

⁵ The *Voluntary Membership of Student Guilds and Associations Act 1994* s. 2 contains transitional provisions that are of no further effect.