

WESTERN AUSTRALIA

UNIVERSITY OF WESTERN
AUSTRALIA ACT 1911

ARRANGEMENT

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WESTERN AUSTRALIA

**UNIVERSITY OF WESTERN
AUSTRALIA ACT 1911**

**AN ACT to establish, incorporate, and endow the University
of Western Australia.**

University of Western Australia Act 1911

Preamble

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

And whereas 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:

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

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

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.

**University to consist of Senate,
Convocation, and members**

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

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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.

Senate is governing authority

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

[Section 5 inserted by No. 43 of 1944 s. 2.]

University is a body corporate

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.

Visitor

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.

Senate

Membership

8. (1) The Senate shall consist of 25 persons appointed or elected as hereinafter provided.

(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 4 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 2.

[Section 8 amended by No. 43 of 1944 s. 3; No. 46 of 1969 s. 3; No. 113 of 1970 s. 5.]

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 Repealed by No. 113 of 1970 s. 6.]

Appointment and election of members

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

- (a) 6 persons to be appointed by the Governor.
- (b) 6 persons, not being such persons as are referred to in section 8 (2) to be elected by Convocation.
- (c) 4 persons, being such persons as are referred to in section 8 (2), to be elected by the persons so referred to, except that in the case of the first 3 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*¹, one shall be elected and 2 shall be appointed by the Senate.

[(d) deleted]

s. 10A

- (e) The person holding or acting in the office of chief executive officer of the department of the Public Service principally assisting the Minister charged with the administration of the *Education Act 1928* in administering that Act or a person appointed by that person by notice in writing addressed to the Chancellor.
- (f) The Vice-Chancellor of the University *ex officio*.
- (fa) The President of the Guild of Undergraduates *ex officio*.
- (fb) 2 persons who are respectively enrolled as students of the University to be appointed by the Senate, in the case of the first 2 persons to become members of the Senate under this paragraph and thereafter to be elected by the persons so enrolled.
- (g) 4 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 2 of the members to be selected and co-opted under this paragraph shall be persons who are members of Convocation.

[Section 10 inserted by No. 43 of 1944 s. 4; (as amended by No. 113 of 1970 s. 14); amended by No. 46 of 1969 s. 4; No. 113 of 1970 s. 7; No. 37 of 1976 s. 2; No. 7 of 1988 s. 31.]

Tenure of office

10A. (1) Subject to subsection (2), the tenure of office of the members of the Senate, other than the members referred to in section 10 (e), (f) and (fa), shall be as follows:—

- (a) Each of the 6 members referred to in section 10 (a) holding office on, or appointed after, the coming into

operation of the *University of Western Australia Act Amendment Act 1970*¹, shall, subject to this Act, hold office for 6 years from the date of his appointment as member of the Senate and be eligible for reappointment as such.

- (b) Each of the 6 members referred to in section 10 (b) holding office on, or elected after, the coming into operation of the *University of Western Australia Act Amendment Act 1970*¹, shall, subject to this Act, hold office for 6 years from the date of his election as member of the Senate and be eligible for re-election as such.
- (c) Each of the 4 members referred to in section 10 (c) holding office on, or elected after, the coming into operation of the *University of Western Australia Act Amendment Act 1970*¹, shall, subject to this Act, hold office for 4 years from the date of his election as member of the Senate and be eligible for re-election as such.
- (ca) Each of the 2 members referred to in section 10 (fb) shall, subject to this Act, hold office for 2 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 4 members referred to in section 10 (g) 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*¹, shall, subject to this Act, hold office for 4 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 section 10 (c) or (fb), in the case of the —

- (a) 2 persons to be first appointed under the first mentioned paragraph; and

s. 10B

- (b) 2 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*¹, 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) and who is nominated by the Senate, shall be deemed to be respectively appointed for such respective term not exceeding 4 years; and
- (d) paragraph (b) and who is nominated by the Senate, shall be deemed to be respectively appointed for such respective term not exceeding 2 years,

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

[Section 10A inserted by No. 43 of 1944 s. 4 (as amended by No. 113 of 1970 s. 14); amended by No. 113 of 1970 s. 8; No. 37 of 1976 s. 3.]

Elections to be conducted as prescribed

10B. The elections for the election of the elective members of the Senate as constituted under section 10 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 31.

[Section 10B inserted by No. 43 of 1944 s. 4.]

[10C. *Repealed by No. 113 of 1970 s. 9.]*

Disqualifications

11. (1) Except as provided in subsection (2), no person who —
- (a) is not of the full age of 21 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 2 members referred to in section 10 (fb), is capable of being a member of the Senate, notwithstanding that he is not of the full age of 21 years.

[Section 11 amended by No. 46 of 1969 s. 5; No. 113 of 1970 s. 10.]

Chancellor and Pro-Chancellor

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 2 of its members to be respectively Chancellor and Pro-Chancellor of the University.

Powers of Senate

Appointment of officers and management of affairs

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.

Control and management of property

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.

Leasing University lands

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 21 years, and, with the approval of the Governor, but not otherwise, may grant leases for any term not exceeding 99 years, and may, with the like approval, mortgage such lands.

[Section 15 amended by No. 23 of 1917 s. 2.]

**Trust moneys not immediately required
may be used to erect buildings etc.**

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 14, 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 authorized by subsection (1).

(3) (a) When the Senate uses and applies any trust moneys under and for the purposes mentioned in subsection (1), 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 50.

(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.

s. 15B

(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 subsection (3) (d) 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 authorized by subsection (1) and until the same have been fully restored in the manner provided and required by subsection (4) 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.

[Section 15A inserted by No. 43 of 1944 s. 5.]

Raising loans

15B. (1) The provisions of this section are in addition to, and do not derogate from, those of section 15A, 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 authorized 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 Consolidated Revenue Fund.

[Section 15B inserted by No. 25 of 1957 s. 2; amended by No. 98 of 1985 s. 3.]

Disposal of property acquired by gift etc.

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.

By-laws regulating use etc. of University lands

16A. (1) For the purposes of sections 16A to 16F, inclusive, —

“**authorized person**” means the Vice-Chancellor or any member of the staff of the University authorized in writing by the Vice-Chancellor to exercise the powers conferred by by-laws made under this section;

s. 16A

“lands of the University” means the lands referred to in subsection (4) and includes all buildings, structures and erections of whatsoever kind or nature, and whether permanent or temporary, standing or being on any such lands;

“owner” in relation to a vehicle means a person who is the owner of that vehicle for the purposes of the *Road Traffic Act 1974*.

(2) 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 —

- (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 an authorized person;
- (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) authorize any police constable or authorized person to remove from such lands any person guilty of a breach of a by-law and to prohibit the obstruction of any such police constable or authorized person;
- (k) require any person using such lands to give his name and address, whenever required so to do by any police constable or authorized person;
- (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.

(3) By-laws may be made under this section —

- (a) for regulating, controlling and managing the parking and standing of vehicles on lands of the University and in particular —
 - (i) providing for the erection of notices, of such form and construction as the Vice-Chancellor considers necessary, within, on or adjacent to the boundaries of any area of the lands of the University indicating that the area is set aside for the

s. 16A

purpose of parking or standing of vehicles, the persons or classes of persons who may park or stand vehicles in the area and the period or periods of time during which vehicles may be parked or may stand in the area; or

- (ii) prohibiting any person or class of person from parking or standing any vehicle in any area of the lands of the University;
- (b) exempting any person or vehicle or class of person or class of vehicle from complying with any by-law made pursuant to this subsection prohibiting or restricting the parking or standing of vehicles generally or otherwise;
- (c) prescribing penalties for the contravention of any by-law made pursuant to this subsection;
- (d) providing —
 - (i) that where an allegation is made of a breach of a by-law and an element of the breach is the use, driving, parking, standing, or leaving of a vehicle and the identity of the driver or person in charge of the vehicle at the time of the breach cannot be immediately established a notice of the allegation may be addressed to the owner of the vehicle at his last known place of residence or business or may be served on the owner of the vehicle by leaving it in or upon, or attaching it to, the vehicle; and
 - (ii) that if —
 - (I) the prescribed penalty is not paid within the period specified in the notice; or

- (II) the owner of the vehicle does not, within the period specified for the payment of the penalty —
 - (A) identify the person who was the driver or person in charge of the vehicle at the relevant time to an authorized person; or
 - (B) satisfy an authorized person that, at the relevant time the vehicle had been stolen or unlawfully taken or used,

the owner is deemed to be the driver or person in charge of the vehicle at the time of the alleged breach;
- (e) prescribing the circumstances under which an authorized person may remove a vehicle or cause it to be removed from the lands of the University to any specified place, whether on those lands or not, prescribing his further powers in relation thereto, providing for the recovery of costs and expenses incurred by the University in moving and holding the vehicle, and authorizing the University to hold the vehicle until all costs and expenses are paid;
- (f) prescribing the method of notifying a person alleged to have committed an offence against any by-law made pursuant to this subsection of that alleged offence and how it shall be dealt with, and prohibiting the removal by any person other than the driver or owner of a vehicle in respect of which an offence against such a by-law is alleged to have been committed of any notice relating to the offence affixed to the vehicle or left in or on the vehicle by an authorized person; and
- (g) 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

s. 16A

providing that the due payment of a modified penalty is a defence to a charge in respect of which that modified penalty was paid.

(4) For the purposes of the exercise of the powers conferred by this section, but subject to subsection (5), the lands of the University shall comprise the lands for the time being forming the University site at Crawley and such other lands vested in or under the management and control of the University for the purposes of this Act as are prescribed by by-law, 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.

(5) A by-law made under this section shall apply to the whole of the lands of the University or to such part thereof as may be specified in any such by-law.

(6) By-laws made under this section —

- (a) may be limited in their application to time, place or circumstance;
- (b) may provide that any act or thing shall be done subject to the approval or to the satisfaction of a specific person or class of person; and
- (c) may confer a discretionary authority.

(7) In any proceedings for any contravention of a by-law, including a proceeding for a disciplinary offence pursuant to subsection (9), in the absence of proof to the contrary the allegation in the complaint that any place was on the lands of the University shall be sufficient evidence of that fact.

(8) No by-law made under this section takes away, restricts or otherwise affects any liability, civil or criminal, arising under any provision of any Act other than this Act or at common law.

(9) A complaint for a breach of a by-law by a person who is enrolled as a student of the University may be either —

- (a) brought, heard and determined under the disciplinary Statutes, by-laws, and regulations of the University; or
- (b) dealt with pursuant to section 16D,

but shall not be dealt with both as a disciplinary matter by the University and by way of a complaint under the *Justices Act 1902*.

[Section 16A inserted by No. 17 of 1929 s. 2 (as amended by No. 113 of 1970 s. 14); amended by No. 62 of 1978 s. 2.]

Approval and publication of by-laws

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.

[Section 16B inserted by No. 17 of 1929 s. 3 (as amended by No. 113 of 1970 s. 14).]

Penalty, etc.

16C. Any by-law may impose a penalty not exceeding \$100 for any breach or non-observance thereof, and proceedings for the recovery of such penalty may be taken by any police constable or authorized person 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.

[Section 16C inserted by No. 17 of 1929 s. 4 (as amended by No. 113 of 1965 s. 8 and No. 113 of 1970 s. 14); amended by No. 62 of 1978 s. 3.]

s. 16D

Prosecutions: Time limit

16D. The provisions of sections A and D of the Second Schedule to the *Interpretation Act 1918*², are incorporated with the preceding sections.

[Section 16D inserted by No. 17 of 1929 s. 5 (as amended by No. 113 of 1970 s. 14).]

Regulations

16E. (1) 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.

(2) The provisions of section 36 of the *Interpretation Act 1918*³, do not apply to a regulation made by the Senate under subsection (1), and shall be deemed never so to have applied, and any such regulation shall take effect from the date of its promulgation in the University or from such later date as may be therein specified.

[Section 16E inserted by No. 17 of 1929 s. 6 (as amended by No. 113 of 1970 s. 14); amended by No. 40 of 1975 s. 2.]

**Certain certificates of Chancellor,
etc., to be *prima facie* evidence**

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, authorized person, or other officer or servant of the University, or is a student attending the University, shall be *prima facie* evidence of that fact.

[Section 16F inserted by No. 17 of 1929 s. 7 (as amended by No. 113 of 1970 s. 14); amended by No. 62 of 1978 s. 4.]

Convocation

Membership

17. (1) Convocation shall consist of —
- (a) all members and past members of the Senate;
 - (b) all graduates of the University;
 - (c) such graduates, fellows, members, licentiates and associates of universities, colleges or institutions duly authorized to grant degrees, diplomas, licences 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.

s. 18

(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.

[Section 17 inserted by No. 113 of 1970 s. 11.]

Warden

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.

[Section 18 inserted by No. 113 of 1970 s. 12.]

Vacancies

Resignation

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

(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.

Senate office vacated on disqualification etc.

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

- (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 6 months; or
- (c) upon death or resignation.

**Vacancy in office of Chancellor,
Pro-Chancellor or Warden — how filled**

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 3 months after it occurred, then it shall be filled by the Governor by the appointment of some qualified person to the office.

Vacancies in Senate — 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

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persons authorized 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.

(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 3 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.

[Section 22 inserted by No. 43 of 1944 s. 7 (as amended by No. 113 of 1970 s. 14).]

Re-appointment

23. Nothing herein contained shall prevent any person from being immediately, or at any time, reappointed 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 8 members, or of Convocation unless 25 members, are present.

Proceedings not invalidated in certain circumstances

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.

Vice-Chancellor

The 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 10 years, but who shall be eligible for re-appointment for such further period as the Senate may deem fit.

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

(3) Subject to the Statutes, regulations and by-laws 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 staff of the University or person or persons or committee of persons.

[Section 27 amended by No. 43 of 1944 s. 8 (as amended by No. 113 of 1970 s. 14); No. 62 of 1978 s. 5.]

Guild of Undergraduates

The Guild of Undergraduates

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

(2) Subject to subsection (2a) and to the Statutes, all students shall be members of the Guild.

(2a) Notwithstanding subsection (2), a student who —

- (a) declares by writing addressed to the Vice-Chancellor that he has a conscientious objection to being a member of the Guild and notifies the Guild accordingly;
- (b) pays from time to time to the Guild or to a fund or body established for a charitable purpose nominated either by the Guild, or if the student so elects, by the student himself an amount equivalent to the subscription which would be payable if the student were a member of the Guild,

is exempt from membership of the Guild.

(3) The Guild shall be an organized association of the students for the furthering of their common interests, and shall be the recognized means of communication between the students 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.

[(5), (6), (7) and (8) repealed]

(9) Members of the Guild shall pay to the Guild such subscriptions as are from time to time determined by the Guild and approved by the Senate.

(10) Different subscriptions payable to the Guild may be determined and approved under subsection (9) in respect of different classes of students or different classes of membership of the Guild.

(11) In this section —

“**student**” means a person enrolled in the University as a student;

“**the Guild**” means the Guild of Undergraduates.

[Section 28 amended by No. 40 of 1947 s. 2; No. 61 of 1977 s. 4; No. 51 of 1983 s. 4.]

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:

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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

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 authorized 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;

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- (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 licences;
- (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) Classes of membership and conditions or qualifications for membership of the Guild;
- (va) The powers, authorities and obligations of the Guild of Undergraduates, the use and custody of the common seal of the Guild and any other matters necessary or convenient for the effective functioning of that body;

(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 3 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

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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 41 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.

[Section 31 amended by No. 43 of 1944 s. 9; No. 40 of 1947 s. 3; No. 113 of 1970 s. 13; No. 61 of 1977 s. 5; No. 51 of 1983 s. 5.]

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

Statutes to be approved by Governor and published

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 14 days after the commencement of the next ensuing session.

If either House of Parliament within the next subsequent 30 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.

[Section 33 amended by No. 43 of 1944 s. 11.]

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 licences:

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

Endowment of Crown lands etc.

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.

(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.

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Exemption of property from taxation

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.

Parliament may make appropriation to University

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:—

[(a) deleted]

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

[Section 37 inserted by No. 43 of 1944 s. 12; amended by No. 3 of 1955 s. 2; No. 113 of 1965 s. 8; No. 58 of 1973 s. 3.]

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

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.

[Section 40 amended by No. 4 of 1964 s. 2.]

Application of *Financial Administration and Audit Act 1985*

41. (1) Subject to subsection (3), the provisions of the *Financial Administration and Audit Act 1985* regulating the financial administration, audit and reporting of statutory authorities apply to and in respect of the University and its operations.

(2) Notwithstanding the provisions of the *Financial Administration and Audit Act 1985*, the financial year of the University shall end on 31 December.

(3) 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

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- (b) section 58 of that Act shall have effect in relation to the University as if it had been enacted in the following form —

Treasurer's Instructions

58. (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 a 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 amendment.

[Section 41 inserted by No. 98 of 1985 s. 3; amended by No. 92 of 1990 s. 39 (4).]

Discharge of Trustees of University Endowment

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.

University of Western Australia Act 1911

NOTES

¹ This reprint is a compilation as at 31 March 1993 of the *University of Western Australia Act 1911* and includes all amendments effected by the other Acts referred to in the following Table⁵.

Table of Acts

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>University of Western Australia Act 1911</i>	37 of 1911	16 February 1911	16 February 1911	
<i>University Act Amendment Act 1917</i>	23 of 1917	7 August 1917	7 August 1917	
<i>University of Western Australia Act Amendment Act 1929</i> (as amended by No. 113 of 1970 section 14)	17 of 1929	22 November 1929	22 November 1929	
<i>University of Western Australia Act Amendment Act 1944</i> (as amended by No. 113 of 1970 section 14)	43 of 1944	12 January 1945	Sections 4 (1), 7 (1) and 8 (1): 14 March 1945 (see <i>Gazette</i> 9 February 1945 p.169) balance: 12 January 1945	
<i>University of Western Australia Act Amendment Act 1947</i>	40 of 1947	11 December 1947	11 December 1947	

University of Western Australia Act 1911

Table of Acts — *continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>University of Western Australia Act Amendment Act 1955</i>	3 of 1955	13 October 1955	13 October 1955	
<i>University of Western Australia Act Amendment Act 1957</i>	25 of 1957	26 October 1957	26 October 1957	
<i>University of Western Australia Act Amendment Act 1964</i>	4 of 1964	2 October 1964	2 October 1964	
<i>Decimal Currency Act 1965</i>	113 of 1965	21 December 1965	Sections 4 to 9: 14 February 1966 (see section 2 (2)); balance: 21 December 1965	
<i>University of Western Australia Act Amendment Act 1969</i>	46 of 1969	21 May 1969	27 June 1969 (see <i>Gazette</i> 27 June 1969 p.1876)	
<i>University of Western Australia Act Amendment Act 1970</i>	113 of 1970	10 December 1970	1 January 1971 (see <i>Gazette</i> 15 January 1971 p.98)	
<i>University of Western Australia Act Amendment Act 1973</i>	58 of 1973	19 November 1973	1 January 1974 (see section 2)	

University of Western Australia Act 1911

Table of Acts — *continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>University of Western Australia Act Amendment Act 1975</i>	40 of 1975	11 September 1975	11 September 1975	
<i>University of Western Australia Act Amendment Act 1976</i>	37 of 1976	9 June 1976	9 June 1976	
<i>Acts Amend- ment (Student Guilds and Associations) Act 1977, Part I</i>	61 of 1977	23 November 1977	1 January 1978 (see section 2)	
<i>University of Western Australia Act Amendment Act 1978</i>	62 of 1978	21 September 1978	21 September 1978	
<i>Acts Amend- ment (Student Guilds and Associations) Act 1983, Part II</i>	51 of 1983	5 December 1983	5 December 1983	Section 7 transitional ⁴
<i>Acts Amend- ment (Financial Administration and Audit) Act 1985, section 3</i>	98 of 1985	4 December 1985	1 July 1986 (see <i>Gazette</i> 30 June 1986 p.2255)	Section 4 transitional

University of Western Australia Act 1911

Table of Acts — *continued*

Act	Number and Year	Assent	Commencement	Miscellaneous
<i>Acts Amendment (Education) Act 1988, section 31</i>	7 of 1988	30 June 1988	8 July 1988 (see <i>Gazette</i> 8 July 1988 p.2371)	
<i>Financial Administration and Audit Amendment Act 1990, section 39 (4)</i>	92 of 1990	20 December 1990	8 March 1991 (see <i>Gazette</i> 8 March 1991 p.1029)	

² Also see *Interpretation Act 1984*, s. 77 (4).

³ Also see *Interpretation Act 1984*, ss. 40-42.

⁴ Section 7 of Act No. 51 of 1983 reads as follows —

“ **Transitional — ineligibility for membership of the Guild**

7. (1) Notwithstanding section 28 (2) of the principal Act as substituted by section 4 (a) of this Act, the following persons and classes of persons shall not be eligible for any form of membership of the Guild, that is to say —

- (a) students who are members of the full time academic staff of the University;
- (b) persons who are not students; and
- (c) such persons and classes of persons as the Senate declares by resolution made after report and recommendation by the Guild to be ineligible for membership of the Guild.

(2) The Governor may by proclamation provide that this section shall cease to be in operation on a day fixed by the proclamation.

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⁵ Marginal notes in the *Western Australia Act 1911* referring to the legislation from which provisions were derived have been omitted from this reprint.