

WESTERN AUSTRALIA

UNIVERSITY OF WESTERN AUSTRALIA.

No. 37 of 1911.

(Affected by Act No. 113 of 1965.)

[As amended by Acts:

- No. 23 of 1917, assented to 7th August, 1917;
- No. 17 of 1929, assented to 22nd November, 1929;
- No. 43 of 1944, ¹ assented to 12th January, 1945;
- No. 40 of 1947, assented to 11th December, 1947;
- No. 3 of 1955, assented to 13th October, 1955;
- No. 25 of 1957, assented to 26th October, 1957;
- No. 4 of 1964, assented to 2nd October, 1964;
- No. 46 of 1969, ² assented to 21st May, 1969;
- No. 113 of 1970, ³ assented to 10th December, 1970;

and reprinted pursuant to the Amendments Incorporation Act, 1938.]

AN ACT to Establish, Incorporate, and Endow the University of Western Australia.

[Assented to 16th February, 1911.]

WHEREAS of the States of the Commonwealth Preamb
Western Australia alone is unprovided with a
University:

And where it is desirable that provision should be made for further instruction in those practical arts and liberal studies which are needed to advance the prosperity and welfare of the people:

And whereas it is desirable that special encouragement and assistance should be afforded those who may be hindered in the acquisition of sound knowledge and useful learning by lack of opportunity or means:

¹Subsection (1) of each of sections 4, 7 and 8 proclaimed to operate from 14th March, 1945. See *Gazette* 9th February, 1945, p.169.

²Proclaimed to come into operation 27th June, 1969. See *Gazette* 27th June, 1969, p.1876.

³Proclaimed to come into operation 1st January, 1971. See *Gazette* 15th January, 1971, p.93.

And whereas for these purposes it is expedient to incorporate and endow a University within the State of Western Australia,

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Preliminary.

Short Title.
Amended by
No. 113 of
1970, s. 4.

1. This Act may be cited as the *University of Western Australia Act, 1911–1970.*

Interpretation.

2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively:—

“University”—The University of Western Australia constituted under the authority of this Act;

“Senate”—The Senate of the University;

“Convocation”—Convocation of the University;

“Statutes”—Statutes of the University made under the authority of this Act.

Establishment of the University.

The University
of Western
Australia.

3. There shall be from henceforth for ever in the State of Western Australia a University to be called “The University of Western Australia” with such Faculties as the Statutes of the University may from time to time prescribe.

The University
to consist of
Senate, Con-
vocation, and
members.

4. The University shall consist of a Senate, Convocation, and graduate and undergraduate members:

Provided that until Convocation is constituted, the University shall consist of a Senate and the members for the time being:

Provided also that on the appointment of the first members of the Senate the University shall be lawfully constituted for the purposes of this Act.

5. The Senate shall be the governing authority of the University.

The governing authority.
Repealed and re-enacted by No. 43 of 1944, s. 2.

6. The University shall be a body corporate, with perpetual succession and a common seal, and shall under its name be capable in law of suing and being sued, and of taking, purchasing, holding, and alienating all real and personal property whatsoever, whether the same is situated in Western Australia or elsewhere, and of doing and suffering all such acts and things as bodies corporate may by law do and suffer.

Incorporation.

Visitor.

7. The Governor of the State of Western Australia shall be the Visitor of the University, and shall have authority to do all things which appertain to Visitors as often as to him shall seem meet.

Visitor.

Senate.

8. (1) The Senate shall consist of twenty-five persons appointed or elected as hereinafter provided.

The Senate.
Amended by No. 43 of 1944, s. 3;
No. 46 of 1969, s. 3;
No. 113 of 1970, s. 5.

(2) Persons who respectively hold a full time salaried office in the University as a dean, professor, reader, senior lecturer, lecturer or such other office as the Senate may, by resolution declare, are not on that account only, incapable of being appointed or elected or of acting, as a member of the Senate, but the number of such persons in the Senate at the same time shall not exceed four in the aggregate.

(3) No person who is a Principal of any Secondary, Continuation, or Technical School, or School of Mines, or similar educational institution, or is a teacher engaged therein shall on that account only be incapable of being appointed or elected, or of acting as a member of the Senate, but the number of such persons in the Senate at the same time shall not exceed two.

9. [*Repealed by No. 113 of 1970, s. 6.*]

Personnel.
Appointment
and election
of Senate.
Repealed and
re-enacted by
No. 43 of 1944,
s. 4.
Amended by
No. 46 of 1960,
s. 4;
No. 113 of
1970, s. 7.

10. The Senate shall consist of the following members namely:—

- (a) Six persons to be appointed by the Governor.
- (b) Six persons, not being such persons as are referred to in subsection (2) of section eight of this Act to be elected by convocation.
- (c) Four persons, being such persons as are referred to in subsection (2) of section eight of this Act, to be elected by the persons so referred to, except that in the case of the first three persons to become members of the Senate under this paragraph after the coming into operation of the University of Western Australia Act Amendment Act, 1970, one shall be elected and two shall be appointed by the Senate.
- (d) [*Deleted by No. 113 of 1970, s. 7.*]
- (e) The Director of Education *ex officio*.
- (f) The Vice-Chancellor of the University *ex officio*.
- (fa) The President of the Guild of Undergraduates *ex officio*.
- (fb) Two persons who are respectively enrolled as students of the University to be appointed by the Senate, in the case of the first two persons to become members of the Senate under this paragraph and thereafter to be elected by the persons so enrolled.
- (g) Four persons to be selected and co-opted as members of the Senate by the other members thereof enumerated in the foregoing paragraphs of this section. Provided that one of these persons shall be a person who has served at any time in Her Majesty's Forces and who has been honourably discharged from such forces. Provided also that two of the members to be selected and co-opted under this paragraph shall be persons who are members of Convocation.

10A. (1) Subject to subsection (2) of this section, the tenure of office of the members of the Senate, other than the *ex officio* members, shall be as follows:—

Tenure of office.
Added by No. 43 of 1944, s. 4.
Amended by No. 113 of 1970, s. 8.

- (a) Each of the six members referred to in paragraph (a) of section ten of this Act holding office on, or appointed after, the coming into operation of the University of Western Australia Act Amendment Act, 1970, shall, subject to this Act, hold office for six years from the date of his appointment as member of the Senate and be eligible for reappointment as such.
- (b) Each of the six members referred to in paragraph (b) of section ten of this Act holding office on, or elected after, the coming into operation of the University of Western Australia Act Amendment Act, 1970, shall, subject to this Act, hold office for six years from the date of his election as member of the Senate and be eligible for re-election as such.
- (c) Each of the four members referred to in paragraph (c) of section ten of this Act holding office on, or elected after, the coming into operation of the University of Western Australia Act Amendment Act, 1970, shall, subject to this Act, hold office for four years from the date of his election as member of the Senate and be eligible for re-election as such.
- (ca) Each of the two members referred to in paragraph (fb) of section ten of this Act shall, subject to this Act, hold office for two years from the date of his appointment or declaration of election as member of the Senate, as the case may be, and be eligible for re-election as such.
- (d) Each of the four members referred to in paragraph (g) of section ten of this Act holding office on, or selected and co-opted as a member of the Senate after, the coming into operation of the University of Western Australia Act Amendment Act, 1970, shall, subject to this Act, hold office for four years from the date

on which he was or is so selected and co-opted as member of the Senate and be eligible for re-selection and co-option as such.

(2) Notwithstanding the provisions of paragraph (c) or (fb) of section ten of this Act, in the case of the—

- (a) two persons to be first appointed under the first mentioned paragraph; and
- (b) two persons to be first appointed under the second mentioned paragraph

after the coming into operation of the University of Western Australia Act Amendment Act, 1970, the Senate may decide that there shall be expiration of office in rotation, and if the Senate so decides, each such person as is referred to in—

- (c) paragraph (a) of this subsection and who is nominated by the Senate, shall be deemed to be respectively appointed for such respective term not exceeding four years; and
- (d) paragraph (b) of this subsection and who is nominated by the Senate, shall be deemed to be respectively appointed for such respective term not exceeding two years

as, in order to give effect to the decision, the Senate thinks fit.

Elections to be conducted as prescribed by Statutes. Added by No. 43 of 1944, s. 4.

10B. The elections for the election of the elective members of the Senate as constituted under section ten of this Act shall be held and conducted at such times at such places and in such manner as shall be prescribed by Statutes made or enacted under the authority of section thirty-one of this Act.

10C. [*Added by No. 43 of 1944, s. 4.*
[*Repealed by No. 113 of 1970, s. 9.*]

Disqualifications. Amended by No. 46 of 1969, s. 5; No. 113 of 1970, s. 10.

11. (1) Except as provided in subsection (2) of this section, no person who—

- (a) Is not of the full age of twenty-one years;
- (b) Is an undischarged bankrupt; or

- (c) Has his affairs under liquidation by arrangement with his creditors; or
- (d) Has been convicted of an offence and sentenced to imprisonment, unless he has received a free pardon or has undergone the sentence passed upon him; or
- (e) Is an insane person or patient within the meaning of the laws in force for the time being relating to lunacy; or
- (f) Ceases to hold the qualification required to be held by him for appointment or election as a member of the Senate,

shall be capable of being or continuing a member of the Senate.

(2) The President of the Guild of Undergraduates and each of the two members referred to in paragraph (fb) of section ten of this Act, is capable of being a member of the Senate, notwithstanding that he is not of the full age of twenty-one years.

Chancellor and Pro-Chancellor.

12. At its first meeting held after the date of its constitution, and thereafter at its first meeting held after the first Tuesday in March in every year, the Senate shall elect two of its members to be respectively Chancellor and Pro-Chancellor of the University.

Chancellor and Pro-Chancellor.

Powers of Senate.

13. Subject to this Act and the Statutes, the Senate may from time to time appoint deans, professors, lecturers, examiners, and other officers and servants of the University, and 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 such manner as appears to it best calculated to promote the interests of the University.

Appointment of officers and management of affairs.

Control and
management
of property.
See No. 6 of
1904, s. 6.

14. The Senate shall 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 land or other property as in their absolute discretion they may think fit, and may apply any trust funds of the University to any such purposes.

Power to
lease land.
See No. 6 of
1904, s. 7.
Amended by
No. 23 of 1917,
s. 2.

15. The Senate, in the name and on behalf of the University, may grant leases of any lands vested in the University for any term not exceeding twenty-one years, and, with the approval of the Governor, but not otherwise, may grant leases for any term not exceeding ninety-nine years, and may, with the like approval, mortgage such lands.

Senate may
invest trust
moneys in im-
provement of
lands for
purposes of
deriving
income.
Added by
No. 43 of 1944,
s. 5.

15A. (1) The Senate may, as and by way of investment, use and apply any trust moneys of the University not immediately required for the purposes of the trusts declared in relation thereto in and for the erection and maintenance upon lands granted to or held by the University by way of permanent endowment or otherwise belonging to the University of buildings to be used for the purpose of deriving income therefrom, but subject to section fourteen of this Act, not for any other purpose.

(2) Where any trust moneys aforesaid are already invested in other forms of investments the Senate may sell and realise upon such other investments for the purpose of utilising the proceeds of such sale and realisation in the manner provided and authorised by subsection (1) of this section.

(3) (a) When the Senate uses and applies any trust moneys under and for the purposes mentioned in subsection (1) of this section, the amount of the trust moneys so used and applied shall be deemed to be a loan to the University from the trust estate or trust fund from which such amount is taken bearing interest and repayable by the Senate by equal half-yearly instalments which shall include interest and be payable half-yearly.

(b) The rate of the said interest shall be such as the Governor shall approve.

(c) 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 shall approve, but in any case shall not exceed fifty.

(d) As and by way of security for the repayment of the said loan with interest as aforesaid the Senate shall issue in favour of and deliver to the Treasurer debentures which shall mature at half-yearly intervals, and each be for the amount of a half-yearly instalment. The Senate shall redeem such debentures as and when they mature respectively at the office of the Treasurer.

(e) 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.

(4) Where buildings have been erected and are being maintained under the authority of this section for the purpose of deriving income therefrom, and as income is derived therefrom, the Senate may use and apply such income either in or towards the redemption of the debentures issued by the Senate and held by the Treasurer as provided for in paragraph (d) of subsection (3) of this section or for the general purposes of the University as the Senate may from time to time think fit.

(5) Where trust moneys have been used and applied in the manner provided and authorised by subsection (1) of this section and until the same have been fully restored in the manner provided and required by subsection (4) of this section the amount of the trust moneys from time to time not so restored shall be a first charge upon the lands of the University upon which the buildings erected and maintained with such trust moneys are situated, and such charge shall run with such lands.

Loans
Added by
No. 25 of 1957,
s. 2.

Cf. Nos. 37 of
1930, 4 of 1938,
43 of 1952,
and 30 of 1955.

15B. (1) The provisions of this section are in addition to, and do not derogate from, those of section fifteen A of this Act, or any of the provisions of the University Buildings Act, 1930, the University Building Act, 1938, the University Buildings Act, 1952, or the University Medical School Act, 1955.

(2) Where the University proposes to raise a loan for any purpose and desires the Treasurer of the State 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.

(3) 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 finalise 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.

(4) 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.

(5) 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 paid out of the money referred to in section four of the Audit Act, 1904 as "Public moneys".

Cf. No. 12 of
1904, s. 4.

16. The Senate, in the name and on behalf of the University, may dispose of any real or personal property acquired by gift, devise, or bequest as they may think fit, subject only to the express trusts of any deed, will, or instrument under which such property is acquired.

Power to dispose of land acquired by gift, etc.
See No. 6 of 1904, s. 8.

16A. (1) The Senate, in the name and on behalf of the University, may, from time to time, with the approval of the Governor, make, alter, and repeal by-laws for the purpose of managing, preserving, and protecting the lands of the University, hereafter described, and for the purpose of regulating the terms and conditions on which such lands may be visited or used by any persons whomsoever, and the conduct of such persons when on or upon such lands, and in particular may by by-laws—

By-laws.
Added by No. 17 of 1929, s. 2.
Renumbered and amended by No. 113 of 1970, s. 14.

- (a) prohibit or regulate the admission to such lands of persons, vehicles, or animals;
- (b) prescribe the times when and the purposes for which such lands may be used, and the times when and the purposes for which the same shall be open or closed, and prohibit the use thereof or access thereto at any other times, or for any other purpose;
- (c) prescribe fees to be charged to the public for admission to such lands;
- (d) provide for the issue to persons using such lands of tickets, and requiring the production of such tickets by such persons if and whenever required by any police constable, or any servant of the University;
- (e) regulate the conduct of persons using or being in or upon such lands;
- (f) prohibit any nuisance, or any offensive, indecent, or improper act, conduct, or behaviour on such lands;
- (g) prohibit the use of abusive or insulting language on such lands;
- (h) prohibit damage or injury to or interference with such lands, or any tree, shrub, hedge, plant, or flower thereon, or any fixed or movable article thereon;

- (i) prohibit the writing or printing of any indecent words, or the writing, printing, or drawing, or affixing of any indecent or obscene picture or representation on such lands, or on any fence, wall, tree, shrub, or hedge thereon;
- (j) authorise any police constable or servant of the University to remove from such lands all persons guilty of any breach of a by-law, and to prohibit the obstruction of any such police constable or servant;
- (k) require any person using such lands to give his name and address, whenever required so to do by any police constable, or servant of the University;
- (l) and generally provide for carrying out the purposes of this Act, or any Statute made by the governing authority of the said University.

Provided that no such by-law shall be contrary to the express provisions of this Act, or any amendment thereof, or of any Statute made by the governing body of the University.

(2) Such by-laws shall apply to the lands for the time being forming the University site at Crawley, and until otherwise declared, from time to time, by order of the Governor duly published in the *Gazette*, the lands forming the University site at Crawley shall be those parts of Swan Location 2885, 2886, 3086, 3087, and 3088 which are comprised in Certificates of Title volume 652, folio 42; and volume 902, folio 65; and volume 902, folio 66; and volume 902, folio 67; and volume 808, folio 135.

(3) Such by-laws shall apply to such part or parts of the said lands or the whole of such lands as may be specified in any such by-law, and the word "lands" shall include all buildings, structures, and erections of whatsoever kind or nature, and whether permanent or temporary, standing or being on any such lands.

16B. Every by-law as aforesaid, and every alteration and repeal thereof, shall be submitted for the approval of the Governor; and, when so approved, be published in the *Gazette*, and thereupon take effect and have the force of law as from the date of such publication, or from a later date specified in such publication.

Approval and publication of by-laws.
Added by No. 17 of 1929, s. 3.
Renumbered by No. 113 of 1970, s. 14.

16C. Any by-law may impose a penalty not exceeding forty dollars for any breach or non-observance thereof, and proceedings for the recovery of such penalty may be taken by any police constable or any officer or servant of the University in his own name; but all pecuniary penalties shall, notwithstanding anything to the contrary contained in the "Fines and Penalties Appropriation Act, 1909," or any other Act, be appropriated and paid to the Senate for the use of the University.

Penalty, etc.
Added by No. 17 of 1929, s. 4.
Amended by No. 113 of 1965, s. 8.
Renumbered by No. 113 of 1970, s. 14.

16D. The provisions of sections A and D of the second schedule to the Interpretation Act, 1918, are incorporated with the preceding sections.

Interpretation Act.
Added by No. 17 of 1929, s. 5.
Renumbered by No. 113 of 1970, s. 14.

16E. The Senate, in the name and on behalf of the University, may, from time to time, make, alter, and repeal regulations for the purpose of carrying out this Act, or any amendment thereof, or any Statute made by the governing body of the University, or for the purpose of securing and enforcing the management, good government, and discipline of the University; and every such regulation shall be binding upon all deans, professors, lecturers, examiners, and all other officers and servants of the University, and also on all students attending the University.

Regulations.
Added by No. 17 of 1929, s. 6.
Renumbered and amended by No. 113 of 1970, s. 14.

16F. A certificate signed by the Chancellor, Pro-Chancellor, Vice-Chancellor, or Registrar of the University (of whose signatures judicial notice shall be taken), that a person named therein is a dean, professor, lecturer, examiner, or other officer or servant of the University, or is a student attending the University, shall be *prima facie* evidence of that fact.

Certain certificates of Chancellor, etc., to be *prima facie* evidence.
Added by No. 17 of 1929, s. 7.
Renumbered by No. 113 of 1970, s. 14.

17. (1) Convocation shall consist of—

(a) all members and past members of the Senate;

Convocation.
Repealed and re-enacted by No. 113 of 1970, s. 11.

- (b) all graduates of the University;
- (c) such graduates, fellows, members, licentiates and associates of Universities, Colleges or institutions duly authorised to grant degrees, diplomas, licenses or certificates as are admitted to be members of Convocation under a Statute;
- (d) such persons, being representatives of commercial, industrial, scientific, professional or educational associations, institutions, societies or other bodies as the Senate may, from time to time, admit to be members of Convocation upon such conditions, including contributions to be made by the association, society or body and the term of each respective member, as the Senate may determine, but any such association, society or body shall have only one member representing it at one time;
- (e) such persons who have rendered services or made gifts to the University as the Senate may, from time to time, admit to be members of Convocation;
- (f) the duly appointed representative of the Guild of Undergraduates.

(2) The Senate shall cause to be kept a roll of the members of Convocation.

(3) Notwithstanding any other provision of this Act, all elections required by this Act to be made by Convocation may be made—

(a) by postal vote in the manner prescribed by statute; or

(b) in such other manner as is so prescribed, and the members of Convocation eligible to vote at any such election are those who have maintained their names on a postal or other list in the manner so prescribed.

The Warden.
Repealed and
re-enacted by
No. 113 of
1970, s. 12.

18. (1) Convocation shall in each year elect one of its members to be its Warden.

(2) The election of the Warden shall be held and conducted at such time and at such place and in such manner as may be prescribed by Statute.

Vacancies.

19. (1) A member of the Senate may resign his office by writing under his hand addressed to the Chancellor. Resignation.

(2) The Chancellor or Pro-Chancellor may resign his office by writing under his hand, addressed to the Pro-Chancellor or Chancellor, as the case may be.

(3) The Warden of Convocation may resign his office by writing under his hand, addressed to the Chancellor.

(4) Every such resignation shall be complete, and shall take effect from the time when it is received at the office of the University.

20. The office of member of the Senate shall be vacated— Vacancies.

- (a) If he is or has become disqualified under the provisions of this Act; or
- (b) If, without leave obtained from the Senate in that behalf, he has been absent from all meetings of the Senate held during a consecutive period of at least six months; or
- (c) Upon death or resignation.

21. Any vacancy which occurs in the office of Chancellor, Pro-Chancellor or Warden from any cause whatsoever, except annual retirement, shall be filled as it occurs, by election, and if any such vacancy is not so filled within three months after it occurred, then it shall be filled by the Governor by the appointment of some qualified person to the office. Vacancy in office of Chancellor, Pro-Chancellor, or Warden—how filled.

22. (1) Any vacancy which occurs in the Senate from any cause whatsoever except termination of office by effluxion of time, shall be filled, in the case of a member appointed by the Governor, by the appointment by the Governor of another member, or, in the case of an elective member, by the election of another member by the persons authorised by this Act to elect such elective member, or, in the case of a selected and co-opted member, by the selection and co-option of another such member by the Senate. Vacancies in Senate. Repealed and re-enacted by No. 43 of 1944, s. 7.

(2) Upon the occurrence of a vacancy to which this section applies the person appointed or elected or selected and co-opted as the case may be, to fill such vacancy shall be deemed to have been appointed or elected or selected and co-opted at the same time as the person whom he succeeds in office.

(3) Where a vacancy has occurred as aforesaid in the office of an elective or a selected and co-opted member, and a person to fill such vacancy is not elected or is not selected and co-opted, as the case may be within three months after the occurrence of the vacancy then such vacancy shall be filled by the appointment by the Governor of a member who shall be deemed by virtue of such appointment to have been elected or selected and co-opted as the case may be, at the same time as the person whom he succeeds in office.

Re-appoint-
ment.

23. Nothing herein contained shall prevent any person from being immediately, or at any time, re-appointed or re-elected to the office of Chancellor, Pro-Chancellor, Warden, or member of the Senate, if he is capable for the time being, under the provisions of this Act, of holding such office.

Proceedings.

Chairman.

24. (1) At every meeting of the Senate the Chancellor, or in his absence, the Pro-Chancellor, shall, except as hereinafter provided, preside as chairman.

(2) At every meeting of Convocation the Warden shall, except as hereinafter provided, preside as chairman.

(3) In the absence of the Chancellor and Pro-Chancellor the members of the Senate present, and in the absence of the Warden the members of Convocation present, shall elect a chairman of the meeting.

Quorum.

25. No business shall be transacted at any meeting of the Senate unless eight members, or of Convocation unless twenty-five members, are present.

26. No proceedings of the Senate or Convocation, or of any committee thereof, or of any person acting as member or as Chancellor or Pro-Chancellor or Warden, shall be invalidated by reason of any defect in the appointment or of any disqualification of any such person or by reason of there being any vacancy in the number of members of the Senate at the time of such proceedings.

Proceedings not invalidated in certain circumstances.

Vice-Chancellor.

27. (1) At the first meeting of the Senate held after the passing of this Act or as soon thereafter as may be possible the Senate shall proceed to appoint a Vice-Chancellor, who shall, subject to the statutes, hold office for a period not exceeding ten years, but who shall be eligible for re-appointment for such further period as the Senate may deem fit.

The Vice-Chancellor. Amended by No. 43 of 1944, s. 8.

(2) The Vice-Chancellor shall be the executive officer of the University, and shall possess such powers and perform such duties as may by statute be prescribed.

(3) [*Deleted by No. 43 of 1944, s. 8.*]

Guild of Undergraduates.

28. (1) There shall be a Guild of Undergraduates.

(2) Subject to the conditions of membership prescribed by Statute, all undergraduate students of the University shall be members of the Guild.

The Guild of Undergraduates. Amended by No. 40 of 1947, s. 2.

(3) The Guild shall be an organised association of such undergraduates for the furthering of their common interests, and shall be the recognised means of communication between the undergraduates and the governing authority of the University in accordance with such Statutes as the governing authority may prescribe.

(4) The Guild of Undergraduates shall be a body corporate by that name with perpetual succession and a common seal; and shall by that name be capable in law of suing and being sued, and shall have such other powers and authorities and shall be subject to such obligations as shall have been or shall from time to time be prescribed by or under the Statutes for the time being in force.

Instruction, Degrees, Examination.

Instruction,
degrees, etc.

29. Subject to this Act and the Statutes the Senate may cause instruction to be given to students, whether matriculated or not, and may grant degrees, diplomas, and certificates, in any branch of knowledge in which degrees, diplomas, and certificates are granted in the United Kingdom, and may also confer honorary degrees or other distinctions on approved persons:

Provided that all degrees and other distinctions shall be conferred and held subject to any provisions which may be made in reference thereto by the Statutes.

Examinations.

30. (1) Subject to this Act and the Statutes the Senate may cause public examinations to be held for testing the proficiency of such candidates as may present themselves for examination in any branch or branches of knowledge, and may grant certificates of proficiency to candidates who successfully pass such examinations.

(2) When any public authority is empowered by law to require any person to submit to an examination as to his proficiency in any branch or branches of knowledge, or to produce evidence of such proficiency as a condition of obtaining any appointment or any scholarship, or other reward of merit, or of being admitted to any profession, calling, or office, the Governor may require the Senate to undertake the examinations of persons desiring to submit themselves for examination in such branch or branches of knowledge, and the Senate shall cause such examinations to be held accordingly.

Statutes.

Power to make
Statutes.
Amended by
No. 43 of
1944, s. 9;
No. 40 of 1947,
s. 3.
No. 113 of
1970, s. 13.

31. (1) The governing authority may from time to time make, alter, and repeal Statutes with respect to all or any of the following matters, that is to say—

- (a) The management, good government, and discipline of the University;
- (b) The use and custody of the common seal;

- (c) The admission as members of Convocation of any fellows, members, licentiates, or associates of Colleges or Institutions duly authorised to grant degrees, diplomas, licenses, or certificates;
- (d) The election of the elective members of the Senate and of the Warden and any other officers of Convocation and of any Committees thereof;
- (e) The manner and time of convening, holding and adjourning the meetings of the Senate and Convocation; the method of voting at such meetings; the powers and duties of the Chairman thereof; the conduct and record of the business; the appointment of Committees of the Senate and Convocation, and the quorum, powers, and duties of such Committees;
- (f) The tenure of office, stipend, and powers and duties of the Vice-Chancellor;
- (g) The number, stipend, manner of appointment and dismissal of deans, professors, lecturers, examiners, and other officers and servants of the University;
- (h) The matriculation of students;
- (i) The times, places, and manner of holding lectures, classes, and examinations, and the number and character of such lectures, classes, and examinations;
- (j) The promotion and extension of University teaching;
- (k) The granting of degrees, diplomas, certificates, and honours;
- (l) The conditions upon which degrees, diplomas, certificates, and honours may be granted to non-resident students;
- (m) The granting of fellowships, scholarships, exhibitions, bursaries, and prizes;

- (n) The admission of students of other Universities to any corresponding status or of graduates of other Universities to any corresponding degree or diploma without examination;
- (o) The admission to any degree of any woman who has in any University passed such examinations as persons admitted to a corresponding degree in such University would be required to pass, if such University does not, or at the time of passing the examinations did not, grant degrees to women;
- (p) The fees, if any, to be paid for examinations, for the granting of degrees, diplomas, and certificates, and for attendance at the lectures and classes of the University;
- (q) The establishment, management, and control of libraries and museums in connection with the University;
- (r) The licensing and supervision of boarding-houses intended for the reception of students, and the suspension or revocation of such licenses;
- (s) The affiliation to or connection with the University of any College, whether incorporated or not, or any Educational Establishment wheresoever situated, to which the governing body of such College or Educational Establishment may consent, and the fees payable thereon;
- (t) Providing for a scheme of superannuation for the salaried teachers and officers upon retirement;
- (u) The control and investment of the property of the University;
- (v) The Guild of Undergraduates, the conditions of membership, additional powers, authorities and obligations of the Guild of Undergraduates and the use and custody of the common seal thereof;
- (w) Academical costume; and
- (x) Generally all other matters not inconsistent with the provisions of this Act.

(2) The draft of every proposed statute as passed by the Senate shall be submitted to Convocation for its consideration, and if Convocation does not within three months thereafter return the same or returns the same without any request for any amendment thereof such Statute shall be deemed to be approved by Convocation.

(3) Within the time aforesaid Convocation may consider any such proposed statute and may:—

- (a) draft any amendments of the provisions thereof or any additional provisions for inclusion therein as it may think desirable, and may return the draft of the proposed statute together with the draft of any amendments or additional provisions proposed by Convocation with a request that the Senate consider the same; or
- (b) return the draft of the proposed statute with a notification that Convocation approves of the same as submitted.

(4) (a) When Convocation returns to the Senate the draft of a proposed statute with a notification that Convocation approves of the same as submitted, or with a request that the Senate consider the amendments or additional provisions proposed by Convocation and the Senate agrees to all such amendments or additional provisions the Senate may forthwith make the Statute.

(b) When Convocation returns to the Senate the draft of a proposed Statute with a request that the Senate consider the amendments or additional provisions proposed by Convocation and the Senate after considering the same does not agree to such amendments or additional provisions or to some of them the Senate shall forthwith notify the Warden of Convocation of its decision and its reasons therefor, and shall ask for a conference between the Senate and Convocation to discuss the said amendments or additional provisions and if possible to come to an agreement in respect of same. Failing any such agreement the Senate may forthwith make the Statute as proposed by the Senate. In its next annual report to the Governor under section forty-one of this Act the Senate shall state the nature of the amendments

or additional provisions proposed by Convocation in relation to the said Statute and the reasons of the Senate for not agreeing thereto.

(5) Convocation shall have no power to originate any statute.

(6) [*Deleted by No. 43 of 1944, s. 9.*]

32. [*Repealed by No. 43 of 1944, s. 10.*]

Statutes to be approved by Governor and published. Amended by No. 43 of 1944, s. 11.

33. (1) Every statute when made by the Senate shall be sealed with the common seal, and shall be transmitted by the Chancellor for the approval of the Governor, and upon being so approved shall be published in the *Government Gazette*, and shall thereupon have the force of law.

(2) Copies of every such statute shall be laid before Parliament forthwith, if then sitting, and if not then sitting, within fourteen days after the commencement of the next ensuing session.

If either House of Parliament within the next subsequent thirty days resolves that any such statute ought to be annulled in whole or in part, such statute or part thereof shall, after the date of such resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the provisions of such statute.

(3) The production of a copy of a statute under the common seal, or of the *Government Gazette*, containing a copy of the same, shall, in all proceedings, be sufficient evidence of the statute.

Affiliated Institutions.

Affiliated institutions.

34. It shall be lawful for the governing authority of the University to make statutes upon such terms, conditions, and payment of fees as the said governing

authority may deem fit for the affiliation to or connection with the said University of any college or educational establishment to which the governing body of such college or educational establishment may consent, and for the licensing and supervision of boarding-houses intended for the reception of students and the revocation of such licenses:

Provided always that no such statutes shall affect the religious observances or regulations enforced in such colleges or educational establishments or boarding-houses.

Endowment and Revenue.

35. (1) By way of permanent endowment, the Governor may grant or demise to the University such lands of the Crown as he may think fit.

Endowment.
See No. 6 of
1904, s. 4.

(2) All real and personal property whatsoever vested in "The Trustees of the University Endowment" shall, on the appointment of the Senate, by force of this Act, and without any conveyance, transfer, or assignment, vest in and become the property of the University.

36. No tax or rate shall be charged or levied upon any property vested in the University; but the benefit of such exemption shall not extend to any other person who may become the owner of any estate or interest in such property, whether as purchaser, lessee, or otherwise; and notwithstanding such exemption, such property shall be rateable while the same is leased or occupied for any private purpose.

Exemption of
property from
taxation.
See No. 6 of
1904, s. 10.

37. There shall be paid to the Senate for the purpose of defraying the charges and expenses connected with the establishment, management and control of the University the following sums, that is to say:—

Subsidy.
Repealed and
re-enacted by
No. 43 of 1944,
s. 12.
Amended by
No. 3 of 1955,
s. 2; No. 113
of 1965, s. 8.

(a) In every year the sum of Five hundred thousand dollars out of the Consolidated Revenue which is hereby permanently appropriated for the purpose of making such annual payment; and

- (b) Such additional amounts as may be appropriated by Parliament from time to time for the purposes aforesaid.

Application
of fees, etc.

38. All fees and all other moneys received by the Senate under the provisions of this Act or otherwise shall be applied by the Senate solely for the purposes of the University.

General Provisions.

No religious
test.

39. No religious test shall be administered to any person in order to entitle him to be admitted as a student of the University, or to hold office therein, or to graduate thereat, or to enjoy any benefit, advantage, or privilege thereof.

Privileges of
Act to extend
to women.
Amended by
No. 4 of 1964,
s. 2.

40. The provisions of this Act, and all the benefits, advantages, and privileges of the University, shall extend to women equally with men but the University is not prohibited by this section from acquiring any property by way of gift, devise or bequest and carrying out the objects or trusts thereof, by reason only of the fact that the gift, devise or bequest confers or is intended to confer benefits, advantages or privileges on women only or on men only.

Report.
Amended by
No. 43 of 1944,
s. 13.

41. (1) The Senate shall, within three months from the close of the University year transmit to the Governor a report of the proceedings of the University during the previous year, and such report shall contain a true and detailed account of the income and expenditure of the University during such period, audited at the expense of the University by the Auditor General who with respect to such account shall have all the powers conferred on him by the Audit Act, 1904.

A copy of every such report together with a copy of the report of the Auditor General in respect of his audit of the Account aforesaid shall be laid before both Houses of Parliament.

(2) As and whenever the Auditor General audits an account of the income and expenditure of the University as provided for in this section he shall

prepare in writing a report in connection with such audit containing such information or particulars as he may think fit to include therein, and shall furnish a copy thereof to the Governor and a copy thereof to the Senate and a copy thereof to the Chancellor.

42. On the appointment of the Senate the corporation of the "Trustees of the University Endowment" shall be dissolved, and the trustees incorporated under that name discharged from the trusts imposed upon them by the University Endowment Act, 1904, except as regards any obligation to account or report in respect of the past administration of such trusts.

Discharge of
Trustees of
University
Endowment.